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Highlights

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Highlights

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

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Presidential Documents

Title 3—

The President

Proclamation 4875 of October 14, 1981

World Food Day, 1981

By the President of the United States of America

A Proclamation

The well-being of all people depends fundamentally upon an adequate and reliable supply of food.

The United States is blessed with abundant land, fertile soil, adequate water, and a favorable climate. Upon this natural base, Americans have erected a sound system of agriculture, founded on the right of private property ownership, the opportunity to earn rewards for honest toil and investment, the freedom to exchange in the marketplace, the availability of essential credit, the application of new scientific discoveries and technologies, and the primacy of the independent family farm. The result has been an unparalleled agricultural bounty, capable of feeding our own people and millions of people around the world.

Today, many nations lack either the natural endowments or the system of incentives to private enterprise that are critical to successful agriculture. Many millions of people, particularly in the Third World, and where government policies have denied land ownership and market incentives to their farmers, are suffering from hunger and malnutrition.

Americans have traditionally been generous in sharing our agricultural abundance and technology with those less fortunate than ourselves. Since the beginning of the Food for Peace program in 1954, more than 387 million tons of American food aid, valued at more than $30 billion, have been provided to the hungry peoples of the world. American agricultural development assistance programs have helped peoples all over the world to improve their food production.

Our efforts to alleviate hunger have complemented those of other members of the international community. We salute particularly the tireless efforts of the Food and Agriculture Organization which, on World Food Day, celebrates thirty-six years of service in the effort to alleviate hunger and malnutrition.

To focus worldwide public attention on the world's food problem, 147 member nations of the Food and Agriculture Organization have unanimously urged individual nations to commemorate October 16 as World Food Day. The Congress of the United States has responded by adopting a Joint Resolution in support of this objective.

On this occasion, let us rededicate ourselves to continuing and strengthening our efforts to assist the people of other lands to work toward the elimination of hunger, to develop strong agricultural bases built upon sound principles, and to engage in mutually beneficial commercial trade between our countries.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby proclaim October 16, 1981, as "World Food Day", and do call upon the people of the United States to observe this day with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of October, 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 sixth.

Ronald Reagan

[FR Doc. 81-30211
Filed 10-15-81; 10:05 am]
Billing code 3195-01-M

Presidential Documents

Executive Order 12329 of October 14, 1981

President's Task Force on Private Sector Initiatives

By the authority vested in me as President by the Constitution of the United States of America, and in order to establish, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), a task force on private sector initiatives policy of the United States, it is hereby ordered as follows:

Section 1. *Establishment.* (a) There is established the President's Task Force on Private Sector Initiatives. The Task Force shall be composed of members who shall be appointed by the President from among private citizens of the United States, public officials from State and local governments, and members of the Legislative and Executive Branches of the Federal government. No more than one member shall be a full time officer or employee of the Executive Branch. The members shall serve at the pleasure of the President.

(b) The President shall designate a Chairman from among the members of the Task Force.

Sec. 2. *Functions.* (a) The Task Force shall advise the President, the Secretary of Commerce, and other Executive agency heads with respect to:

(1) Methods of developing, supporting and promoting private sector leadership and responsibility for meeting public needs.

(2) Recommendations for appropriate action by the President to foster greater public-private partnerships and to decrease dependence on government.

(b) The Task Force shall serve as a focal point for private sector action addressing public problems.

Sec. 3. *Administration.* (a) The heads of Executive agencies shall, to the extent permitted by law, provide the Task Force with such information with respect to private sector initiatives issues as may be necessary for the effective performance of its functions.

(b) Members of the Task Force shall serve without any compensation for their work on the Task Force. However, they may be allowed travel expenses, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701–5707), to the extent funds are available therefor.

(c) The Department of Commerce shall, to the extent permitted by law and subject to the availability of funds, provide the Task Force with such administrative services, funds, facilities, staff and other support services as may be necessary for the effective performance of its functions.

Sec. 4. *General Provisions.* (a) Notwithstanding the provisions of any other Executive order, the responsibilities of the President under the Federal Advisory Committee Act, as amended, except that of reporting annually to the Congress, which are applicable to the Task Force established by this Order, shall be performed by the Secretary of Commerce in accordance with the guidelines and procedures established by the Administrator of General Services.

(b) The Task Force shall terminate on December 31, 1982, unless sooner extended.

Ronald Reagan

THE WHITE HOUSE,
October 14, 1981.

[FR Doc. 81-30161
Filed 10-14-81; 4:17 pm]
Billing code 3195-01-M

Presidential Documents

Executive Order 12330 of October 15, 1981

Adjustments of Certain Rates of Pay and Allowances

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Statutory Pay Systems.* Pursuant to the provisions of subchapter I of Chapter 53 of Title 5 of the United States Code, the rates of basic pay and salaries are adjusted, as set forth at the schedules attached hereto and made a part hereof, for the following statutory pay systems:

(a) The General Schedule (5 U.S.C. 5332(a)) at Schedule 1;

(b) The Foreign Service Schedule (22 U.S.C. 3963) at Schedule 2;

(c) The Schedules for the Department of Medicine and Surgery, Veterans Administration (38 U.S.C. 4107) at Schedule 3; and

(d) The rates of basic pay for the Senior Executive Service (5 U.S.C. 5382) at Schedule 4.

Sec. 2. *Pay and Allowances for Members of the Uniformed Services.* Sections 101 and 102 of the Uniformed Services Pay Act of 1981 provides for adjustments in the rates of monthly basic pay (37 U.S.C. 203 (a) and (c)), the rates of basic allowances for subsistence (37 U.S.C. 402), and the rates of basic allowances for quarters (37 U.S.C. 403(a)), as set forth at Schedule 5 attached hereto and made a part hereof, for members of the uniformed services.

Sec. 3. *Executive Salaries.* The Executive Salary Cost-of-Living Adjustment Act (Public Law 94–82, 89 Stat. 419) provides for adjustments in rates of pay and salaries, as set forth at the schedules attached hereto and made a part hereof, for the following:

(a) The Vice President (3 U.S.C. 104) and the Executive Schedule (5 U.S.C. 5312–5316) at Schedule 6;

(b) Congressional Salaries (2 U.S.C. 31) at Schedule 7; and

(c) Judicial Salaries (28 U.S.C. 5, 44(d), 135, 173, 213, 252, 792(b), and 11 U.S.C. 68(a), and Section 401(a), 404(a), 404(b), and 404(d) of Public Law 95–598) at Schedule 8.

Sec. 4. *Effective Date.* The adjustments in rates of monthly basic pay and allowances for subsistence and quarters for members of uniformed services shall be effective on October 1, 1981. All other adjustments of salary or pay shall be effective on the first day of the first applicable pay period beginning on or after October 1, 1981.

Sec. 5. *Superseded Executive Orders.* Executive Order No. 12248 of October 16, 1980 and Executive Order No. 12249 of October 25, 1980 are superseded.

Ronald Reagan

THE WHITE HOUSE,
October 15, 1981.

Billing code 3195-01-M

Schedule 1- THE GENERAL SCHEDULE[1]

	1	2	3	4	5	6	7	8	9	10
GS-1	$ 8,342	$ 8,620	$ 8,898	$ 9,175	$ 9,453	$ 9,618	$ 9,890	$10,168	$10,178	$10,428
2	9,381	9,603	9,913	10,178	10,292	10,595	10,898	11,201	11,504	11,807
3	10,235	10,578	10,917	11,258	11,599	11,940	12,281	12,622	12,963	13,304
4	11,490	11,873	12,256	12,639	13,022	13,405	13,788	14,171	14,554	14,937
5	12,864	13,282	13,710	14,138	14,566	14,994	15,422	15,850	16,278	16,706
6	14,328	14,806	15,284	15,762	16,240	16,718	17,196	17,674	18,152	18,630
7	15,922	16,453	16,984	17,515	18,046	18,577	19,108	19,639	20,170	20,701
8	17,634	18,222	18,810	19,398	19,986	20,574	21,162	21,750	22,338	22,926
9	19,477	20,126	20,775	21,424	22,073	22,722	23,371	24,020	24,669	25,318
10	21,449	22,164	22,879	23,594	24,309	25,024	25,739	26,454	27,169	27,884
11	23,566	24,352	25,138	25,924	26,710	27,496	28,282	29,068	29,854	30,640
12	28,245	29,187	30,129	31,071	32,013	32,955	33,897	34,839	35,781	36,723
13	33,586	34,708	35,828	36,948	38,068	39,188	40,308	41,428	42,548	43,668
14	39,689	41,012	42,335	43,658	44,981	46,304	47,627	48,950	50,273	51,596
15	46,685	48,241	49,797	51,353	52,909	54,465	56,021	57,577	59,133	60,689
16	54,756	56,580	58,408	60,230	62,055	63,880	65,706	67,530	69,355	
17	64,142	66,280	68,418	70,556	72,694					
18	75,177									

1. Basic pay is limited by sec. 5308 of title 5 of the United States Code to the rate for level V of the Executive Schedule which is, as of the effective date of this schedule, $61,000. Notwithstanding that rate, the maximum rate payable, as of the effective date of this schedule, is $60,112.50. (The effect of sec. 101(c) of Public Law 97-51 (the continuing resolution approved October 1, 1981) is to limit the use of the funds so appropriated so that they are not available to pay salaries in this schedule at a rate which exceeds the rate payable for level V of the Executive Schedule on September 30, 1981.)

Schedule 2 - THE FOREIGN SERVICE SCHEDULE[1]

	1	2	3	4	5	6	7
Class 1	$48,565	$48,386	$49,328	$51,214	$52,144	$54,121	$55,[illegible]
2	37,829	38,364	40,133	41,337	42,577	43,354	45,[illegible]
3	30,553	31,573	32,520	33,495	34,500	35,535	36,601
4	24,528	25,632	26,131	27,141	27,955	28,794	29,658
5	20,126	20,730	21,352	21,992	22,652	23,332	24,031
6	17,918	18,532	19,068	19,660	20,250	20,858	21,483
7	16,344	16,967	17,464	17,975	18,103	18,646	19,205
8	14,279	14,810	15,258	15,712	16,184	16,649	17,169
9	12,654	13,240	13,637	14,046	14,467	14,901	15,348

	8	9	10	11	12	13	14
Class 1	$57,417	$59,139	$60,889	$60,889	$60,889	$60,889	$60,889
2	46,525	47,921	49,358	50,829	52,364	53,936	55,551
3	37,699	38,930	39,995	41,155	42,431	43,704	45,015
4	30,548	31,464	32,408	33,380	34,382	35,413	36,475
5	24,752	25,495	26,260	27,048	27,859	28,695	29,556
6	22,128	22,792	23,475	24,180	24,905	25,652	26,422
7	19,781	20,379	20,986	21,616	22,264	22,932	23,620
8	17,684	18,215	18,761	19,324	19,904	20,501	21,116
9	15,808	16,283	16,772	17,275	17,793	18,327	18,877

1. Basic pay is limited by sec. 5309 of title 5 of the United States Code to the rate for level V of the Executive Schedule which is, as of the effective date of this schedule, $61,000. Notwithstanding that rate, the maximum rate payable, as of the effective date of this schedule, is $60,112.50. (The effect of sec. 101(c) of Public Law 97-51 (the continuing resolution approved October 1, 1981) is to limit the use of the funds so appropriated so that they are not available to pay salaries in this schedule at a rate which exceeds the rate payable for level V of the Executive Schedule on September 30, 1981.)

Schedule 1 - DEPARTMENT OF MEDICINE AND SURGERY SCHEDULES, VETERANS' ADMINISTRATION

	MINIMUM	MAXIMUM
Sec. 4103 schedule:		
Chief Medical Director	(1)	84,204 2/
Deputy Chief Medical Director	(1)	80,477 2/
Associate Deputy Chief Medical Director	(1)	77,460 2/
Assistant Chief Medical Director	(1)	75,177 2/
Medical Director	64,142 1/	72,444 2/
Director of Nursing Service	54,755 1/	69,255 2/
Director of Podiatric Service	54,755 1/	69,255 2/
Director of Chaplain Service	54,755 1/	69,255 2/
Director of Pharmacy Service	54,755 1/	69,255 2/
Director of Dietetic Service	54,755 1/	69,255 2/
Director of Optometric Service	54,755 1/	69,255 2/
Physician and dentist schedule:		
Director grade	54,755 1/	69,255 2/
Executive grade	50,359 1/	65,724 2/
Chief grade	48,685	60,689 2/
Senior grade	39,689	51,596 2/
Intermediate grade	33,586	43,666
Full grade	28,245	36,723
Associate grade	23,586	30,640
Nurse schedule:		
Director grade	48,685	60,689 2/
Assistant Director grade	39,689	51,596 2/
Chief grade	33,586	43,666
Senior grade	28,245	36,723
Intermediate grade	23,586	30,640
Full grade	19,477	25,319
Associate grade	16,761	21,792
Junior grade	14,228	18,499
Clinical podiatrist and optometrist schedule:		
Chief grade	48,685	60,689 2/
Senior grade	39,689	51,596 2/
Intermediate grade	33,586	43,666
Full grade	28,245	36,723
Associate grade	23,586	30,640

Single rate.

1 Basic pay is limited by sec. 4107(d) of title 38 of the United States Code to the rate for level III of the Executive Schedule which is, as of the effective date of this schedule, $67,200. Notwithstanding that rate, the maximum rate payable for this position, as of the effective date of this schedule, is $55,287.50. (The effect of sec. 101(c) of Public Law 97-51 (the continuing resolution approved October 1, 1981) is to limit the use of the funds so appropriated so that they are not available to pay a salary for this position at a rate which exceeds the rate payable for level III of the Executive Schedule on September 30, 1981.)

2 Basic pay is limited by sec. 4107(d) of title 38 of the United States Code to the rate for level IV of the Executive Schedule which is, as of the effective date of this schedule, $64,800. Notwithstanding that rate, the maximum rate payable for this position, as of the effective date of this schedule, is $52,750. (The effect of sec. 101(c) of Public Law 97-51 (the continuing resolution approved October 1, 1981) is to limit the use of funds so appropriated so that they are not available to pay a salary for this position at a rate which exceeds the rate payable for level IV of the Executive Schedule on September 30, 1981.)

3 Basic pay is limited by sec. 4107(d) of title 38 of the United States Code to the rate for level V of the Executive Schedule which is, as of the effective date of this schedule, $62,500. Notwithstanding that rate, the maximum rate payable for these positions or grades, as of the effective date of this schedule, is $50,112.50. (The effect of sec. 101(c) of Public Law 97-51 (the continuing resolution approved October 1, 1981) is to limit the use of the funds so appropriated so that they are not available to pay a salary for these positions or grades at a rate which exceeds the rate payable for level V of the Executive Schedule on September 30, 1981.)

Schedule 4 - SENIOR EXECUTIVE SERVICE SCHEDULE

ES-1	54,755	1
ES-2	56,936	1
ES-3	59,119	1
ES-4	61,300	1
ES-5	62,950	1
ES-6	64,600	2

1 Notwithstanding these rates, the maximum rate payable, as of the effective date of this schedule, at these levels is $50,112.50. (The effect of sec. 101(c) of Public Law 97-51 (the continuing resolution approved October 1, 1981) is to limit the use of the funds so appropriated so that they are not available to pay salaries at a rate which exceeds the rate payable for level V of the Executive Schedule on September 30, 1981.)

2 Notwithstanding this rate, the maximum rate payable, as of the effective date of this schedule, at this level is $50,112.50 for individuals at this level whose payable salary on September 30, 1981 was $50,112.50 or less, and the maximum rate payable at this level is $52,750 for individuals at this level whose payable salary on September 30, 1981 was $52,750. (The effect of sec. 101(c) of Public Law 97-51 (the continuing resolution approved October 1, 1981) is to limit the use of the funds so appropriated so that they are not available to pay salaries in this schedule at a rate which exceeds the payable rates in effect on September 30, 1981.) See also Note A.

Note A. For the purpose of sec.101(c) of Public Law 97-51, sec. 305(b) of H. R. 4120, and only for the purpose of applying these limitations on the use of appropriated funds for paying rates of pay, individuals who are serving in newly created SES positions or who are otherwise in a new position within the meaning of sec. 305(b) of H.R. 4120 shall be deemed to be serving in a position comparable to an Executive level V position if paid at the rate of ES-5 or lower, and shall be deemed to be serving in a position comparable to an Executive level IV position if paid at the rate of ES-6.

Schedule 5 - PAY AND ALLOWANCES OF THE UNIFORMED SERVICES
Part 1 - Monthly Basic Pay
(Years of service computed under 37 U.S.C. 205)

Pay grade	Commissioned Officers[1]							
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
O-10[2]	$4,536.60	$4,665.30	$4,665.30	$4,665.30	$4,665.30	$4,844.10	$4,844.10	$5,215.20
O-9	3,994.20	4,098.90	4,186.20	4,186.20	4,186.20	4,292.70	4,292.70	4,471.20
O-8	3,617.70	3,726.00	3,814.50	3,814.50	3,814.50	4,098.90	4,098.90	4,292.70
O-7	3,006.00	3,210.60	3,210.60	3,210.60	3,354.30	3,354.30	3,549.00	3,549.00
O-6	2,228.10	2,448.30	2,608.20	2,608.20	2,608.20	2,608.20	2,608.20	2,608.20
O-5	1,782.00	2,092.80	2,237.10	2,237.10	2,237.10	2,237.10	2,305.20	2,428.80
O-4	1,502.10	1,823.90	1,951.20	1,951.20	1,986.90	2,075.10	2,136.40	2,341.20
O-3	1,295.90	1,560.60	1,668.30	1,845.90	1,934.10	2,004.00	2,111.70	2,219.40
O-2	1,117.10	1,329.30	1,396.90	1,650.60	1,685.10	1,685.10	1,685.10	1,685.10
O-1	1,056.60	1,298.80	1,329.30	1,329.30	1,329.30	1,329.30	1,329.30	1,329.30

Pay grade	Commissioned Officers[1]						
	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-10[2]	$5,215.20	$5,588.10	$5,588.10	$5,961.90	$5,961.90	$6,333.90	$6,333.90
O-9	4,471.20	4,844.10	4,844.10	5,215.20	5,215.20	5,588.10	5,588.10
O-8	4,292.70	4,471.20	4,665.30	4,844.10	5,038.20	5,038.20	5,038.20
O-7	3,726.00	4,098.90	4,380.60	4,380.60	4,380.60	4,380.60	4,380.60
O-6	2,696.70	3,123.60	3,283.20	3,354.30	3,549.00	3,549.00	3,549.00
O-5	2,591.40	2,755.50	2,945.40	3,034.20	3,140.40	3,140.40	3,140.40
O-4	2,446.30	2,555.40	2,626.20	2,626.20	2,626.20	2,626.20	2,626.20
O-3	2,271.00	2,271.00	2,271.00	2,271.00	2,271.00	2,271.00	2,271.00
O-2	1,685.10	1,685.10	1,685.10	1,685.10	1,685.10	1,685.10	1,685.10
O-1	1,329.30	1,329.30	1,329.30	1,329.30	1,329.30	1,329.30	1,329.30

1 Basic pay is limited to the rate of basic pay payable for level V of the Executive Schedule. (See also Note A.)

2 While serving as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant of the Marine Corps, basic pay for this grade is $6,988.50 regardless of cumulative years of service computed under sec. 205 of title 37 of the United States Code.

3 Does not apply to commissioned officers who have been credited with over 4 years' active service as enlisted members or warrant officers.

Note A. Basic rate of pay for level V of the Executive Schedule is, as of the effective date of this schedule, $61,300 annually. Notwithstanding that rate, the maximum rate payable for level V of the Executive Schedule, as of the effective date of this schedule, is $50,112.50 annually. (The effect of sec.101(c) of Public Law 97-51 (the continuing resolution approved October 1, 1981) is to limit the use of the funds so appropriated so that they are not available to pay basic pay in this schedule at a rate which exceeds the rate payable for level V of the Executive Schedule on September 30, 1981.)

(Years of service computed under 37 U.S.C. 205)

Pay Grade		Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
Commissioned officers who have been credited with over 4 years active service as enlisted members or warrant officers:							
O-3		$1,845.90	$1,934.10	$2,004.00	$2,111.70	$2,216.40	$2,305.20
O-2		1,650.60	1,685.10	1,738.50	1,828.80	1,899.00	1,951.20
O-1		1,329.30	1,439.80	1,472.40	1,525.50	1,578.60	1,650.60
		Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
O-3		$2,305.20	$2,305.20	$2,305.20	$2,305.20	$2,305.20	$2,305.20
O-2		1,951.20	1,951.20	1,951.20	1,951.20	1,951.20	1,951.20
O-1		1,650.60	1,650.60	1,650.60	1,650.60	1,650.60	1,650.60
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
Warrant officers:								
W-4	$1,402.00	$1,525.50	$1,525.50	$1,560.60	$1,631.40	$1,703.40	$1,774.80	$1,799.00
W-3	1,292.70	1,402.20	1,402.20	1,419.90	1,436.70	1,541.70	1,631.40	1,685.10
W-2	1,132.20	1,224.60	1,224.60	1,260.30	1,329.30	1,402.20	1,455.00	1,508.40
W-1	941.20	1,081.50	1,081.50	1,171.80	1,224.60	1,277.40	1,329.20	1,384.20
		Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
W-4		$1,986.90	$2,057.10	$2,111.70	$2,180.40	$2,253.60	$2,428.80	$2,428.80
W-3		1,738.50	1,790.70	1,845.90	1,917.30	1,986.90	2,057.10	2,057.10
W-2		1,560.60	1,615.20	1,668.30	1,721.10	1,790.70	1,790.70	1,790.70
W-1		1,436.70	1,489.50	1,541.70	1,596.90	1,596.90	1,596.90	1,596.90
	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
Enlisted members:								
E-9[1]	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$ 0.00	$1,651.90	$1,691.40
E-8	0.00	0.00	0.00	0.00	0.00	1,387.50	1,426.90	1,464.30
E-7	968.70	1,045.50	1,084.50	1,122.00	1,160.70	1,197.30	1,236.00	1,274.10
E-6	833.30	908.40	946.50	984.40	1,023.00	1,060.50	1,099.20	1,155.90
E-5	731.40	796.20	834.60	870.90	927.90	965.70	1,004.40	1,041.30
E-4	692.20	720.30	762.30	821.70	854.40	854.40	854.40	854.40
E-3	642.60	677.70	705.00	732.90	732.90	732.90	732.90	732.90
E-2	618.30	618.30	618.30	618.30	618.30	618.30	618.30	618.30
E-1	551.40	551.40	551.40	551.40	551.40	551.40	551.40	551.40
		Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
E-9[1]		$1,729.80	$1,769.70	$1,809.00	$1,844.10	$1,941.30	$2,120.09	$2,130.00
E-8		1,502.70	1,542.00	1,577.70	1,616.40	1,711.50	1,902.30	1,902.30
E-7		1,331.70	1,389.50	1,408.20	1,426.50	1,522.20	1,711.50	1,711.50
E-6		1,192.20	1,230.60	1,249.20	1,249.20	1,249.20	1,249.20	1,249.20
E-5		1,060.50	1,060.50	1,060.50	1,060.50	1,060.50	1,060.50	1,060.50
E-4		854.40	854.40	854.40	854.40	854.40	854.40	854.40
E-3		732.90	732.90	732.90	732.90	732.90	732.90	732.90
E-2		618.30	618.30	618.30	618.30	618.30	618.30	618.30
E-1		551.40	551.40	551.40	551.40	551.40	551.40	551.40

1 While serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is $2,589.00 regardless of cumulative years of service computed under sec. 205 of title 37 of the United States Code.

Schedule 6 - VICE PRESIDENT AND THE EXECUTIVE SCHEDULE

Vice President	94,800
Level I	85,200
Level II	74,200
Level III	67,800
Level IV	64,600
Level V	61,300

Note. Notwithstanding the above rates, the maximum rates payable, as of the effective date of this schedule, are set forth below. (The effect of sec. 101(c) of Public Law 97-51 (the continuing resolution approved October, 1981) is to limit the use of the funds so appropriated so that they are not available to pay salaries in this schedule at rates which exceed the rates payable on September 30, 1981.)

Vice President	379,125.00
Level I	69,630.00
Level II	60,662.50
Level III	55,387.50
Level IV	52,750.00
Level V	50,112.50

Schedule 7 - CONGRESSIONAL SALARIES

Senator	74,000
Member of the House of Representatives	74,000
Delegate to the House of Representatives	74,300
Resident Commissioner from Puerto Rico	74,300
President pro tempore of the Senate	83,900
Majority leader and minority leader of the Senate	83,900
Majority leader and minority leader of the House of Representatives	83,900
Speaker of the House of Representatives	96,600

Note. Notwithstanding the above rates, the maximum rates payable, as of the effective date of this schedule, are set forth below. (The effect of sec. 101(c) of Public Law 97-51 (the continuing resolution approved October 1, 1981) is to limit the use of the funds so appropriated so that they are not available to pay salaries in this schedule in excess of the rates payable on September 30, 1981.)

Senator	360,662.50
Member of the House of Representatives	60,662.50
Delegate to the House of Representatives	60,662.50
Resident Commissioner from Puerto Rico	60,662.50
President pro tempore of the Senate	68,375.00
Majority leader and minority leader of the Senate	68,375.00
Majority leader and minority leader of the House of Representatives	68,375.00
Speaker of the House of Representatives	79,125.00

Schedule 8 - JUDICIAL SALARIES

Chief Justice of the United States	96,900
Associate Justices of the Supreme Court	93,000
Circuit Judges	74,200
District Judges	70,300
Judges of the Court of Claims	74,200
Judges of the Court of Customs and Patent Appeals	74,200
Judges of the Customs Court	70,300
Commissioners of the Court of Claims	62,700 1
Referees in Bankruptcy (full-time) or Bankruptcy Judges	61,200 1
Referees in Bankruptcy (part-time) (maximum rate)	30,600

1 Notwithstanding the above rates, the maximum rates payable for these positions, as of the effective date of this schedule, are set forth below. (The effect of sec. 101(c) of Public Law 97-51 (the continuing resolution approved October 1, 1981) is to limit the use of the funds so appropriated so that they are not available to pay salaries for these positions at rates which exceed the rates payable on September 30, 1981.)

Commissioners of the Court of Claims	51,167.50
Referees in Bankruptcy (full-time) or Bankruptcy Judges	51,167.50
Referees in Bankruptcy (part-time) (maximum rate)	25,583.75

[FR Doc. 81-30229
Filed 10-15-81; 10:52 am]
Billing code 3195-01-C

Rules and Regulations

Federal Register
Vol. 46, No. 200
Friday, October 16, 1981

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 220

[Amdt. No. 38]

School Breakfast Program; Severe Need Reimbursement

AGENCY: Food and Nutrition Service, USDA.

ACTION: Emergency Final Rule.

SUMMARY: Based on a provision contained in Section 801 of the Omnibus Reconciliation Act of 1981 (Pub. L. 97-35), this final rule amends the School Breakfast Program regulations to establish uniform national eligibility criteria that schools must satisfy to receive increased Federal funding for breakfasts served in schools serving a high percentage of needy children. Such increased funding is known as "severe need" funding. This rule prohibits States from establishing State severe need eligibility criteria which include schools serving less than 40 percent of lunches free or at a reduced price to eligible children. This rule provides for severe need reimbursements only to those schools in which during the second preceding school year 40 percent or more of the lunches served to students at the school were served free or at a reduced price, and for which the regular breakfast reimbursement is insufficient to cover the costs of the breakfast program. States that are required by State law to operate the breakfast program and that have a more lenient severe need eligibility criteria than the Department's criteria for schools are, for a specific period of time, eligible to continue receiving severe need reimbursement if the regular breakfast reimbursement is insufficient to cover the costs of the breakfast program. This rule limits the severe need reimbursement rates to those School Food Authorities serving the highest concentration of needy children.

EFFECTIVE DATE: September 1, 1981.

FOR FURTHER INFORMATION CONTACT: James C. O'Donnell, Acting Branch Chief, Policy and Program Development Branch, School Programs Division, USDA, Food and Nutrition Service, Washington, D.C. 20250, (202) 447-9069.

SUPPLEMENTARY INFORMATION:

Classification

This action has been reviewed under Executive Order 12291 and Secretary's Memorandum No. 1512-1 and has not been classified major because it does not meet any of the three criteria identified under the Executive Order. This action will not have an annual effect on the economy of $100 million or more nor will it have a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions. This action will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets.

The rule has also been reviewed with regard to the requirements of Public Law 96-354. G. William Hoagland, Administrator of the Food and Nutrition Service, has certified that this rule does not have a significant economic impact on a substantial number of small entities.

G. William Hoagland has determined pursuant to 5 U.S.C. 553 (b) and (d) that good cause exists for making this rule effective earlier than 30 days after publication because Public Law 97-35 mandates that this rule be effective on September 1, 1981. Solicitation of public comments is unnecessary and contrary to the public interest because the provisions of this rule are nondiscretionary.

The reporting and recordkeeping requirements contained in this regulation are subject to review by OMB under the Paperwork Reduction Act and are not effective until approved by OMB.

Background

On August 17, 1979, the Department published the "severe need" rule (44 FR 48157) pursuant to the Child Nutrition Amendments of 1978 (Public Law 95-627). To promote expansion of the School Breakfast Program, that regulation permitted States to develop eligibility criteria for receipt of severe need reimbursement as follows: States could establish eligibility criteria to include schools serving free and reduced price meals to *less* than 40 percent of the student body; and, if the school did not have lunch participation percentages from the second preceding school year, more recent participation percentages could be utilized.

As required by section 801 of Pub. L. 97-35, this rule now limits severe need eligibility to only those schools in which during the second preceding school year, 40 percent *or more* of the lunches served in that school were served free or at a reduced price, and for which the regular breakfast reimbursement is insufficient to cover the costs of the breakfast program. Further, if a school did not have a lunch program in the second preceding school year, it may *not* establish the 40 percent severe need criteria on more recent participation data in either the lunch or breakfast programs.

Schools serving less than 40 percent of lunches free or at a reduced price and which are required by State law to provide a Breakfast program, will continue to be eligible for severe need reimbursement for a limited time. In States where the State legislatures meet annually, the State mandate exception is allowed until July 1, 1983. In States where the State legislatures meet biennially, the State mandate exception is allowed until July 1, 1984.

PART 220—SCHOOL BREAKFAST PROGRAM

Accordingly, Part 220—School Breakfast Program is amended as follows:

§ 220.2 [Amended]

1. In § 220.2 *Definitions*, Paragraph (v-1) is amended by changing the reference "§ 220.9(d)" to read "§ 220.9(e)," and by removing the remainder of the sentence following the newly designated § 220.9(e) reference.

2. In § 220.9, paragraph (e) is revised to read as follows:

§ 220.9 Reimbursement payments.

* * * * *

(e) *Severe Need Schools*—The State agency, or FNSRO where applicable, shall determine whether a school is in severe need based on the following eligibility criteria: (1) The reimbursement rate per meal established by the Secretary is insufficient to cover the costs of the school's breakfast program; (2) The school is participating in or desiring to initiate a breakfast program; and (3) 40 percent or more of the lunches served to students at the school in the second preceding school year were served free or at a reduced price. In addition, schools which are required by State law to serve breakfasts and which fail to satisfy the required 40 percent eligibility criteria are eligible for severe need reimbursement rates only for the following limited time periods: (i) In States where the State legislature meets annually, the schools may receive severe need reimbursement rates until July 1, 1983; and (ii) in States where the State legislature meets biennially, the schools may receive severe need reimbursement rates until July 1, 1984. State agencies shall maintain on file, and have available for review and audits, their eligibility criteria for determining the severe need of schools and the source of the data to be used in making individual determinations.

(Catalogue of Federal Domestic Assistance No. 10.553)

(Pub. L. 97-35, Stat. 521-535, 42 U.S.C. 1773)

Dated: October 8, 1981.

G. William Hoagland,

Administrator, Food and Nutrition Service.

[FR Doc. 81-30064 Filed 10-15-81; 8:45 am]

BILLING CODE 3410-30-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 328]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period October 18-24, 1981. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: October 18, 1981.

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

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The action is based upon the recommendations and information submitted by the Lemon Administrative Committee and upon other available information. It is hereby found that this action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1981-82. The marketing policy was recommended by the committee following discussion at a public meeting on July 7, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

The committee met again publicly on October 13, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons is easier.

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

Information collection requirements (reporting or recordkeeping) 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 OBM has been obtained.

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Section 910.628 is added as follows:

§ 910.628 Lemon Regulation 328.

The quantity of lemons grown in California and Arizona which may be handled during the period October 18, 1981, through October 24, 1981, is established at 220,000 cartons.

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

Dated: October 14, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-30276 Filed 10-15-81; 12:30 pm]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 51

Brucellosis Indemnity; Affirmation of Final Rule

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of final rule.

SUMMARY: This action affirms, with a certain change, provisions in the final rule governing the payment of indemnities for cattle destroyed because of brucellosis (9 CFR Part 51) as published in the **Federal Register** on Monday, February 23, 1981. This action amends the regulations to provide the Deputy Administrator with authority, in specific circumstances, to extend, by 30 days, the period in which registration papers must be presented by an owner of registered cattle. This is necessary to encourage closer cooperation between cattle owners and the brucellosis eradication program officials.

EFFECTIVE DATE: October 16, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. A. D. Robb, USDA, APHIS, VS, Federal Building, Room 805, Hyattsville, Maryland, 20782, 301-436-5961.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This final action is issued in conformance with Executive Order 12291 and has been determined to be not a "major rule." Based on information compiled by the Department, it has been

determined that this action would have an annual effect on the economy of less than one hundred million dollars; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; would not have a significant adverse effect on competition, employment or investment, productivity, innovation, or the ability of United States based enterprises to compete with foreign based enterprises in domestic or export markets.

Certification Under the Regulatory Flexibility Act

On February 23, 1981, the Department published an emergency final rule (46 FR 13670–13674) which this document affirms with one exception. In the emergency final rule, the Department stated that the action may have a significant economic impact on a substantial number of small entities and that the Final Impact Statement would address the issues required in section 604 of Pub. L. 96–354, the Regulatory Flexibility Act. This document contains a discussion of the following "issues:"

(1) A succinct statement of the need for, and objectives of the rule,

(2) A summary of the issues raised by public comments, an agency assessment of such issues and a statement of changes made in the emergency rule as a result of such comments and

(3) A description of each of the significant alternatives to the rule consistent with the stated objectives of applicable statutes and designed to minimize any significant economic impact of the rule on small entities which was considered by the agency, and a statement of the reasons why each one of such alternatives was rejected.

With respect to the alternatives, the Department was not able to develop an alternative which would meet the objectives of applicable statutes and further minimize the economic impact of the rule on small entities. Further, as discussed below, the Department's analysis of the emergency rule indicates that it has no significant economic impact on a substantial number of small entities.

Based upon that analysis, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. There are thousands of small entities which own cattle and only a small percentage of these cattle are registered. The Department estimates that in fiscal year 1980 the United States cattle population had a brucellosis infection rate of approximately 0.47 percent. While the percentage of cattle eligible for indemnity is slightly larger, the percent of cattle which are eligible for indemnity would still be very small. A survey has shown that registered cattle eligible for indemnity comprise less than 4 percent of the cattle eligible for indemnity.

Background

On June 27, 1980, a final rule was published requiring rates to be set based on values submitted by registered breed associations. Upon implementation of these regulations, the Department found that: (1) Not all breed associations submitted the necessary data, (2) an extremely wide variation in values was reported, (3) a few breeds dominated the average in numbers of animals sold, and (4) these averages represented the value of the top quality animals and did not represent the value of the registered animals usually found affected with brucellosis. Consequently, the indemnity rates established for registered cattle generally reflected the value of herds maintained to compete in prestigious shows and sales and sold in such prestigious marketing channels. However, such herds are only occasionally affected with brucellosis because of careful management practices.

The Department found that these regulations governing the payment of federal indemnity for registered cattle destroyed because of brucellosis overcompensated certain owners of registered cattle. Such overcompensation not only destroys the incentive for overcompensated owners to cooperate in management practices designed to eradicate brucellosis from a herd, but may result in an incentive for such owners to adopt practices which result in brucellosis becoming established or remaining in the herd. The Department's indemnity program is intended to have the opposite effect.

Among the alternatives considered was to do nothing, an alternative which was rejected as detrimental to the program. Another alternative was to set specific lower rates. However, the Department did not have data to support specific lower rates, and, therefore, this alternative was rejected. The alternative chosen was the one published in the Federal Register on February 23, 1981, (46 FR 13670–13674) as an emergency final rule, which requires the indemnity to be determined by individually appraising each registered animal, obtaining a report of its actual salvage value, and determining the indemnity by subtracting actual salvage from a specified percentage of the appraised value.

A survey of indemnity claims paid under the regulations showed that registered cattle eligible for indemnity made up less than 4 percent of the total cattle eligible for indemnity. However, at the indemnity rates established, this 4 percent used over 30 percent of the available indemnity funds.

Using an "individual appraisal and the actual salvage value" method on the animal to be indemnified has been recognized as the most accurate method of computing the value of the animal, but volume and the increased costs for administering individual appraisals and actual salvage values has made it impractical to be used for all cattle. However, having determined that registered cattle account for less than 4 percent of the volume, the Department believes the use of individual appraisals and actual salvage values to be manageable tools for determining indemnity for registered cattle.

As a result of these findings, the Department amended 9 CFR Part 51 as it affects indemnity for registered cattle. Specifically, this action amended § 51.1 (cc)(3), (dd), and (ee); § 51.3; § 51.7; § 51.8; § 51.9 and § 51.10.

Comments Received

Comments regarding the emergency final rule were solicited for 60 days after publication of the amendment. Copies of the emergency final rule were sent to each known registered breed association and comments were requested. Wide distribution was also made to state regulatory officials and livestock organizations. USDA news releases received wide publication in rural and farm oriented press.

In response, six registered breed associations representing some of the larger associations replied, generally supporting the amendments. However, all six breed associations expressed some degree of concern for the adequacy of an appraisal for their particular breeds. One also suggested a flat rate of 150 percent more than nonregistered cattle but with the owner having the right to an individual appraisal. This was rejected because the Department does not have data to support the suggested 150 percent. Further, the Department believes that the majority of claimants would ask for an individual appraisal.

Two State officials were opposed to the emergency final rule. One suggested a flat rate five to eight times the indemnity for nonregistered cattle. Again, the Department does not have any data to support such a figure. The

other suggested the reduction of indemnity payments and the elimination of appraisals. He did not suggest the basis for setting a rate. This was also rejected as not being responsive to the problem.

One individual commented that the maximum indemnity for registered cattle was inadequate in certain cases. This comment is irrelevant to the amendments because the emergency final rule did not affect the maximum indemnity paid for registered cattle. However, the Department believes that the maximum indemnity amount is adequate to effectuate the program and should not be changed at this time.

A verbal comment from a group of cooperative program veterinarians questioned whether 30 days was a reasonable time limit for owners to deliver registration certificates which were not available at the time of appraisal. Twenty-four breed associations also addressed this question. Fourteen agreed that 30 days was reasonable. Five thought 45 days would be more reasonable. Five believed 60 days would be a reasonable time. All agreed that 30 days would be reasonable most of the time, but 10 expressed the hope that some provisions for an extension could be made in those instances when circumstances beyond the control of the owner delayed the delivery of the registration certificate. The Department agrees that there may be situations beyond the control of the owner in which a registration certificate cannot be presented within the 30-day time period. Therefore, § 51.7(b) is amended to authorize the Deputy Administrator to extend the period for presentation of the registration certificate an additional 30 days, upon request of the owner within the original 30-day period, when the owner can show to the satisfaction of the Deputy Administrator that the inability to produce the certificate within such 30-day period is due to circumstances beyond the owner's control. This amendment constitutes a relief of restrictions in that it provides an owner with an opportunity to obtain an extended period in which to present registration certificates. Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, this final rule is made effective less than 30 days after publication of this document in the **Federal Register.**

A goal of the amendment is to more nearly individually indemnify owners of cattle destroyed because of brucellosis based on individual values of registered cattle and to eliminate overcompensation. Such overcompensation was reducing total indemnity funds available for all cattle destroyed because of brucellosis. A survey covering the period from the effective date of March 2, 1981, through May 31, 1981, shows a reduction of total indemnity for registered cattle of 25 percent over the previous rates which were based on data covering the best quality cattle in the registered breeds. The survey shows the procedure to be effective and the Department believes the procedure can be expected to become more effective as the new method becomes more familiar to everyone concerned.

Accordingly, it has been determined that the final rule should remain effective as published in the **Federal Register** on February 23, 1981, except with respect to the 30-day time limitation for owners to deliver registration certificates which were not available at the time of appraisal.

PART 51—CATTLE DESTROYED BECAUSE OF BRUCELLOSIS

Accordingly, § 51.7 is amended by revising paragraph (b) to read as follows:

§ 51.7 Appraisals.

* * * * *

(b) Registered cattle shall be appraised by a Veterinary Services representative or State representative or an independent professional appraiser at Veterinary Services expense. In appraising registered cattle, due consideration shall be given to their breeding value. Cattle presented for appraisal as registered shall be accompanied by their registration papers issued in the name of, or transferred by the registered breed association to the name of, the owner or shall be paid for as nonregistered cattle: *Provided, however,* That if the registration papers are not available because they have been sent to an association for transfer of ownership or if the cattle are less than 1 year old and unregistered, the Veterinarian in Charge may grant a reasonable time of not more than 30 days for the presentation of their registration papers; *Except that* the Deputy Administrator may extend the period an additional 30 days upon receipt of a request from the owner within the original 30-day period, when the owner can show to the satisfaction of the Deputy Administrator that the inability to produce the certificate within such 30-day period is due to circumstances beyond the owner's control. The appraiser shall be responsible for their verification. *Provided, further,* That if the owner deems the appraisal of the Veterinary Services representative or State representative to be inadequate an appraisal shall be made by an independent professional appraiser selected by the Veterinarian in Charge at Veterinary Services expense. The two appraisers shall attempt to agree on the appraisal value. If they do not agree, the decision of the independent professional appraiser shall be final: *And provided, further* That the Veterinarian in Charge shall decline to accept appraisals that appear to be unreasonable or substantially deviate from the average fair market replacement value of registered cattle of like quality.

* * * * *

(Secs. 3, 4, 5, 11 and 13, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 3, 76 Stat. 130; (21 U.S.C. 111–113, 114a, 114a–1, 120, 121, 125, 134b))

Done at Washington, D.C., this 9th day of October, 1981.

John Ford,

Acting Assistant Secretary for Marketing and Inspection Services.

[FR Doc. 81-29053 Filed 10-15-81; 8:45 am]

BILLING CODE 3410-34-M

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9 CFR Part 92

Importation of Horses; Mares From Countries Affected With CEM

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the regulations by permitting the importation of mares over 731 days of age into the United States from countries affected with contagious equine metritis (CEM) when specific requirements to prevent their introducing CEM into the United States are met. This action is needed to provide an additional means of importing such mares into the United States when this can be done without undue risk to livestock of the United States. The effect of this action is to permit the importation of mares over 731 days of age into the United States from CEM-affected countries when specified requirements are met.

EFFECTIVE DATE: November 16, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. Mark Dulin, USDA, APHIS, VS, 6505 Belcrest Road, Federal Building, Room 818, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order

12291 and has been classified as not a "major rule."

Based on information compiled by the Department, it has been determined that this rule will not have an annual effect on the economy of $100 million or more; that this rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and that this rule will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Alternatives

The alternatives considered in making this decision were (1) to continue the embargo on the importation of mares from CEM countries, (2) to remove the embargo and permit unrestricted entry, and (3) to make the proposed change.

Alternative No. 1 would require the embargo to remain in effect. The embargo on mares adversely affects the domestic equine industry by preventing the interchange of superior bloodlines from leading stables in Europe and other countries.

Alternative No. 2, unrestricted entry, would place at risk the entire domestic horse industry with its estimated value of upwards of $6 to $7.5 billion. In Great Britain alone, first year CEM loss figures have been calculated at $30 million with thoroughbreds being the only breed reported affected.

Alternative No. 3 would permit restricted entry. Surgical procedures performed in tandem with scrubbing, packing, and repeated laboratory cultures, in the country of origin and under postentry quarantine, will prevent the transmission of CEM to the domestic horse population. Identical procedures have proven effective in the treatment of domestic mares.

Alternative No. 3 was selected because it minimizes risk at the least cost to the public.

Additionally, Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. These amendments will lift restrictions that were imposed in the fall of 1977 on the importation of certain horses from France, Ireland, and the United Kingdom, as well as restrictions added later on Australia, Austria, Belgium, Denmark, Italy, the Federal Republic of Germany, and Japan. During that period of time any mares originating in any one of these countries had to spend at least 1 year in a CEM-free country in order to enter the United States.

It is anticipated that from 50 to 200 importers will bring in an additional 1 to 4 mares annually, making a maximum of 800 horses per year. There will probably be an initial heavy influx of mares in the fall in order for them to be acclimated prior to next spring's breeding season. The total number of horses of all classes imported into the United States from all countries during Fiscal Year 1980 was 14,666.

To the best of our knowledge, through the years the number of small entities involved in the importation of mares from the countries involved has been extremely limited because of factors such as the number of animals sold; stallion fees ranging from $5,000 to $50,000; stallions syndicated up to $32,000,000 and the international operations involved. The average cost to import a horse is from $5,000 to $7,000, including preembarkation testing and treatment, the cost of transportation and post entry quarantine. Further, this rule would not affect many other small entities which import mares from other countries not affected by the rule.

On Friday, May 29, 1981, there was published in the **Federal Register** (46 FR 28860–28864) a document which proposed to permit the importation of mares over 731 days of age into the United States from countries affected with contagious equine metritis (CEM) when specific requirements to prevent their introducing CEM into the United States were met.

A period of 60 days was provided for receipt of comments. Twenty-eight comments, which are discussed below, were received.

Section 92.2(i)(1) of the regulations prohibits the importation of certain horses into the United States from the countries of Australia, Austria, Belgium, Denmark, Ireland, Italy, Federal Republic of Germany, France, Japan, the United Kingdom, and the Isle of Man, because of the existence of CEM in these countries.

Sections 92.2(i)(2)(ii), 92.2(i)(2)(iii), 92.2(i)(2)(iv), and 92.2(i)(2)(v) of the regulations provide for the importation into the United States from countries in which CEM exists, of certain horses under certain specified conditions. Presently, the importation for permanent entry into the United States of mares over 731 days of age from countries in which CEM exists is prohibited.

The Department has reviewed studies of horses affected with CEM organisms which have included the development and evaluation of surgical removal of the clitoral sinuses (clitoral sinusectomy) of mares over 731 days of age, swabbing and culture techniques, serological tests, and the effectiveness of treatment. These studies are available by contacting Dr. R. C. Knowles, USDA, APHIS, VS, Federal Building, Room 739, Hyattsville, MD 20782. Based on these studies, it has been determined that clitoral sinusectomy and certain topical treatments are effective in freeing mares over 731 days of age from the contagion of CEM. Therefore, these amendments provide a method for the importation into the United States of such mares under specified conditions which will prevent the introduction of CEM into the United States.

Section 92.2(i)(2)(v) is hereby redesignated § 92.2(i)(2)(vi). To provide for better continuity and readability, the requirements for the importation of mares over 731 days of age from countries in which CEM exists are set forth in a new § 92.2(i)(2)(v).

The new § 92.2(i)(2)(v) provides for the importation of any mare over 731 days of age if such mare is accompanied by an import permit as required in § 92.4 and if such mare is accompanied by a certificate which contains the information required by § 92.17, and is signed by a salaried veterinary officer of the national government of the country of origin. In addition, the certificate must state: (1) That all of the procedures which are required by § 92.2(i)(2)(v), discussed below, have been conducted under the direct supervision of the salaried veterinary officer of the national government of the country of origin who is signing the certificate; (2) the dates on which the surgery, treatment and cultures required by § 92.2(i)(2)(v) were performed; (3) the results of all cultures required by § 92.2(i)(2)(v) and the name of the laboratory conducting such cultures, and (4) that, except as provided in § 92.2(i)(2)(v)(G), all specimens required to be cultured are found negative for CEM. This information is required to ensure that the procedures considered necessary to assure that mares over 731 days of age do not introduce CEM into the United States have been performed.

Experience in England and the United States has shown that the clitoral sinuses and the clitoral fossae are the most common sites for harboring CEM bacteria after the acute disease has subsided. Due to the minute size of the clitoral sinuses, it is difficult to obtain satisfactory specimens for culturing by swab, as well as difficult to adequately treat such areas for CEM. However, the consensus is that there will not be a risk of spread of CEM by the importation of mares over 731 days of age if the clitoral

sinuses are removed and their external genitalia and vaginal vestibule and clitoral fossa are cleaned and washed and treated as discussed below.

Section 92.2(i)(2)(v)(D) requires that for 5 consecutive days, beginning the 7th day after removal of the clitoral sinuses, a licensed veterinarian shall clean and wash (scrub) the external genitalia and vaginal vestibule including the clitoral fossa with a solution of not less than 2 percent chlorhexidine in a detergent base. The clitoral fossa shall be filled and the external genitalia and vaginal vestibule shall be coated (packed) with an ointment of not less than 0.2 percent nitrofurozone. The 5 consecutive days postsurgical treatment is necessary to remove any contamination or possible spread of the CEM organism during the surgical procedure, and such treatment should provide reasonable assurance that the mare so treated will be free of the contagion of CEM. The postsurgical treatment must be postponed until 7 days after surgery to allow the mare to heal.

In addition, certain tests are required to assure that the mare is free of CEM before it is imported into the United States.

Section 92.2(i)(2)(v)(B) requires that a specimen (swab) be collected by a licensed veterinarian from the clitoral sinuses of the mare within 2 hours prior to the removal of the clitoral sinuses and submitted by the licensed veterinarian to a laboratory approved to culture for CEM by the National Veterinary Service of the country of origin. The collection of these specimens and their culture are necessary to identify those mares which are still harboring the CEM bacteria and which would, therefore, not be eligible to be exported to the United States.

Section 92.2(i)(2)(v)(E) requires postsurgical cultures to provide further evidence that the mare is free of CEM. After an interim of 7 days following the 5th consecutive day of scrubbing the external genitalia and vaginal vestibule and filling the clitoral fossa, 3 separate specimens must be collected by a licensed veterinarian from the clitoral fossa, at intervals of not less than 7 days between the collection of each set of specimens, and each such specimen must be submitted by a licensed veterinarian to a laboratory approved to culture for CEM by the National Veterinary Service of the country of origin.

Section 92.2(i)(2)(v)(E) requires that for nonpregnant mares an additional specimen shall be collected by a licensed veterinarian from the endometrium of the uterus during estrus and all specimens shall be submitted by the veterinarian to a laboratory approved to culture for CEM by the National Veterinary Service of the country of origin.

Mares with any positive culture for CEM of specimens collected pursuant to these procedures may not be certified for export to the United States, except as provided for in § 92.2(i)(2)(v)(G). A negative finding for all of the specimens is necessary because any positive result would indicate that the mare is affected with CEM. Section 92.2(i)(2)(v)(G) provides a procedure whereby mares with one or more positive cultures may be imported into the United States. This procedure will insure that even those mares which have had one or more positive cultures are free of CEM. To import such mares into the United States, a licensed veterinarian is required to collect 3 additional separate sets of specimens from the clitoral fossa at not less than 7 day intervals, with the first set collected not less than 1 year from the date of the last positive culture. One set shall be collected from the endometrium of the uterus during estrus and the last set shall be collected within 30 days prior to the date of export. If the 3 additional sets of specimens are found negative for CEM at a laboratory approved to culture for CEM by the National Veterinary Service of the country of origin, the mare may be certified for export to the United States.

Experience has shown that many mares will cleanse themselves of the CEM organism, and this 1-year time period from the date of the last positive culture has generally been found to be sufficient to free the mare of CEM.

The requirement that the test be performed in a laboratory approved to culture for CEM by the National Veterinary Service of the country of origin has been imposed to ensure the accuracy of the tests.

Intervals of not less than 7 days between the topical treatment and the first collection of specimens and between each set of specimens are necessary to allow any CEM organisms which may exist to grow, so that they may be detected. Three separate sets of specimens are required because swabbing to collect specimens is not precise technique. The experience of equine practitioners in Kentucky, who have tested horses affected with CEM, indicates that mares which have received the clitoral sinusectomy and treatment should be cultured 3 times at 7-day intervals. These 3 sets of specimens collected from the prescribed anatomical areas at an interval of at least 7 days between each set provide a sufficient diversity of specimens so that a test of such specimens for CEM is considered accurate.

Section 92.2(i)(2)(v)(E) requires that the last of the 3 sets of specimens, which are required by this procedure to be collected, be cultured negative within 30 days of the date of export of the mare to the United States. This requirement has been imposed to reduce the likelihood of a mare becoming affected with CEM after the last test and prior to exportation. Exportation within 30 days of the last test for CEM provides an importer with a reasonable time in which to arrange for the importation and does not constitute a great risk that the mare may become affected with CEM since the date of the last test.

Section 92.2(i)(2)(v)(F) requires that a mare not be bred from time the treatment described in § 92.2(i)(2)(v) was begun through the date of export. This requirement will ensure that the mare does not become affected with CEM by such breeding at any time from the start of the required procedures through the date of exportation.

As stated above, the certificate accompanying the mare must, among other things, state that the salaried veterinary officer of the National Government of the country of origin directly supervise the surgery, topical treatment and specimen collection procedures set forth in § 92.2(i)(2)(v); the Department intends that such veterinary officer be physically present to supervise the clitoral sinusectomy, topical treatment and specimen collection procedures as required. The Department requires this certification to ensure that the procedures in § 92.2(i)(2)(v) have in fact been complied with.

Section 92.17 of the regulations requires, among other things, that horses imported from any part of the world be accompanied by a certificate showing that such horses have not been in any country listed in § 92.2(i)(1) as affected with CEM during the 12 months immediately prior to their importation into the United States. Horses which are imported from countries listed in § 92.2(i)(1) under the exemptions in §§ 92.2(i)(2)(i), (ii), (iii) and (iv) are presently exempt from that requirement.

These amendments provide that mares over 731 days of age imported from countries listed in § 92.2(i)(1) for permanent entry under the exemptions of § 92.2(i)(2)(v) are also exempt from the requirement that the certificate accompanying them show that the horses have not been in any country listed in § 92.2(i)(1) during the last 12 months immediately prior to their importation into the United States.

The reason such horses should be exempt from that requirement is that

they appear to present no risk of introducing CEM into the United States. Therefore, there does not appear to be any reason for prohibiting the importation of such mares on the grounds that the certificate accompanying them indicates that they have been in a country listed in § 92.2(i)(1) during the last 12 months immediately prior to their importation into the United States.

As in the case of stallions over 731 days of age imported from CEM-affected countries, (see 9 CFR 92.4(a) (5), (6), and (7); 45 FR 1003–1006), these amendments provide additional procedures for mares over 731 days of age following their importation from CEM-affected countries into the United States. These procedures, which are described below, are believed necessary to provide further assurance that CEM will not be disseminated in the United States.

Section 92.4(a)(8) requires that any mare over 731 days of age from a CEM-affected country, for which a permit is requested pursuant to § 92.2(i)(2)(v) of the regulations, must be consigned to a State which the Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, has approved to receive such mares. Import permits will only be issued for such mares to be quarantined in a State approved by the USDA and then only after the State veterinarian has advised USDA that he has approved the premises for treatment and testing of that particular mare. Section 92.4(a)(8)(ii) lists those States approved to receive mares over 731 days of age pursuant to § 92.2(i)(2)(v).

Section 92.4(a)(9) requires the State to have laws or regulations in effect to require additional inspection, treatment and testing of such mares to further ensure their freedom from CEM. These amendments establish minimum standards which a State must meet in order to be approved to receive mares over 731 days of age imported from CEM-affected countries for permanent entry. These standards contain treatment, testing, and handling procedures which are believed necessary to ensure that such mares being imported into the United States are free of the contagion of CEM.

For a State to be approved to receive mares from CEM-affected countries pursuant to § 92.2(i)(2)(v), the State will be required to enter into a written agreement with the Deputy Administrator, Veterinary Services, whereby the State agrees to enforce State laws and regulations to control contagious equine metritis and to abide by the conditions of approval established by the regulations in Part 92.

This procedure is believed necessary to provide added assurance that a State will control the movement of mares over 731 days of age imported from CEM-affected countries to ensure that CEM is not disseminated in the United States.

Further, to be approved, the State will be required to quarantine mares over 731 days of age from CEM affected countries imported pursuant to § 92.2(i)(2)(v) of the regulations until the mare has been treated and found free of CEM in accordance with the provisions of § 92.4(a)(9). The quarantine of such mares is deemed to be necessary to ensure that the mares, if infected with CEM, do not transmit this disease to other horses in the United States. To be approved, a State will be required to have laws and regulations to ensure that mares over 731 days of age from CEM affected countries imported pursuant to § 92.2(i)(2)(v) of the regulations are treated as follows: on 5 consecutive days, an accredited veterinarian shall aseptically clean and wash the external genitalia, vaginal vestibule and clitoral fossa, with a solution of not less than 2 percent chlorhexidine in a detergent base and then coat the external genitalia and vaginal vestibule with an ointment of not less than 0.2 percent nitrofurozone insuring that the clitoral fossa is filled. After an interim of 7 days following the fifth consecutive day of scrubbing the external genitalia and vaginal vestibule and filling the clitoral fossa, for pregnant mares, an accredited veterinarian would collect 3 separate specimens from the clitoral fossa at intervals of not less than 7 days between the collection of each set of specimens. The specimens shall be submitted to a State or Federal animal disease diagnostic laboratory for culture. Pregnant mares must remain in quarantine at the State-approved premises until the test results are completed on both the mare and the foal. Seven days after foaling, an accredited veterinarian shall collect one specimen from the endometrium of the uterus of the mare and one specimen from the foal. If the foal is female, this specimen shall be collected from the vaginal vestibule; and, if a male, the specimen shall be collected from the prepuce. Each of these specimens shall be submitted to a State or Federal animal disease diagnostic laboratory for culture.

For nonpregnant mares, an accredited veterinarian shall collect 3 separate sets of specimens from the clitoral fossa at an interval of not less than 7 days between the collection of each set of specimens with one additional specimen collected from the endometrium of the uterus during estrus. All such specimens shall be submitted to a State or Federal animal disease diagnostic laboratory for culture.

If any specimen required by § 92.4(a)(9) were positive for CEM the mare will not be released from quarantine. To obtain release from quarantine, 3 additional sets of negative cultures on specimens collected from the clitoral fossa by an accredited veterinarian at an interval of not less than 7 days is required. The first set of cultures must be collected not less than 1 year from the date of the last positive culture, and 1 additional set of specimens must be collected during estrus from the endometrium of the uterus. Experience has shown that many mares will cleanse themselves of the CEM organism and this 1-year time period is believed to be a necessary adjunct to antibiotic therapy.

New §§ 92.1 (aa) and (bb) define the terms "Accredited Veterinarian" and "Licensed Veterinarian" for clarity.

Comments Received

Twenty-eight comments were received. Nineteen ot these comments were totally in favor of the proposal, 1 comment was totally against the proposal, 1 other comment was against the importation of any mare which had ever been bred, and 7 comments were in favor of the idea but suggested changes either to reduce or expand the requirements.

The 19 comments totally in favor of the proposal made the following points:

1. The importance of proposed regulations to the growth and vitality of the Thoroughbred industry;
2. The political and economic ramifications associated with ban of mares;
3. The fact that suggested procedures are safe and will protect American bloodstock from infection;
4. The prolonged ban would hurt export of United States Thoroughbreds;
5. The proposed amendments essential to genetic improvement of Thoroughbred bloodlines; and
6. The proposed amendments are needed for the continued favorable agricultural economy of Kentucky.

Of the 2 comments against the proposal, 1 was totally against the idea in any form. That commenter stated that researchers in the United States would welcome the chance to study the disease but felt the researchers should go where the disease already exists. There were no other suggestions in the comment.

The other letter against the proposal stated that breeding age mares should not be imported from countries affected

with CEM unless the mare had never been bred. This letter further suggested that if we did allow the importation of mares, we should impose "severe action reference verification of cleaners during a specified quarantine period."

Neither of the above two letters against the proposal cited any items in the proposal which were considered inadequate safeguards.

Seven additional letters were received which were in favor of lifting the ban on broodmares from CEM-affected countries, but listed suggested changes to our proposal. These letters were submitted by the following:

1. Irish Department of Agriculture;
2. Ministry of Agriculture, Fisheries, and Food, (MAFF) United Kingdom;
3. The Jockey Club of Great Britain;
4. The Animal Health Trust, Equine Research Station, Newmarket, England;
5. Thoroughbred Breeder's Association, Newmarket, England;
6. Dr. T. W. Swerczek, University of Kentucky, College of Agriculture; and
7. Mr. R. Richard Rolapp, President, American Horse Council.

The Irish Department of Agriculture felt that many conditions laid down in the proposal were too restrictive. They stated that there were no new cases of CEM reported in Ireland in 1981. They felt it would be unfair to categorize all mares into a single status and require a clitoral sinusectomy even though the mare had a negative CEM test. They further stated that the surgical removal of the clitoral sinuses is unethical and that the Royal College of Veterinary Surgeons recommended the procedure be considered illegal in both Ireland and England. It was further stated that removal of the clitoral sinuses might adversely affect the sale of a mare "as the performance of the operation would be identified by prospective purchasers as evidence of CEM."

The Irish Department of Agriculture also stated that the use of antiseptics and antibiotics as described in the proposal is bad veterinary practice as it would interfere with normal bacterial flora of the mare's genitalia. The Irish Department of Agriculture suggested we accept export mares from Ireland where:

1. The breeding history of the mare has been known for a period of 2 years;
2. The owner of the mare certifies that during that period the mare has not been on a breeding farm where CEM has been identified;
3. The CEM swabs taken from the mare and the laboratory results of such swabbing over the 2-year period are certified by the Department of Agriculture; and
4. All mares would be subjected to swabbing on 3 separate occasions at intervals of 7 days for the presence of CEM, the last swab to be taken within 30 days of export.

The Department's response to the above suggestions are as follows:

1. The breeding history of mares over the past 2 years usually cannot be confirmed to the satisfaction of the Department. For non-competition horses, written records are usually unavailable and could easily be altered.
2. Owners of mares might give faulty certification concerning where the horse has been located.
3. Negative CEM swabs alone are not considered an adequate safeguard. Scientific evidence has shown that mares may culture negative then later revert to positive even though no exposure occurred between swabs. The clitoral sinuses have been incriminated as being a reservoir for CEM organisms. Unless the sinuses are removed prior to export, we do not consider the mare of minimal risk.

A response from the Ministry of Agriculture, Fisheries, and Food (MAFF), United Kingdom, made the following comments, each of which is followed by the USDA response.

1. The USDA currently allows the importation of mares which have not been in a country affected by CEM for the past 12 months. Under these conditions, a mare could be exported from the United Kingdom and sent to an unaffected country for 12 months. This mare could then enter the United States without any CEM treatment or testing. The United Kingdom recommended an alternative regime for direct export of mares to the United States.

The USDA believes removing mares from CEM-affected countries for a year, including an entire breeding season, minimizes the likelihood of exposure to CEM during that time.

2. The MAFF rejected the idea of the removal of the clitoral sinuses. As was the recommendation of Ireland, MAFF suggested mares be certified for export based upon the breeding history of the mare and previous negative swabs for CEM.

The Department's response to their suggestion is the same as our response to Ireland's suggestion, i.e., breeding records for non-competition horses are often unavailable and cannot be confirmed to the satisfaction of USDA. Negative culture results alone are not considered acceptable as false negative results can occur.

3. The MAFF stated that the removal of the clitoral sinuses could cause false negative results in pregnant mares because the clitoral sinuses are the best site to isolate the CEM organisms. In the absence of the clitoral sinuses, swabs could only be taken from the cervix or from the endometrium of the uterus in early estrus.

The Department agrees that the clitoral sinuses are a good site for collecting CEM organisms in infected mares. Removal of the sinuses also would remove a potential site for organisms to exist. A mare without clitoral sinuses might be more difficult to culture than one with clitoral sinuses but that animal would also be less apt to be harboring CEM infection. Also, clitoral sinuses are difficult to clear and treat with antibiotics.

4. Like Ireland, the Ministry of Agriculture for the United Kingdom stated that the Royal College of Veterinary Surgeons has ruled that the clitoral sinusectomy is unethical except in the treatment of known carriers of the CEM organism.

The Department has decided to allow for the importation of mares from countries affected with CEM only when the clitoral sinuses have been removed. If this procedure is not considered ethical in the United Kingdom, then the owners of horses in the United Kingdom might need to send their horses to another country so that mares can get the required clitoral sinusectomy or, faced with the prospect of no direct exports to the United States, that organization may wish to reconsider its previous view.

5. The MAFF also stated that our protocol does not specify how certification can be provided for mares in which the clitoral sinuses have been previously removed.

Mares which have received a clitoral sinusectomy prior to this amended regulation becoming final are not eligible for importation. This regulation change requires that the operation be performed by a licensed veterinarian and witnessed by a Federal veterinarian of the country of origin. Mares which cannot be so certified could not meet our import requirements.

6. The MAFF stated further their belief that the treatment regimen described in the proposal may result in both bacterial overgrowth in the genital organs of the mare as well as cultural plates with such organisms as proteus, klebsiella, and pseudomonas.

The overgrowth of surface bacteria which are resistant to the antibacterial treatment is possible, however, this has not been found to be a significant problem in this country. Also, the Equine Research Station (British), Newmarket, England, did not find find this to be an issue. We believe they are the scientific authorities for CEM in the United Kingdom.

7. The MAFF suggested also that local veterinary inspectors, who work part-time for the Ministry of Agriculture, be allowed to supervise the required procedure in lieu of their full-time Federal veterinary officers. They further suggested that the signature of the local veterinary inspector could be countersigned by a salaried veterinary officer of the Ministry.

The Department requires that all examinations and inspections for livestock offered for export be conducted by full-time salaried veterinary officers for the National government of the country of origin.

Both the Jockey Club of London and the Thoroughbred Breeders' Association, Newmarket, England, were opposed to the clitoral sinusectomy for mares which are believed always to have been free of CEM and which are not known to have been covered by a stallion known to have transmitted the disease. Both of these organizations also stated that clarification was necessary on how the Department would allow for the import of mares which have already received the clitoral sinusectomy. These points were also raised by the MAFF. The Department's response is the same in both cases.

The Animal Health Trust Equine Research Station, Newmarket, England, stated that the proposal regarding swabbing and medical treatment was considered acceptable, but they believed the clitoral sinusectomy was not considered necessary except for high risk (previously exposed) mares. This group feels the disease has been brought under control in Great Britain without using the clitoral sinusectomy. Aside from one outbreak in May 1981, the group states that there have been no further outbreaks in the United Kingdom since 1979.

The Equine Research Station, Newmarket, England, further stated that removal of the clitoral sinuses is not in the best interest of disease control in the long-term since removal of the sinuses eliminate chances of swabbing a mare at the site which the organism is most readily collected.

The Equine Research Station also recommended that the Local Veterinary Inspectors of the Ministry of Agriculture, Fisheries, and Food, be utilized for supervising the required procedures in lieu of full-time salaried veterinary officials of the National government.

The Department's responses to all three of these issues are discussed above in connection with the changes suggested by the MAFF.

The American Horse Council, Washington, DC, suggested the following changes to the proposed rule:

1. The clitoral sinusectomy is a key element in permitting the safe importation of mares from CEM-affected countries. It was recommended that Veterinary Services port and quarantine station personnel be instructed regarding proper examination of the sinus area to ensure that the sinuses have been fully excised.

2. The American Horse Council suggested that the Department request data on the mare's breeding history for the 2 breeding seasons prior to importation.

The Department agrees that in those cases where records are available, they might provide useful information. They could also be useful if a mare were imported which cultured positive before release from quarantine in this county. We do not, however, require this breeding record on all breeds of horses since a daily recordkeeping system has only been approved by the USDA for certain competition horses from specific countries. Recordkeeping systems for other breeds of horses and for other countries have either not been examined by USDA or such recordkeeping does not exist.

3. The American Horse Council further suggested that the USDA establish authority to suspend or limit the shipment of mares from farms or areas where cases of CEM have been confirmed in the preceding 12 months.

The USDA believes this may not be an effective requirement because CEM is not a reportable disease in most CEM-affected countries. Certification for the individual animal and its own history may be more easily obtained and be more meaningful than for certification of the entire horse farm.

Dr. T. W. Swerczek, University of Kentucky, College of Agriculture, expressed concern that the required treatment in the proposal might not be sufficient to preclude the import of CEM carrier mares. Dr. Swerczek stated that streptomycin sensitive strains of CEM exist in several countries and, thus, they would not appear on culture media. (Streptomycin is used in culture media to keep down the growth of contaminant and non-CEM organisms.)

To reduce the risk of importing a mare carrying a streptomycin sensitive strain of the CEM organisms (CEMO) Dr. Swerczek suggested the use of test mares. This procedure calls for the inoculation of smegna from the imported mare onto the uterus of the test mares utilizing a technique similar to that of artificial insemination. In addition to culturing the test mares for CEMO, this suggested technique calls for testing blood samples for CEMO antibodies. Test mares which become seropositive 12 to 15 days after inoculation would be considered infected with the CEM organisms.

Dr. Swerczek further stated that the use of chlorhexidine as a cleansing agent prior to antibacterial therapy is not desirable. His investigations showed that chlorhexidine destroyed the normal bacterial flora and allowed the CEMO to produce infection in almost pure form.

However, no data was submitted to support these statements and the Department is not aware of any research which would support these comments. On the contrary, Dr. Swerczek's comment on the use of chlorhexidine is in direct contrast with Department experience. Therefore, the Department has elected not to require Dr. Swerczek's test protocol. If sufficient supporting data becomes available later, then the regulations could be amended to incorporate such procedures at that time.

After due consideration of the comments received, it has been determined that 9 CFR Part 92 will be amended as proposed, except for minor changes for clarification.

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Accordingly, Part 92, Title 9, Code of Federal Regulations, is amended in the following respects:

1. In § 92.1, new paragraphs (aa) and (bb) are added to read:

§ 92.1 Definitions.

* * * * *

(aa) *Accredited veterinarian.* A veterinarian approved by the Deputy Administrator in accordance with the provisions of Part 161 of this title to perform functions specified in Parts 1, 2, 3, and 11 of Subchapter A, and Subchapters B, C, and D of this chapter, and to perform functions required by cooperative State-Federal disease control and eradication programs.

(bb) *Licensed veterinarian.* Any person licensed by any country or political subdivision thereof to practice veterinary medicine.

2. In § 92.2, paragraph (i)(2)(v) is redesignated (i)(2)(vi) and a new paragraph (i)(2)(v) is added to read:

§ 92.2 General prohibitions; exceptions.

* * * * *

(i) * * *

(2) * * *

(v) Any mare over 731 days of age imported, if:

(A)(*1*) The mare is accompanied by an import permit as required in § 92.4, and

(*2*) The mare is accompanied by a certificate, which contains the information required by § 92.17, is signed by a salaried veterinary officer of the national government of the country of origin and, in addition, states:

(*i*) That the salaried veterinary officer of the national government of the country of origin directly supervised the surgery, topical treatment and specimen collection required by paragraphs (i)(2)(v)(B), (i)(2)(v)(C), (i)(2)(v)(D), (i)(2)(v)(E) and (i)(2)(v)(G) of this section.

(*ii*) The dates on which the surgery, treatment and cultures required by paragraphs (i)(2)(v)(B), (i)(2)(v)(C), (i)(2)(v)(D), (i)(2)(v)(E), and (i)(2)(v)(G) of this section were performed.

(*iii*) The results of all cultures required by paragraph (i)(2)(v) of this section and the name of the laboratory that conducted such cultures.

(*iv*) That, except as provided in paragraph (i)(2)(v)(E) of this section, all specimens required to be cultured have been found negative for CEM; and

(B) A licensed veterinarian collects a specimen from the clitoral sinus of the mare within 2 hours prior to surgery required by paragraph (i)(2)(v)(C) of this section, and submits such specimen to a laboratory approved to culture for CEM by the National Veterinary Service of the country of origin; and

(C) A licensed veterinarian surgically removes the clitoral sinuses of the mare and submits such clitoral sinuses to a laboratory approved to culture for CEM by the National Veterinary Service of the country of origin; and

(D) For 5 consecutive days, beginning the 7th day after removal of the clitoral sinuses, a licensed veterinarian aseptically cleans and washes (scrubs) the external genitalia and vaginal vestibule, including the clitoral fossa with a solution of not less than 2 percent chlorhexidine in a detergent base and then fills the clitoral fossa and coats the external genitalia and vaginal vestibule with an ointment of not less than 0.2 percent nitrofurozone; and

(E) After an interim of 7 days following the 5th consecutive day of scrubbing the external genitalia and the vaginal vestibule and filling the clitoral fossa, a licensed veterinarian collects 3 separate specimens from the clitoral fossa, at an interval of not less than 7 days between the collection of each specimen, and each specimen is cultured with negative results for CEM at a laboratory approved to culture for CEM by the National Veterinary Service of the country of origin. For any nonpregnant mare, a licensed veterinarian collects an additional specimen during estrus from the endometrium of the uterus and the specimen is cultured with negative results for CEM at a laboratory approved to culture for CEM by the National Veterinary Service of the country of origin. The last of the 3 sets of specimens collected during this procedure is collected within 30 days of the date of export of the mare described on the certificate; and

(F) The mare described on the certificate is not bred from the time treatment required by this paragraph was begun through the date of export; and

(G) Any specimen required by paragraphs (i)(2)(v)(B), (i)(2)(v)(C), (i)(2)(v)(D), or (i)(2)(v)(E) of this section is found to be positive for CEM, and a licensed veterinarian collects 3 additional separate sets of specimens from the clitoral fossa at not less than 7 day intervals, with the first set collected not less than 1 year from the date of the last positive culture and each additional specimen is cultured with negative results at a laboratory approved to culture for CEM by the National Veterinary Services of the country of origin. One set shall be collected from the endometrium of the uterus during estrus and the last set shall be collected within 30 days prior to the date of export.

3. In § 92.4, new paragraphs (a)(8) and (a)(9) are added to read:

§ 92.4 Import permits for ruminants, swine, horses from countries affected with CEM, poultry, poultry semen, animal semen, birds, and for animal specimens for diagnostic purposes;[5] and special permits for cattle entering Harry S. Truman Animal Import Center.

(a) * * *

* * * * *

(8)(i) For mares over 731 days of age from countries listed in § 92.2(i)(1) and for which a permit is requested pursuant to § 92.2(i)(2)(v), a permit will be issued only if the mare for which the permit is to be issued is consigned to a State which the Deputy Administrator, Veterinary Services, has approved to receive mares over 731 days of age in accordance with the provisions of paragraph (a)(9) of this section.

(ii) The following States have been approved to receive mares over 731 days of age pursuant to § 92.2(i)(2)(v):

(9) In order for a State to be approved to receive mares over 731 days of age pursuant to § 92.2(i)(2)(v), the following conditions must be met:

(i) The State must enter into a written agreement with the Deputy Administrator, Veterinary Services, whereby the State agrees to enforce its laws and regulations to control contagious equine metritis (CEM) and to abide by the conditions of approval established by the regulations in this part; and

(ii) The State must agree to quarantine all mares over 731 days of age imported from countries listed in § 92.2(i)(1), pursuant to § 92.2(i)(2)(v), until such mares have been treated in accordance with the provisions of this paragraph; and

(iii) The State must have laws and regulations to insure that mares over 731 days of age imported from countries listed in § 92.2(i)(1), pursuant to § 92.2(i)(2)(v), have been treated and handled in the following manner:

(A) For 5 consecutive days, an accredited veterinarian shall aseptically clean and wash (scrub) the external genitalia and vaginal vestibule, including the clitoral fossa with a solution of not less than 2 percent chlorhexidine in a detergent base and then fill the clitoral fossa and coat the external genitalia and vaginal vestibule with an ointment of not less than 0.2 percent nitrofurozone.

(B) After an interim of 7 days following the 5th consecutive day of scrubbing the external genitalia and vaginal vestibule and filling the clitoral fossa:

(*1*) For any pregnant mare over 731 days of age, an accredited veterinarian shall collect 3 separate specimens from the clitoral fossa, at an interval of not less than 7 days between the collection of each set of specimens, and shall submit each specimen to a State or Federal animal disease diagnostic laboratory for culture. Seven days after foaling, an accredited veterinarian shall collect one specimen from the endometrium of the uterus of the mare and one specimen from the foal, and each specimen shall be submitted by the accredited veterinarian to a State or Federal animal disease diagnostic laboratory for culture. If the foal is female, this specimen shall be collected from the vaginal vestibule; and, if male, the specimen shall be collected from the prepuce.

(*2*) For any nonpregnant mare over 731 days of age, an accredited veterinarian shall collect three separate sets of specimens from the clitoral fossa, at an interval of not less than 7 days between the collection of each set of specimens, with one additional specimen collected from the endometrium of the uterus during estrus, and shall submit each

specimen to a State or Federal animal disease diagnostic laboratory for culture.

(C) If any specimen required by this section is found to be positive for CEM, the mare shall not be released from State quarantine except as provided in this paragraph. For such mare, an accredited veterinarian shall collect 3 additional separate sets of specimens from the clitoral fossa at not less than 7 days intervals between each set, with the first set collected not less than 1 year from the date of the last positive culture; and, 1 additional set of specimens shall be collected from the endometrium of the uterus during estrus. If the additional sets of specimens are negative for CEM, the mare may be released from quarantine.

4 In § 92.17, that part of the first sentence after the fourth semicolon and before the fifth semicolon is amended to read:

§ 92.17 Horses, certification, and accompanying equipment.

* * *; and, except as provided in § 92.2(i)(2)(i), (ii), (iii), (iv), and (v), the horses have not been in any country listed in § 92.2(i)(1) as affected with CEM during the 12 months immediately prior to their importation into the United States; * * *

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 11, 76 Stat. 129, 130, 132; sec 1, 84 Stat. 202, (21 U.S.C. 111, 134a, 134c, and 134f))

Done at Washington, D.C., this 9th day of October 1981.

John Ford,

Acting Assistant Secretary for Marketing and Inspection Services.

[FR Doc. 81-29965 Filed 10-13-81; 3:47 pm]

BILLING CODE 3410-34-M

DEPARTMENT OF COMMERCE

International Trade Administration

15 CFR Parts 371, 372, 376, 377 and 399

Elimination of Quantitative Limitations on Exports of Refined Petroleum Products

Corrections

In FR Doc. 81-29043, at page 49108, in the issue of Tuesday, October 6, 1981, make the following corrections:

(1) On page 49109, in the third column, the fourth full paragraph, last line, insert the word "delay" after "30-day" and before the period.

(2) On page 49110, the middle column, the amendatory language to "4" is corrected as follows:

4. Section 371.10(b) is revised to read as follows:

(3) On page 49110, the middle column, the amendment "4." is corrected by:

(A) Changing the first paragraph of the section from "(b)(1)" to "(b)".

(B) Inserting "(1)" in front of the word "[Reserved]" in the third line of the section.

(C) Keeping paragraph (b)(2) the same.

Therefore amendment "4." is corrected to read as follows:

§ 371.10 General License PLANE STORES.

* * * * *

(b) *Restrictions on Petroleum and Petroleum Products for Use on Aircraft.*

(1) [Reserved]

* * * * *

(4) On page 49113, under the amendment designated as "d.", correct the table of "GROUP N" to read as follows:

GROUP N

431.0290, 475.3500, 475.6781	Naphthas, but excluding specialty naphthas which are packaged and shipped in drums or containers not exceeding 55 U.S. gallons per container and which will be exported in such drums or containers.	Bbl

BILLING CODE 1505-01-M

National Oceanic and Atmospheric Administration

15 CFR Part 970

Deep Seabed Mining Regulations Affecting Pre-Enactment Explorers; Correction

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Correction to final rule.

SUMMARY: The National Oceanic and Atmospheric Administration is correcting the heading for its regulations relating to exploration licenses for Deep Seabed Mining, 15 CFR Part 970. The heading, which originally read "Deep Seabed Mining Affecting Pre-Enactment Explorers," should read "Deep Seabed Mining Regulations for Exploration Licenses."

FOR FURTHER INFORMATION CONTACT: James P. Lawless, Acting Director, Office of Ocean Minerals and Energy, National Oceanic and Atmospheric Administration, Page Building 1, Suite 410, 2001 Wisconsin Avenue, NW., Washington, D.C. 20235, Telephone: (202) 653-7695.

SUPPLEMENTARY INFORMATION: FR Doc. 81-26793, published on September 15, 1981, is corrected by changing the amendatory language which appears in the third column of page 45895 to read as follows:

"Accordingly, the heading for Part 970 of Title 15 of the Code of Federal Regulations is revised to read as follows: Deep Seabed Mining Regulations for Exploration Licenses. Also, new Subparts A, B and D through K are added to Part 970. The text of these Subparts read as follows:"

Dated: October 7, 1981.

Francis J. Balint,

Acting Director, Office of Information and Management Services.

[FR Doc. 81-30061 Filed 10-15-81; 8:45 am]

BILLING CODE 3510-12-M

15 CFR Part 930

Interpretation of the Federal Consistency Term: "Directly Affecting the Coastal Zone"

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

ACTION: Notice of suspension of effective date of final rule.

SUMMARY: On July 8, 1981, NOAA published final regulations to clarify which Federal activities are considered as "directly affecting the coastal zone" and, therefore, subject to consistency review under section 307(c)(1) of the Coastal Zone Management Act of 1972, as amended (CZMA). Under these regulations, consistency review is required if the Federal agency finds that the conduct of the activity itself produces an identifiable physical alteration in the coastal zone or that the activity initiates a chain of events reasonably certain to result in such alteration, without further required agency approval. Following publication of these final regulations, NOAA received comments of concern from state governments and members of Congress assigned to Committees which have oversight responsibilities with respect to the CZMA. In addition, Congressional resolutions which express disapproval of these final regulations were introduced in both the House and Senate. In view of the administrative discretion vested in it in administering the CZMA, NOAA has

proposed, by notice published elsewhere in the Federal Register to rescind the July 8 final rule. NOAA considers that the rule could not become effective without further notice in the Federal Register. However, in order to assure all affected parties of our unequivocal intention that the rule not become effective prior to final agency action on our rescission proposal, NOAA hereby suspends the effectiveness of the final rule. Further, the July 8 regulation shall no longer be deemed agency guidance for implementation of Section 307(c)(1) of the CZMA.

EFFECTIVE DATE: October 16, 1981.

FOR FURTHER INFORMATION CONTACT: William Matuszeski, Acting Assistant Administrator, Office of Coastal Zone Management, Room 324A, Page 1 Building, 2001 Wisconsin Avenue NW., Washington, D.C. 20235. Telephone: (202) 634-4232.

SUPPLEMENTARY INFORMATION:

I. Background

Section 307(c)(1) of the CZMA states that, "Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state coastal management programs."

The regulations (published June 25, 1979, 44 FR 37142) implementing the Federal consistency provisions define all the key terms of Section 307(c)(1) except "directly affecting."

On May 14, 1981 regulations defining the term were proposed (46 FR 26658) and on July 8, 1981 these regulations were published in final form (46 FR 35253) with minor revisions.

The July 8 final rule provides that a Federal activity directly affects the coastal zone if the Federal agency finds that the conduct of the activity itself produces an identifiable physical alteration in the coastal zone or that the activity initiates a chain of events reasonably certain to result in such alteration, without further required agency approval. "Direct effects" of Federal planning decisions do not include those effects of the activity being planned which are identified by the Federal agency as uncertain, speculative, remote, or subject to further approval by that same Federal agency.

In 1980, the CZMA was amended by Pub. L. 96-184 which requires, in part, that final rules must be submitted to Congress for review. In addition, the statute provides that final rules shall become effective unless, within 60 calendar days of continuous session after submission, both Houses of Congress adopt a concurrent resolution disapproving the final rules. Although it is NOAA's view that this statutory requirement raises constitutional issues, we have nevertheless treated this requirement as a report-and-wait provision. Therefore, the July 8 regulations would not have become effective until after this 60-day period had expired in mid-October and notification of their effectiveness had been published in the Federal Register.

II. Suspension of Effective Date

NOAA is proposing, by Notice issued elsewhere in the Federal Register on this date, to rescind the final rule published July 8. Such proposal, being governed by the Administrative Procedure Act (5 U.S.C. 553), is not of immediate effect, however. Although we do not consider that the July 8 rule would have become effective without further action by the agency, NOAA is issuing this rule in order to assure all affected parties of our unequivocal intent that the July 8 rule will not become effective pending consideration of our rescission proposal. Effectiveness of the amendments to 15 CFR Part 930, Subparts C, D, and E, published on July 8, 1981 (46 FR 35253) is therefore suspended.

III. Other Matters

A. Executive Order 12291

The rule the effective date of which is suspended by this Notice was determined to be a "major rule" under Executive Order 12291, and its rescission would also be a "major rule." However, in view of the extensive review, analysis and consultation which has been involved in defining the term "directly affecting," the Director of the Office of Management and Budget has waived the requirements of Section 3 of the Executive Order 12291 with respect to the proposed rescission and the suspension effected by this Notice.

B. Administrative Procedure Act

Inasmuch as NOAA has determined that, under the circumstances, opportunity for public comment on the suspension of the rule would be both unnecessary and impracticable, the requirements of 5 U.S.C. 553 are waived for the purposes of this Notice.

Dated: October 6, 1981.

John V. Byrne,

Administrator, National Oceanic and Atmospheric Administration.

[FR Doc. 81-30004 Filed 10-15-81; 8:45 am]

BILLING CODE 3510-12-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Establishment of Speculative Position Limits

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule.

SUMMARY: The Commodity Futures Trading Commission (the "Commission") has adopted rule 1.61 to ensure that each futures and options contract traded on a designated contract market will be subject to speculative position limits. As adopted, the rule will require contract markets, within 90 days of the effective date of the rule, to adopt and submit for Commission approval, speculative position limits in active futures markets for which no exchange or Commission imposed limits are then currently in effect. The rule provides, however, that position limits established by contract markets shall not apply to a position acquired in good faith prior to the effective date of any such limits. The Commission has determined to exclude futures markets for which an exchange has not listed any months for trading. Boards of trade seeking designation as a contract market in options or futures are required to submit with their application for designation, a bylaw, rule, regulation or resolution adopting speculative limits for such markets.

In addition, contract markets which are required to submit such limits are also required to submit any bylaw, rule, regulation or resolution which provides exemptions from such limits including an exemption for bona fide hedging.

Adoption of this rule is intended to protect markets from the adverse consequences associated with extraordinarily large speculative positions, without significantly affecting market liquidity. Further, by requiring that contract markets submit limits for Commission approval, the Commission has endeavored to accomplish the regulatory goal of necessary market protection in a manner consistent with the self regulatory obligations of contract markets envisioned under the Commodity Exchange Act, 7 U.S.C. 1 *et seq.* (the "Act").

DATE: The rule shall be effective on November 16, 1981.

ADDRESS: Commodity Futures Trading Commission, 2033 K Street, NW, Washington, D.C. 20541.

FOR FURTHER INFORMATION CONTACT: Blake Imel, Deputy Director, or Virginia Crisman, Chief Counsel, Division of

Economics and Education, at the address listed above. Telephone: (202) 254–3203; 254–9880.

SUPPLEMENTARY INFORMATION: On December 2, 1980, the Commission published in the **Federal Register** [45 FR 79831] a proposed rule 1.61 to establish a procedure for setting position limits on all commodity futures contracts not currently subject to exchange or Commission imposed limits. The rule was intended to close the existing regulatory gap whereby some but not all contract markets are subject to a specified speculative position limit.

The Commission provided approximately three months for public comment and later extended the time period for an additional 30 days.[1] Of the sixteen comments received, a majority of the commentators favored adoption of rule 1.61 as proposed. The commentators presented views on behalf of futures commission merchants, exchanges, trade associations and commodity producers. While most of the commentators, including those in opposition to proposed rule 1.61, recognized the potential for market irregularities resulting from uncontrolled speculative trading, those opposed to adoption of the rule generally questioned the Commission's authority to require all contract markets to adopt limits on an omnibus basis and the benefits from imposing such limits, noting a concern for the potential harm which may accrue to a contract market from loss of liquidity and pricing efficiency if limits were adopted. Commentators opposing adoption of the rule also opined that exchanges have sufficient means currently available to deal with potential market disruptions. The Commission has carefully considered all of the comments and believes for the reasons stated herein that the rule should be adopted.

Statutory Authority

The Commission proposed Rule 1.61 under the statutory authority contained in sections 4a, 5, 5a, and 8a of the Act, 7 U.S.C., sections 6a, 7, 7a, and 12a (1976 and Supp. III 1979). Commentators opposing the rule did not believe that any of the above statutes authorized the Commission to adopt its rule as proposed. The Commission disagrees.

Section 8a(5) of the Act authorizes the Commission to make and promulgate such rules and regulations as in its judgment, are reasonably necessary to accomplish any of the purposes of the Act. At least one court has recognized that rules promulgated pursuant to section 8a(5) of the Act should be sustained where a rule is reasonably related to the purposes of, and is not otherwise inconsistent with the Act or other applicable laws. *Board of Trade Clearing Corp.* v. *United States*, CCH Comm. Fut. L. Rep., 77–80 Transfer Binder, paragraph 20, 534 at p. 22, 207 (D.D.C. 1978) *aff'd. per curiam, Board of Trade Clearing Corp.* v. *CFTC*, No. 78–1263 (D.C. Cir. March 29, 1979); *Cf. Mourning* v. *Family Publications Service, Inc.*, 411 U.S. 356, 369 (1973); *FCC* v. *Schreiber* 381 U.S. 279, 291 (1965). The Commission believes that Rule 1.61 is a reasonable means of achieving one of the primary statutory purposes underlying the Act, that is, to prevent disruptions in the marketplace which are a result of large speculative positions.

As noted in the December 2, 1980, **Federal Register** notice, the historical and current reason for imposing position limits on individual contracts is to prevent unreasonable fluctuations or unwarranted changes in the price of a commodity which may occur by allowing any one trader or group of traders acting in concert to hold extraordinarily large futures positions. This regulatory philosophy is a well-established precept underlying the Act. From the earliest days of federal regulation of the futures trading industry, Congress recognized that position limits could be an effective regulatory tool to prevent disparate market fluctuations. In the bill that became the Act, the accompanying report stated:

> The fundamental purpose of the measure is to insure fair practice and honest dealing on the commodity exchanges and to provide a measure of control over those forms of speculative activity which too often demoralize the markets to the injury of producers and consumers and the exchanges themselves.

H.R. Rep. No. 421, accompanying H.R. 6772, 74th Cong. 1st Sess. 1 (1935). This sentiment is reflected in Section 3 of the Act, 7 U.S.C. 5, (1976).

In Section 3 of the Act, Congress declared that:

> * * * Transactions in commodities involving the sale thereof for future delivery * * * are affected with a national public interest * * * that the transactions and price of commodities on such boards of trade are susceptible to speculation, manipulation, and control, and sudden or unreasonable fluctuations in the price thereof frequently occur as a result of such speculation, manipulation, or control * * * and that such fluctuations in prices are an obstruction to and a burden upon interstate commerce in commodities and the products and byproducts thereof and render regulation imperative for the protection of such commerce and the national public interest therein. * * *

Moreover, in section 4a(1) of the Act, 7 U.S.C. 6a(1), Congress reiterated its concern:

> * * * Excessive speculation in any commodity (under futures contracts) * * * causing sudden or unreasonable fluctuations or unwarranted changes in the price of such commodity, is an undue and unnecessary burden on interstate commerce in such commodity.* * *

Further, Congress gave the Commission the discretion to

> * * * proclaim and fix such limits on the amount of trading which may be done or positions which may be held by any person * * * as the Commission finds are necessary to diminish, eliminate, or prevent such burden.[2] * * *

Because the Commission referred to Section 4a(1) of the Act, 7 U.S.C. 6a(1), in its proposal of Rule 1.61, many commentators concluded that the Commission was relying primarily upon Section 4a(1) of the Act for its authority to require exchanges to adopt limits. The Commission wishes to emphasize, that while Congress gave the Commission discretionary authority to impose federal speculative limits in section 4a(1), the development of an alternate procedure was not foreclosed, and section 4a(1) should not be read in a vacuum. When the Act is read as a whole, it is apparent that Congress envisioned cooperative efforts between the self-regulatory organizations and the Commission. Thus, the exchanges, as well as the Commission, have a continuing responsibility in this matter under the Act.

As the Commission noted in proposing rule 1.61, under section 5(d) and 5(g) of the Act, 7 U.S.C. 7(d) and 7(g), boards of trade have an initial and continuing obligation as a designated contract market to provide for the prevention of manipulation of prices and to demonstrate that transactions for future delivery will not be contrary to the public interest, 45 FR 79831 (December 2, 1980). While there are many forms of market disruptions which can result from large speculative positions, manipulation of prices can be identified among them. Moreover, since many of

[1] 46 FR 13525 (February 23, 1981).

[2] In addition Congress recognized in Section 4a(1) of the Act that certain positions should be combined in determining whether any trader had exceeded speculative limits. Section 4a(1) provides that:

> * * * the positions held * * * by any persons directly or indirectly controlled by * * * [a] person shall be included with the positions held * * * by such person; and further, such limits * * * shall apply to positions held by * * * two or more persons acting pursuant to an expressed or implied agreement or understanding * * *.

the exchanges have implemented their own speculative position limits on certain contracts, rule 1.61 merely effectuates completion of a regulatory philosophy the industry and the Commission appear to share.[3]

In addition, section 8a(7) of the Act further underscores the fact that Congress affirmatively contemplated a regulatory system whereby the exchanges would act in the first instance to adopt rules which would protect persons producing, handling, processing or consuming any commodity traded for future delivery. Secondarily, the Commission has express authority to mandate any modifications to an exchange's rules to protect such persons.[4]

Section 4a(1) represents an express Congressional finding that excessive speculation is harmful to the market, and a finding that speculative limits are an effective prophylactic measure. Section 8a(5), accordingly would authorize the Commission to develop regulations necessary to effectuate the purposes of the Act, one of which is expressed in section 4a(1).

Consistent with this approach, the Commission fashioned rule 1.61 to assure that the exchanges would have an opportunity to employ their knowledge of their individual contract markets to propose the position limits they believe most appropriate.[5]

Regulatory Benefits of Speculative Limits

Some commentators opposing rule 1.61, questioned the positive benefits which would be derived from speculative limits in all markets or in particular markets. Specifically, several of these commentators denied or questioned that the Commission had demonstrated that speculative limits provided necessary market protection. These commentators questioned whether the prevention of sudden or unwarranted price fluctuations was a reasonable regulatory objective, or alternatively, whether such price movements could in any event be prevented by the imposition of limits.

In this respect, one commentator suggested that speculative limits would be inappropriate for futures markets in international "soft commodities" such as coffee, sugar, and cocoa since the markets have competitive counterparts in London. This commentator believed that limits on speculative positions in New York "would only encourage speculative trading in London markets" and through arbitrage "the effect of unrestricted trading in London on prices in New York would be the same as if the speculative positions were held in the New York markets." Commentators also suggested that the Commission's proposal was inappropriate for markets with broad dependable deliverable supplies and was premised on recent events in the silver market.

The Commission believes that the observations concerning the general desirability of limits are contrary to Congressional findings in sections 3 and 4a of the Act and considerable years of Federal and contract market regulatory experience.[6] Moreover, the Commission is not advocating, as some commentators would suggest, a method to influence price levels. Indeed, the Commission recognizes that fundamental market forces will cause prices to change frequently, and at times by large amounts.

The Commission is also aware that arbitrage can cause the price effects of trading in foreign futures markets to be transferred to domestic contract markets. Indeed, the price effects of speculative activities in any related market, including foreign or domestic cash markets can be transferred to domestic contract markets in the same manner. The Commission does not believe, however, that this relieves domestic contract markets from their responsibility to prevent the potential adverse effect which may be caused by extraordinary large speculative positions held on such contract markets.

As stated in the proposal, the prevention of large and/or abrupt price movements which are attributable to extraordinarily large speculative positions is a Congressionally endorsed regulatory objective of the Commission. Further, it is the Commission's view that this objective is enhanced by speculative position limits since it appears that the capacity of any contract market to absorb the establishment and liquidation of large speculative positions in an orderly manner is related to the relative size of such positions, i.e., the capacity of the market is not unlimited. Recent events in the silver market would support a finding that the capacity of a liquid futures market to absorb large speculative positions is not unlimited, notwithstanding mitigating characteristics of the underlying cash market. None of the commentators opposing the adoption of limits for all markets demonstrated to the Commission's satisfaction that such a finding is unwarranted.

Effects of Limits on Market Liquidity

Several commentators objected to the imposition of limits in markets where they currently are not in effect on the grounds that such limits would diminish market liquidity and/or pricing efficiency with an attendant loss of economic utility. In this regard, the commentators noted the positive benefits of speculation in the event of unequal long and short hedging requirements and as an additional competitive component in the market. Commentators also expressed concern that the imposition of limits would involve the loss of speculative business of competing foreign markets.

The Commission is aware that speculation is often an important contributing factor to market liquidity and pricing efficiency. The Commission noted in its previous release, that it believes there is an appropriate level or range of acceptable levels at which speculative limits can be set for the purpose of this rule which would not limit participation by the preponderance of traders but would prevent traders from obtaining extraordinarily large speculative positions.[7] In this respect, the Commission indicated that in its review of proposed speculative limits, it will consider the historical distributions of speculative positions considering, among other things, recent trends in position patterns, the frequency of positions occurring at different levels and the levels at which occur the preponderance of speculative positions normally observed in the market.[8]

In view of this, the Commission believes that the exchanges will be able

[3] As noted in the proposal, as of April 1975, position limits were in effect for almost all actively traded commodities then under regulation and the limits in about one half of these commodities had been specified by the contract market.

[4] Section 8a(7) provides the Commission the authority to alter or supplement the rules of a contract market

* * * insofar as necessary or appropriate by rule or regulation or by order, if after the appropriate request in writing to a contract market that such contract market effect on its own behalf specified changes * * * that are necessary or appropriate for the protection of persons producing, handling, processing or consuming any commodity traded for future delivery on such contract market * * * or for the protection of traders or to insure fair dealing * * *.

[5] One exchange which opposed rule 1.61, stated that it agreed whole-heartedly "that exchanges are in the best position to determine the most efficacious level at which position limitations may be established" and other commentators stated that they believed that the exchanges possess the necessary expertise. The Commission endorses this concept.

[6] As noted by the Commission in proposing this rule, by April 1975, position limits were in effect for almost all actively traded commodities then under regulation. 45 FR 79832 (December 2, 1980).

[7] 45 FR 79833 (December 2, 1980).

[8] 45 FR 79834 (December 2, 1980).

to establish position limits that will prevent the adverse effects of extraordinarily large speculative positions but which will not interfere with normal trading patterns or significantly impact market liquidity or pricing efficiency. In addition, the Commission does not believe that the level at which the exchanges will be required to establish limits pursuant to proposed rule 1.61 will affect the preponderance of speculative traders and cause them to conduct their trading in a foreign futures market.

Commentators also expressed concern that, irrespective of other considerations, the necessary Commission approval of upward adjustments to the limits pursuant to Section 5a(12) would be cumbersome and time consuming and would be detrimental to the proper functioning of the market during periods of rapid market expansion. The Commission agrees with the commentators that limits set pursuant to rule 1.61 should not be permitted to restrict market growth and should be adjusted as needed to reflect changes in the normal range of trading activity of individual traders. In this respect, the procedural means for considering exchange proposals pursuant to section 5a(12) of the Act are already in place and operational. The Commission is confident that its staff will undertake expeditious review of all such proposals. Moreover, the Commission believes that its recitation of the factors it will consider in the review of limits for active contract markets should assist the exchanges and its staff in preparing proposed amendments and recommendations to the Commission. Finally, the Commission notes that during recent years, contract markets which have already adopted speculative limits have found it unnecessary to propose changes in such limits even though there has been a substantial growth in the size of several of those markets.

Alternative Regulatory Methods

Several commentators who opposed adoption of proposed rule 1.61 noted that the exchanges have sufficient means to deal with extraordinarily large speculative positions in those particular situations where such positions may constitute a threat of market disruption. The Commission is aware of these measures for dealing with adverse market situations which are currently available to the exchanges. However, in adopting this rule the Commission wants to ensure that contract markets have established a particular prophylactic measure to prevent market disruption. In doing so, the Commission does not envision that the speculative limits adopted by the contract markets pursuant to rule 1.61 will constitute a substitute for other self regulatory actions to prevent disorderly markets, in those cases where the contract market believes that such actions are appropriate. In view of this, the Commission has clarified proposed rule 1.61 by adding a new paragraph which stipulates that nothing in the rule shall be construed to affect any provisions of the Act relating to manipulation or corners, or to relieve any contract market or its governing board from the responsibility under the Act to prevent manipulation or corners.

Other Comments

In addition to the above, persons submitted comments concerning specific aspects of the proposed rule and responded to requests for discussion of certain related issues. These comments are discussed in detail below.

Contracts Which Have Ceased To Trade and Boards of Trade Seeking Designation as Contract Markets

Proposed rule 1.61 required that contract markets fix limits for all contracts for which neither exchange nor Commission limits are in effect by specific dates. This, of course, would include contracts which have ceased to trade. In proposing rule 1.61, the Commission requested comment on whether or not designated contract markets which are not currently trading should be exempted from this rule until such time as they resume trading. The Commission noted that requiring contract markets to adopt speculative limit rules for such contracts may be an unnecessary burden on the contract markets.

Those persons responding to the Commission's request for comment agreed that it would be an unnecessary burden to require the establishment of limits for those markets. In addition, one commentator noted that the application of proposed regulation 1.61 should be delayed until the time at which an adequate amount of data is available to rationally set a limit which is based on historical trading patterns.

The Commission agrees with the commentators concerning the application of rule 1.61 to contract markets which currently have no months listed for trading and has revised rule 1.61 accordingly.[9] In the contract, however, the Commission does not believe it necessary to delay the establishment of a limit contingent on the development of historical trading data. As noted in the December 2, 1981, **Federal Register**, the Commission recognizes that comparisons of proposed limits to historical trading patterns would not be appropriate in certain cases and stated that it would consider carefully other factors set forth in the justification which the contract market submits.[10]

In addition, the Commission stated in the December 2, 1980, **Federal Register** that at such time as it establishes an effective date for this proposed rule, any board of trade seeking designation as a contract market will be required to submit with its application, a bylaw, rule, regulation or resolution which complies with the requirements of proposed rule 1.61. Several commentators objected specifically to this requirement. This opposition was based on a view that limits may not be necessary for certain commodities due to the characteristics of the underlying market and lack of historical trading data upon which to base the limits. As noted above, while the Commission believes that speculative limits are appropriate for all contract markets irrespective of the characteristics of the underlying cash market, it will consider those characteristics in reviewing the levels proposed by the exchanges pursuant to rule 1.61. Further, as noted with respect to designated markets which are not actively traded, the Commission does not believe that the existence of historical trading data is an essential prerequisite to the establishment of a speculative limit.[11]

Standards for Establishing Limits

With respect to comments concerning the Commission's proposed standards for establishing position limits, one person believed that any standards set by the Commission should be adopted as part of the rule. The Commission

[9] Although the rule as revised does not require contract markets, during the initial 90 day period, to submit rules for contracts with no months listed for trading, the rule requires thereafter that prior to listing months for trading in such contracts, the exchange must comply with § 1.61.

[10] Such other factors which might bear on the effect individual position sizes have on price would include the breadth and liquidity of the cash market underlying each delivery month, the degree of arbitrage between related markets and any other such factors that a contract market might wish to bring to the attention of the Commission.

[11] In this respect, the Commission notes that boards of trade have previously submitted speculative limits in connection with newly proposed contracts for approval pursuant to section 5a(12) of the Act. For example, the New Orleans Cotton Exchange, the Minneapolis Grain Exchange and the Chicago Mercantile Exchange submitted proposed rules concerning speculative position limits in their applications for designation as contract markets respectively in milled rice, sunflower seeds and frozen broilers.

agrees and has revised its rule accordingly. Further, the Commission will require that submissions made pursuant to rule 1.61 demonstrate that a contract market has complied with the standards and purpose for setting speculative limits set forth in paragraph 1.61(a).

In this regard, the Commission also notes that exchange rules concerning speculative limits must be submitted for Commission approval under rule 1.41 and section 5a(12) of the Act. Accordingly, standards previously set forth in the **Federal Register** concerning Commission reviews under section 5a(12) of the Act will also apply. (45 FR 34873 (May 23, 1980).)

Commission Review Concerning Existing Limits

As originally proposed by the Commission, rule 1.61 would have applied only to those contract markets for which neither Commission nor exchange limits are in effect. However, in proposing the rule, the Commission stated that it was considering the regulatory objective of including all contracts subject to exchange or Commission imposed limits within the scope of proposed rule 1.61. Accordingly, the Commission requested comment on whether it should consider submissions pursuant to the requirements of proposed rule 1.61 from contract markets which are currently subject to limits contained in Part 150 of the Commission's regulations. The Commission also requested specific comment on whether the requirements of the proposed rule should apply to Commission approval under section 5a(12) of the Act of any existing exchange limits.

With respect to the Commission's request for comment concerning contract markets already subject to Commission limits, one person opposed the proposition that such contract markets be subject to the provisions of rule 1.61 based primarily on the belief that limits are not necessary in all markets. Other commentators supported this proposition on the basis that the contract markets possess the knowledge necessary to specify appropriate limits. Although the Commission believes that contract markets subject to Commission limits might eventually be given the opportunity to specify their own limits, the Commission at this time does not wish to incur unnecessary delays in establishing limits on contract markets where no exchange or Commission limits are currently in effect. This decision, however, should not be interpreted to preclude the Commission from reconsidering this proposal at some future date.

Commentators generally objected to including contracts currently subject to existing exchange limits within the scope of rule 1.61. One person commented that existing exchange rules regarding speculative limits either have been previously approved under Section 5a(12) of the Act or are being enforced under § 1.53 of the Commission's regulations and therefore such rules should not be required to be submitted to the Commission pursuant to § 1.61. Initially, contract markets with existing speculative limit rules will not be required to make a submission pursuant to rule 1.61. However, the Commission fully intends to review contract market speculative limit rules which have already been approved under section 5a(12) or are being enforced pursuant to § 1.53 of the regulations with respect to the provisions contained in its newly adopted rule 1.61. In certain instances, the Commission may require additional information concerning contract market rules and may require contract markets to supplement their rules to bring them into conformity with rule 1.61.

Enforcement of the Limits

In its proposal, the Commission specifically requested comments on the adoption of a Commission rule which would make it unlawful for any person to violate a contract market bylaw, rule, regulation or resolution establishing speculative limits under rule 1.61.

Few of the commentators responded directly to the Commission's inquiry. However, at least one exchange expressed the view that there would be no great benefit to such a Commission rule because, in its opinion, most speculative limit violations were "inadvertent" and could be adequately handled by the exchange. Others opined that such a rule might be an unauthorized subdelegation of Commission authority. Since the Commission has not reached a final decision on this matter at this time, the Commission has decided to hold in abeyance its decision concerning the adoption of such a rule pending its review of the limits determined by the Exchanges. However, the Commission wishes to emphasize that its decision should in no way be interpreted to foreclose the Commission from taking this or other steps to assure that the exchange rules are properly enforced.

Maturing Futures Limits

As noted in the proposal, the Commission previously has considered rules which attempt to prevent specific problems of market congestion and price manipulation in expiring futures. The Commission also noted that several contract markets have addressed this problem by setting a lower speculative position limit in the delivery month than in other months and by limiting the types and amounts of bona fide hedging positions which are exempt from the position limits during this period. Accordingly, the Commission specifically requested comment on whether it should also include specific provisions in its proposed rule which would require contract markets to address the potential for such problems.

One person commenting on this aspect of the proposal stated that "when necessary" limits should be imposed in a different manner for each month of a particular contract with narrower limits as a contract nears expiration. Another commentator noted that separate limits should be adopted for delivery months based on an observation that ". . . large positions in months other than the delivery month are by themselves far less likely to result in artificial prices." Two other commentators opposed a specific requirement that contract markets be required to adopt different limits for the delivery month noting that such a requirement may be necessary in certain cases, but that such a determination was best left to the judgment of the contract market. In addition, two commentators opposed a requirement that would limit positions which could be classified as bona fide hedging during the delivery month.

The Commission has determined not to include in rule 1.61 at this time any specific provisions which would require contract markets to adopt different limits during the delivery month of a contract or a more restrictive definition of hedging during that period. The Commission, however, continues to believe that different limits or a more limited definition of bona fide hedging may be appropriate under certain circumstances for the expiration period of a contract.[12] In this respect, the Commission believes that, pursuant to the purpose and standards of rule 1.61 for setting speculative limits, contract markets will be required to consider the

[12] As noted in the proposal several contract markets have specified different limits for the delivery month and limited the types and amounts of bona fide hedging positions which may be exempted from limits during that period. In addition, section 150.2 of the Commission's regulations specifying position limits for cotton restrict spread position during the delivery month. The Commission also has, in paragraph (2) of § 1.3(z) of its regulations concerning bona fide hedging, enumerated certain cases of bona fide hedging more narrowly for the five last days of trading in expiring futures contracts.

desirability of lower limits and a more limited definition of bona fide hedging for the maturing future for different contract markets.

Aggregation

In determining whether any person has exceeded speculative limits, the Commission's proposed rule required that contract markets consider that the positions held or trading done by any person directly or indirectly controlled by such person shall be included with the positions held and trading done by such person. Further, the rule required that the limits shall apply to the positions held by and trading done by, two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading were done by, a single person (the "Aggregation Standard"). This standard is contained in section 4a(1) of the Act.

Persons commenting on this aspect of the rule generally opposed its adoption. One person commented that the aggregation standard is "unclear and its applicability to given set of circumstances is uncertain. Without definite guidelines, it would be impossible for contract markets to apply the aggregation rule with any certainty." Several commentators suggested that each exchange should be allowed to submit its own aggregation rule. One commentator noted "whenever position limits are in effect there must be an aggregation standard to insure compliance with not only the letter but also the spirit of position limits."

The Commission appreciates these concerns since its own experience in this area suggests that the application of any standards concerning position aggregation for speculative limit purposes requires judgment in particular circumstances. In this respect, on June 13, 1979, the Commission published in the **Federal Register** (44 FR 33839) a statement clarifying its policy in certain respects concerning the manner in which it would enforce the aggregation standards set forth in section 4a(1) of the Act. In view of the above, the Commission intends to retain an aggregation standard but has modified it to more clearly reflect its statement of policy on aggregation. This will provide a minimum standard to which contract markets must adhere, but which will allow them the opportunity to set any additional standards approved by the Commission pursuant to section 5a(12) of the Act.

Costs to the Contract Market

In the proposal, the Commission asked for specific comment on costs which the exchange would incur if the Commission adopted its proposal. These costs are associated with establishing limits at an appropriate level and monitoring traders' position to determine compliance with the limits. In this respect, the Commission had previously proposed that all contract markets adopt a uniform large trader reporting system similar, in part, to that which the Commission currently maintains.[13] The Commission stated that it would consider public comment on its proposal for a uniform reporting system in conjunction with its consideration of costs which may accrue to contract markets in enforcing speculative limits.

Persons responding to the Commission's request for comment in this area generally did not submit dollar estimates of additional costs which exchanges would incur in enforcing limits.[14] Such persons, however, indicated that additional costs would be substantial, particularly if each exchange were required to collect and process large trader data. Most commentators did not feel that such costs were commensurate with the regulatory benefits which could be expected to ensue. One exchange suggested that the Commission's sharing of large trader data would be far more efficient. The exchange noted that the Commission could, through its large trader reporting system, alert the exchanges when an apparent speculative limit violation occurs.

With respect to this latter comment, the Commission, based on information from its large trader reporting data, currently advises contract markets when there has been an apparent violation of exchange imposed speculative limits. The Commission intends to continue this practice. The Commission cannot, however, agree with the commentators concerning the regulatory benefits which may accrue relative to the cost of setting and enforcing speculative limits. Costs associated with major market disruptions are difficult if not impossible to quantify. However, as set forth in Section 3 of the Act, Congress found that unreasonable fluctuations in price are a burden on interstate commerce and render regulation necessary for the protection of such commerce. In recognizing the cost of market disruptions to producers, consumers and persons handling commodities, Congress expressly set forth speculative limits as a means of regulation to prevent such occurrences.[15] The Commission believes that the costs of market disruptions outweigh the costs to contract markets of imposing and enforcing speculative limits.

Submission of Rules Within 90 Days

Several persons objected to the requirement that all submissions pursuant to rule 1.61 be made within 90 days of the effective date of the rule. Commentators, particularly those exchanges trading a number of contracts with no limits, believed that 90 days was an inadequate amount of time to review their contracts and recommend appropriate levels for speculative limits.

The Commission has considered the burden that its 90 day requirement may be imposing on the industry. For the majority of exchanges, the Commission does not believe that establishing reasonable speculative limits within 90 days of the effective date of proposed rule 1.61 would be excessively burdensome. Moreover, since the purpose of the rule is to prevent market disruptions, the Commission is hesitant to delay the rule's full implementation. However, the final rule provides that upon a showing of good cause by a contract market, the Commission may extend for a reasonable time, the time in which a contract market must make an initial submission.

Position Limits on Exchange Traded Options

In the June 29, 1981, **Federal Register** (46 FR 33296) concerning the Commission's proposed exchange traded option program, the Commission stated that it believed it may be appropriate to set speculative position limits in options for the same reasons it set forth for establishing limits in futures. In view of this, the Commission requested specific comment on several issues related to setting limits in options traded on futures. The questions concerned whether it was appropriate to establish such limits, whether the Commission or the exchanges should set such limits, appropriate guidelines to be used in setting such limits, whether a combined option futures position limit was appropriate, the aggregation rules

[13] 45 FR 57141 (August 27, 1980).

[14] One exchange which has a system in place for monitoring position sizes of large traders estimated that currently 25% to 35% of its compliance staff time is spent in reviewing and prosecuting simple violations of exchange adopted speculative limits. The exchange estimated that this time would double if it were required to adopt speculative limits on other commodities it trades.

[15] For purposes of enforcing speculative limits, the Commission at this time does not believe that it is necessary to impose standards for a uniform reporting system for all exchanges. Indeed, enforcement of speculative position limits has been accomplished through various means by contract markets which have previously adopted such limits.

which should apply and the type of limits which should apply.

Eleven persons commented in response to the Commission's request. Five commentators opposed the adoption of such limits citing as one reason that the Commission had not demonstrated an economic justification for adopting limits in either options or futures. One commentator opined that any attempt to determine whether and how to set position limits either for options or futures required experience and an historical data base.

While the Commission agrees that experience is an important aid in determining appropriate levels for speculative position limits, the decision to impose speculative limits on futures in certain commodities has frequently occurred only after large speculative positions have been associated with major market disruptions. This occurred, for example, prior to the time Congress first authorized the Commission to establish limits on speculative positions. In view of this, the Commission does not intend to delay implementation of speculative limits on options.[16] Although large options positions may not have precisely the same potentially disruptive effect as large futures positions, the relationship between the options market and the futures market strongly suggests that the effect of unlimited trading in one market can pass through to the other market either directly through exercise or indirectly through arbitrage.[17] The Commission believes that the experience of the test program will provide additional information to enable the Commission to more fully evaluate speculative limits in options.

The majority of commentators, including those opposed to the adoption of speculative limits in options, acknowledged that if limits were required in options, exchanges had the necessary expertise to set them. Few commentators proffered specific recommendations on the manner in which option limits should be set, exemptions to such limits and aggregation standards, if any, which should be adopted.[18]

The Commission agrees that exchanges should determine the levels at which position limits on options should be set particularly since the Commission has determined that exchanges will set levels in futures upon which options will trade. The Commission will look in the first instance to the exchanges to determine specific levels for option limits and to determine exemptions from such limits.[19] In reviewing such limits, the Commission will consider the options and futures market as a whole in determining whether exchange limits, either specified jointly for futures and options or separately, are set at appropriate levels. More specifically, the Commission wishes to ensure that option limits are set at levels which will not undermine the primary purposes for establishing limits on the underlying future.

Accordingly, the Commission has revised its proposed rule 1.61 to require that exchanges in seeking designation as a contract market to trade options must adopt a bylaw, rule or resolution which establishes limits on speculative options positions.[20]

Other Considerations

In certain cases, the Commission currently permits a contract market to list separately for concurrent trading, futures contracts on the same underlying commodity which differ in some respects but which may be traded for the same delivery months (i.e., different "types" of contracts). For example, the Coffee, Sugar and Cocoa Exchange has been designated as a contract market in sugar, but lists separate contracts for sugar #11 and sugar #12. The former is also known as the world contract and calls for delivery in foreign ports of major sugar producing countries. The latter is known as the domestic contract and calls for delivery in domestic ports. Similarly, the New York Mercantile Exchange has been designated as a contract market in heating oil but trades contracts which relate separately to trading for delivery in Rotterdam and in New York Harbor.

In proposing rule 1.61, the Commission intended the speculative limit requirements to apply individually to such separate types of contracts, even though such contracts are traded pursuant to a single contract market designation; however, unless otherwise specifically approved by the Commission, the rule is not intended to apply individually to two contracts trading concurrently on the same underlying commodity when one contract is an updated version of the other.[21] Accordingly, the Commission has revised paragraph (a) of the rule to reflect the fact that the requirements of rule 1.61 shall apply to each contract market for each separate type of contract.

The Commission is also modifying the proposed rule to make clear that any speculative limits adopted by contract markets pursuant to rule 1.61 shall not apply to positions acquired in good faith prior to the effective date of such limits or to a person that is registered as a futures commission merchant or as a floor broker except to the extent that transactions are made on behalf of or for the account of or benefit of such person.

In adopting this rule, the Commission has considered the public interest to be protected by the antitrust laws and has endeavored to take the least anticompetitive means of achieving the objectives, policies and purposes of the Act. *See* section 15, 7 U.S.C. 19. In this connection, the Commission points out that speculative limits by definition restrict the size of market positions that may be assumed by any person, and thereby may be viewed as anticompetitive in nature. Nevertheless, the Act expressly contemplates such restrictions in order to avoid unwarranted price changes and unnecessary burdens on interstate commerce. Moreover, by allowing the exchanges to set limits in the first instance, the Commission believes that any anticompetitive effect will be ameliorated as the Act's purposes are effectuated.

Accordingly, pursuant to the authority in sections 4a(1), 4c(b), 4c(c), 5, 5a and 8a of the Commodity Exchange Act, as amended 7 U.S.C. 6a(1), 6c(b), 6c(c), 7, 7a and 12a (1976 and Supp. III 1979), the Commission is amending Part 1 of its

[16] At a public meeting of the Commission on September 8, 1981, the Commission adopted amendments to its regulations to allow exchange option trading on futures.

[17] This may be a situation similar to that which concerned commentators concerning related markets in futures. As noted *supra*, persons commenting in response to the Commission's proposal to require position limits in futures believed that the beneficial effects of limits on certain contract markets would be diluted by the existence of related or competing markets where no such limits are in effect.

[18] In this respect, four persons commented that limits on options and futures should be considered jointly. Another commentator believed they should be considered separately.

[19] The rule requires only that certain positions held by commercial interests as determined by a contract market be exempt from such limits.

[20] Although the Commission has approved regulations which allow a pilot program in exchange traded options, the rules are subject to review by the House Committee on Agriculture and the Senate Committee on Agriculture, Nutrition and Forestry. In the event that the option regulations are in fact not implemented, the commission would amend section 1.61 accordingly.

[21] This occurs, for example, when a contract market adopts amendments to a currently traded contract. The revised (or "new") contract is intended to be traded in all delivery months which will be listed prospectively. In this respect, no new months will be listed for trading in the "old" contract, however, concurrent trading in old and new contracts will occur until all open positions are liquidated in the old contract.

regulations by adding a new § 1.61 as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

§ 1.61 Speculative position limits.

(a) *Speculative limits on futures positions.* (1) For the purpose of preventing excessive speculation in any commodity under contracts of sale of such commodity for future delivery, arising from those extraordinarily large positions which may cause sudden or unreasonable fluctuations or unwarranted changes in the price of such commodity, each contract market shall, for each separate type of contract for which delivery months are listed to trade, adopt and submit for Commission approval under Rule 1.41 of this Chapter and section 5a(12) of the Act, a bylaw, rule, regulation or resolution which shall limit the maximum net long and net short position which any one person may hold or control under contracts for future delivery of any commodity subject to the rules of such contract market. *Provided,* this section shall not apply to a contract market for which position limits are set forth in Part 150 of this Chapter; and *provided further,* that nothing in this section shall be construed to prohibit a contract market from fixing different and separate position limits for different types of futures contracts based on the same commodity, different position limits for different futures, or for different delivery months, or from exempting positions which are normally known in the trade as "spreads, straddles or arbitrage" or from fixing limits which apply to such positions which are different from limits fixed for other positions.

(2) A contract market shall base its determination of levels for speculative limits on such factors that will accomplish the purposes of this section. As appropriate, these factors shall include position sizes customarily held by speculative traders on such market for a period of time selected by the contract market, which shall not be extraordinarily large relative to total open positions in the contract for such period. In addition to the above or upon a determination that the above standard is inappropriate for setting such limits, a contract market may base its determination on other factors which may include breadth and liquidity of the cash market underlying each delivery month and the opportunity for arbitrage between the futures market and cash market in the commodity underlying the futures contract.

(3) No bylaw, rule, regulation or resolution adopted pursuant to paragraph (a)(1) of this section shall apply to bona fide hedging positions as defined by a contract market in accordance with § 1.3(z)(1) of the Commission's regulations. *Provided,* that the contract market may limit bona fide hedging positions which it determines are not in accord with sound commercial practices or exceed an amount which may be established and liquidated in an orderly fashion.

(b) *Speculative limits on option positions.* (1) In order to accomplish the purposes expressed in paragraph (a)(1) of this rule, each contract market which trades option contracts pursuant to Part 33 of this Chapter shall for each put and call option adopt and submit for Commission approval under Rule 1.41 of this Chapter and Section 5a(12) of the Act a bylaw, rule, regulation or resolution which shall limit the maximum net long option position and net short option position which any one person may hold or control.

(2) No bylaw, rule, regulation or resolution adopted pursuant to paragraph (b)(1) of this section shall apply to positions held by commercial interests in the underlying commodity which are determined by a contract market to be economically appropriate to the reduction or risks in the conduct and management of a commercial enterprise. *Provided,* that the contract market may limit positions of such commercial interests which it determines are not in accord with sound commercial practices or exceed an amount which may be established and liquidated in an orderly fashion.

(c) *Time of Filing*—Initial submissions made pursuant to paragraph (a) of this section for contracts for which trading months have been listed on the effective date of this regulation shall be made within 90 days of such effective date. Upon a showing of good cause by a contract market, the Commission may extend for a reasonable time, the time in which a contract market must make an initial submission. If, during the 90 days from the effective date of this rule, a designated contract market does not submit rules, bylaws, regulations or resolutions pursuant to this section for contracts with no delivery months listed for trading, such contract market shall, prior to listing months for trading, adopt and receive Commission approval under Rule 1.41 of this Chapter and Section 5a(12) of the Act, rules, bylaws, regulations or resolutions required pursuant to this section. Boards of trade seeking designation as a contract market in options or futures shall submit rules, bylaws, regulations or resolutions pursuant to this section with their application for designation.

(d) *Additional information*—In addition to that information required to be submitted pursuant to paragraphs (a) and (b) of this section, each submission of a board of trade or contract market under this section shall include the following:

(1) A demonstration that such contract market has complied with the purpose and standards set forth in paragraph (a) of this section.

(2) Any bylaw, rule, regulation or resolution which provides for exemptions from limits proposed under paragraphs (a) and (b) of this section, including an exemption for bona fide hedging.

(3) Bylaws, rules, regulations or resolutions which provide for aggregation of option and/or futures positions of traders in conformity with paragraph (g) of this section.

(4) A description of the method of enforcement of option and/or future position limits, which shall include a description of the procedures by which contract markets will determine hedging exemptions and the method of monitoring compliance with rules concerning bona fide hedging positions or any other exemptions.

(e) *Exemptions*—Speculative position limits adopted pursuant to this section shall not apply to any position acquired in good faith prior to the effective date of any bylaw, rule, regulation or resolution which specifies such limit or to a person that is registered as a futures commission merchant or as a floor broker under authority of the Act except to the extent that transactions made by such person are made on behalf of or for the account or benefit of such person. In addition to the express exemptions specified in this section, a contract market may provide and submit for Commission approval, such other exemptions from its position limits adopted pursuant to paragraphs (a) or (b) of this section, consistent with the purposes of this section.

(f) Existing Contract Market Limits—Unless otherwise directed by the Commission, this rule shall not require a contract market to adopt or submit a bylaw, rule, regulation or resolution establishing speculative position limits if such contract market has previously adopted such a bylaw, rule, regulation or resolution which has been approved by the Commission pursuant to section 5a(12) of the Act, or which the contract market is required to enforce pursuant to Commission rule 1.53.

(g) *Aggregation.* In determining whether any person has exceeded the limits established under paragraphs (a) and/or (b) of this section, all positions in accounts for which such person by power of attorney or otherwise directly or indirectly controls trading shall be included with the positions held by such person; such limits upon positions shall apply to positions held by two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by a single person.

(h) *Justification of existing limits.* Each contract market shall file with the Commission within 90 days of a request by the Commission, or within such longer period as the Commission may specify in its request, a written statement which justifies the existing level of position limits set by the contract market and the general exemptions provided therefrom.

(i) Manipulation and Corners—Nothing in this section shall be construed to affect any provisions of the Act relating to manipulation or corners, to relieve any contract market or its governing board from responsibility under Section 5(d) of the Act to prevent manipulation and corners.

Issued in Washington, D.C., by the Commission, on October 9, 1981.

Jane K. Stuckey,

Secretary to the Commission.

[FR Doc. 81-29958 Filed 10-15-81; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 211

[Release Nos. 33-6355; 34-18163; 35-22227; IC-11983; AS-300]

Accounting Changes by Oil and Gas Producers

AGENCY: Securities and Exchange Commission.

ACTION: Rescission of Accounting Series Release No. 261.

SUMMARY: As part of its review of existing regulations, the Commission is announcing that it no longer considers the interpretative guidance provided in Accounting Series Release ("ASR") No. 261 to be necessary, and is hereby rescinding that release. This action will permit oil and gas producers to rely on existing generally accepted accounting principles ("GAAP") in changing accounting methods. Changes to the successful efforts method may be made in reliance on Financial Accounting Standards Board ("FASB") Statement Nos. 19 and 25. Changes from the successful efforts method to the full cost method may be justified only if preferable in the registrant's circumstances.

EFFECTIVE DATE: October 16, 1981.

FOR FURTHER INFORMATION CONTACT: James D. Hall or Rita J. Gunter, Office of the Chief Accountant, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549 (202-272-2133).

SUPPLEMENTARY INFORMATION:

I. Background

The full cost and successful efforts methods of accounting and variations of each were generally accepted methods of accounting in historical financial statements until December 1977 when the FASB issued its Statement No. 19 [1] which would have established a particular form of successful efforts as the only generally accepted method of accounting for oil and gas producing activities. The effective date of Statement No. 19 was to have been for fiscal years beginning after December 15, 1978 (i.e., calendar year 1979). After holding extensive hearings on the issue, the Commission issued ASR No. 253 [2] in August 1978 which, among other things, concluded that neither the successful efforts method nor the full cost method was preferable as a uniform method of accounting and that the Commission would seek to develop a uniform method of accounting to be followed by all oil and gas producers. This method was to be based on reserve values and was known as reserve recognition accounting ("RRA"). In the interim, however, registrants would be permitted to use either the successful efforts method as defined by the FASB or the full cost method as subsequently defined by the Commission in ASR No. 258.[3] This action reduced to two the number of alternative accounting methods available to oil and gas producers. In February 1979, the FASB issued its Statement No. 25 [4] which suspended that portion of Statement No. 19 which specified that successful efforts be used exclusively. In addition, Statement No. 25 expressly stated the preferability of successful efforts for purposes of determining whether a change of accounting was appropriate and indicated that Accounting Principles Board ("APB") Opinion No. 20, "Accounting Changes," requires entities proposing to change to another method of accounting to bear the burden of justifying that change.

Also in February 1979, the Commission issued ASR No. 261 [5] which had two purposes. First it provided guidance to oil and gas producers for their initial adoption of the specified form of full cost or successful efforts as defined by the Commission and Statement No. 19, respectively, and also permitted oil and gas producers which had changed from full cost to successful efforts in early compliance with Statement No. 19 to return to full cost. This was done to avoid discouraging early compliance with subsequent FASB statements. Second, the Commission stated in ASR No. 261 that subsequent changes from either the full cost or the successful efforts method would not be in the interest of investors until RRA could be developed and evaluated as a uniform method of accounting to be used exclusively by all oil and gas producing registrants. This development and evaluation period was expected to last from three to five years. The Commission believed that during the RRA development and evaluation period the cost of such accounting changes (i.e., registrants' time and effort to effect such changes and the resulting user confusion) would exceed the benefit of requiring all oil and gas producing registrants to change to a uniform method of accounting. After experimentation with RRA, the Commission announced in ASR No. 289[6] that it no longer considered RRA to be a potential method of accounting in the primary financial statements.

II. Commission's Present View

Since the time period for changes to conform to one of the specified methods and changes to reverse early compliance with Statement No. 19 has passed and the Commission is no longer working to develop RRA for the primary financial statements and has no immediate plans for adopting a single uniform method of accounting, the reasons for initially issuing ASR No. 261 do not now justify its retention. Therefore, the Commission

[1] Statement of Financial Accounting Standards No. 19, "Financial Accounting and Reporting by Oil and Gas Producing Companies."

[2] Securities Act Release No. 5966, "Adoption of Requirements for Financial Accounting and Reporting Practices for Oil and Gas Producing Activities" (August 31, 1978) (43 FR 40688).

[3] Securities Act Release No. 6007, "Oil and Gas Producers-Full Cost Accounting Practices" (December 19, 1978) (43 FR 60413).

[4] Statement of Financial Accounting Standards No. 25, "Suspension of Certain Accounting Requirements for Oil and Gas Producing Companies."

[5] Securities Act No. 6028, "Accounting Changes by Oil and Gas Producers" (March 6, 1979) (44 FR 12163).

[6] Securities Act No. 6294, "Financial Reporting by Oil and Gas Producers" (February 26, 1981) (46 FR 15496).

is rescinding ASR No. 261 and will rely on GAAP in accepting accounting changes to or from the full cost method or successful efforts method of accounting by oil and gas producers.

III. Accounting Changes Under Generally Accepted Accounting Principles

FASB Statement No. 25 states that, for purposes of applying APB Opinion No. 20, successful efforts is the preferable method of accounting for oil and gas producing activities. APB Opinion No. 20 stresses that consistent use of an accounting principle from one accounting period to another enhances the utility of financial statements to users and states a presumption that an accounting principle, once adopted, should not be changed. Thus, APB Opinion No. 20 indicates that in order for a company to change its method of accounting, the change must be to a preferable method and that if the FASB has issued a statement which expresses a preference for a method or rejects another, that expression is sufficient to support a change. APB Opinion No. 20 also indicates that the burden of justifying other changes rests with the company which proposes the change.

After the rescission of ASR No. 261, the Commission expects registrants to comply with GAAP in making an accounting change to or from successful efforts or full cost. Since GAAP expresses a preference for successful efforts, no justification for the change to successful efforts is necessary nor is a preferability letter required by § 210.10-01(b)(6). However, in view of Statement No. 25, any change to full cost must be justified as being preferable in the registrant's circumstances and a preferability letter describing those circumstances must be filed with the Commission in accordance with the rule referred to above.

While the Commission found in ASR 253 that neither the successful efforts nor the full cost method was sufficiently preferable to warrant prescribing either as a uniform method of accounting for all companies, it now recognizes that in the absence of a uniform method of accounting, registrants and their independent auditors may conclude that a registrant's particular circumstances support full cost as being preferable to successful efforts. In those circumstances, the Commission will require registrants to comply with GAAP and with the Commission rule requiring the filing of preferability letters by their auditors.

As indicated in ASR No. 289, the Commission believes that it is premature to address the issue of a uniform method of accounting by oil and gas producers at this time. Further, the Commission believes that concepts developed by the FASB in its standards-setting role may have an impact on the ultimate resolution of this question. Therefore, the Commission presently has no plans to attempt to resolve that issue.

Commission Action

PART 211—INTERPRETATIVE RELEASES RELATING TO ACCOUNTING MATTERS

The Commission hereby rescinds Accounting Series Release No. 261 in Part 211 of Title 17, Chapter II, of the Code of Federal Regulations.

By the Commission.

George A. Fitzsimmons,

Secretary.

October 8, 1981.

[FR Doc. 81-30083 Filed 10-15-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Social Security Administration

20 CFR Part 416

Supplemental Security Income for the Aged, Blind, and Disabled; Interim Assistance Provisions

Correction

In FR Doc. 81-28098 appearing at page 47445 in the issue of Monday, September 28, 1981 please make the following changes:

(1) On page 47446, middle column, in paragraph "4. *Comment:*", second line from end of paragraph, the word "of" should be changed to read "for".

(2) On page 47446, third column, in paragraph "7. *Comment:*", fourth line, a quotation mark should appear before the acronym SSI.

(3) On page 47447, middle column, in the second full paragraph "*Response*", third line, the word "integriy" should be changed to read "integrity".

(4) On page 47450, first column, in the definition of "*Interim assistance*", fifth line, the word "basis" should be changed to read "basic".

BILLING CODE 1505-01-M

Food and Drug Administration

21 CFR Part 172

[Docket No. 75F-0355]

Food Additives Permitted for Direct Addition to Food for Human Consumption; Reinstatement of Regulation for Aspartame

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is vacating the stay of effectiveness of the regulation for aspartame, and the regulation is reinstated. The Commissioner of Food and Drugs issued his Final Decision concerning the food additive petition for aspartame and determined that it has been shown to be safe for its proposed uses.

EFFECTIVE DATE: October 22, 1981.

ADDRESS: Documents related to the Commissioner's Final Decision on aspartame are on file in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Theodore E. Herman, Regulations Policy Staff (HFC-10), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3480.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 5, 1973 (38 FR 5921), notice was given that a petition (FAP 3A2885) had been filed by G. D. Searle & Co., Box 5110, Chicago, IL 60680, proposing the issuance of a food additive regulation to provide for the safe use of aspartame in certain foods as a nutritive substance with intense sweetness and with flavor-enhancing properties. In the **Federal Register** of July 26, 1974 (39 FR 27137), the Commissioner promulgated a food additive regulation for aspartame, § 121.1258 (21 CFR 121.1258, redesignated as 21 CFR 172.804 in the **Federal Register** of March 15, 1977 (42 FR 14302)). A correction in the preamble to the regulation was published in the **Federal Register** of September 26, 1974 (39 FR 34520).

As permitted by law, 21 U.S.C. 348(f)(1), two parties formally objected to the regulation on safety grounds and requested a formal evidentiary hearing (21 CFR Part 12). These parties later waived their right to a formal evidentiary hearing conditioned upon

the establishment of a Public Board of Inquiry consisting of three qualified scientists from outside the agency (21 CFR Part 13).

Before a Board could be convened, however, preliminary results from an audit of the records of certain animal studies conducted by or for Searle, including studies on aspartame, indicated a need for a comprehensive review of the authenticity of the aspartame research data. As a result, pursuant to 21 U.S.C. 348(e), FDA formally stayed the regulation authorizing the marketing of aspartame (40 FR 56907, December 5, 1975). A comprehensive review was conducted, over the span of several years, after which FDA concluded that the aspartame data were indeed authentic.

On June 1, 1979, FDA announced the establishment of a Public Board of Inquiry (the Board) to help resolve the issues surrounding the proposed marketing of aspartame (44 FR 31716). The hearing was subsequently held on January 30 and 31, and February 1, 1980.

On October 1, 1980, the Board issued its decision and concluded that aspartame should not be marketed without further testing in order to resolve certain safety concerns. Pursuant to FDA regulations, the matter was then appealed to the Commissioner for a final agency decision.

In the **Federal Register** of July 24, 1981 (46 FR 38285), the Commissioner issued his Final Decision on the food additive petition for aspartame. The Commissioner overruled the Board and determined that aspartame had been shown to be safe for its proposed uses. The Commissioner announced that the stay of effectiveness of the regulation for aspartame (21 CFR 172.804) was vacated and that the regulation was reinstated (see item IX. 2. at 46 FR 38303; July 24, 1981).

PART 172—FOOD ADDITIVES PERMITTED FOR DIRECT ADDITION TO FOOD FOR HUMAN CONSUMPTION

§ 172.804 [Reinstated]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 409 (c)(3)(A) and (f) (1) and (2), 72 Stat. 1786–1787 (21 U.S.C. 348 (c)(3)(A) and (f) (1) and (2))) and 21 CFR 12.130 and under authority delegated to the Commissioner (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), the stay of effectiveness for § 172.804 *Aspartame* is vacated and the regulation is reinstated.

Effective date. This regulation becomes effective October 22, 1981.

(Sec. 409 (c)(3)(A) and (f) (1) and (2), 72 Stat. 1786–1787 (21 U.S.C. 348 (c)(3)(A) and (f) (1) and (2)))

Dated: October 7, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-29791 Filed 10-15-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Oxibendazole Paste

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the new animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Norden Laboratories, providing for use of oxibendazole paste for the removal of certain strongyles, roundworms, pinworms, and threadworms from horses.

EFFECTIVE DATE: October 16, 1981.

FOR FURTHER INFORMATION CONTACT: Sandra K. Woods, Bureau of Veterinary Medicine (HFV-114), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3420.

SUPPLEMENTARY INFORMATION: Norden Laboratories, Lincoln, NE 68501, filed an NADA (121-042) providing for use of oxibendazole paste for horses for removal of certain large strongyles, small strongyles, large roundworms, threadworns, and pinworms (including various larval stages). The application is approved, and the regulations are amended to codify the approved use of this product.

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

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption submitted under 21 CFR 25.1(f)(1)(ii) (*a*) and (*g*) which may be seen in the Dockets Management Branch (address above).

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

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.1638, to read as follows:

§ 520.1638 Oxibendazole paste.

(a) *Specifications.* The paste contains 22.7 percent oxibendazole.

(b) *Sponsor.* See 011519 in § 510.600(c) of this chapter.

(c) *Conditions of use in horses*—(1) *Amount.* For uses other than for threadworms (*Strongyloides westeri*), 10 milligrams of oxibendazole per kilogram of body weight; for threadworms (*Strongyloides westeri*), 15 milligrams per kilogram.

(2) *Indications for use.* For removal and control of large strongyles (*Strongylus edentatus, S. equinus, S. vulgaris*); small strongyles (genera *Cylicostephanus, Cylicocyclus, Cyathostomum, Triodontophorus, Cylicodontophorus,* and *Gyalocephalus*); large roundworms (*Parascaris equorum*); pinworms (*Oxyuris equi*) including various larval stages; and threadworms (*Strongyloides westeri*).

(3) *Limitations.* Administer orally by syringe. Horses maintained on premises where reinfection is likely to occur should be re-treated in 6 to 8 weeks. Do not use in stallions at stud. Not for use in horses intended for food. Consult a veterinarian for assistance in the diagnosis, treatment, and control of parasitism.

Effective date. This regulation is effective October 16, 1981.

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

Dated: October 8, 1981.

Terence Harvey,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-29792 Filed 10-15-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 520

Oral Dosage Form New Animal Drugs Not Subject to Certification; Approval of Morantel Tartrate Bolus

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Pfizer, Inc., providing for safe and effective use of a bolus containing morantel tartrate as an anthelmintic in cattle.

EFFECTIVE DATE: October 16, 1981.

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

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 E. 42nd St., New York, NY 10017, filed an NADA (93-903) providing for use of a morantel tartrate bolus for removal and control of mature gastrointestinal nematode infections of cattle. Pfizer has submitted data from safety and parasitological studies supporting the safety and effectiveness of morantel tartrate for this use. The NADA is approved and the regulations are amended accordingly.

Standards prescribed in the agency's proposal of March 20, 1979, (44 FR 17070) on chemical compounds in food-producing animals were not applied to approval of this NADA. The approval is based on alternative criteria which assure that the product is safe and on factors which justify the equitable treatment of this sponsor who completed drug development testing adequately according to scientific standards in existence before March 20, 1979.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in an environmental impact analysis report (pursuant to 21 CFR 25.1(j)) may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (address above).

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

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(b)(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by adding new § 520.1450 to read as follows:

§ 520.1450 Morantel tartrate bolus.

(a) *Specifications.* Each bolus contains 2.2 grams morantel tartrate equivalent to 1.3 grams of morantel base.

(b) *Sponsor.* See No. 000069 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See § 556.425 of this chapter.

(d) *Conditions of use*—(1) *Amount.* One bolus per 500 pounds of body weight (4.4 milligrams per pound of body weight) as a single oral dose. Boluses may be divided in half for more accurate dosing as follows: up to 325 pounds, ½ bolus; 326 to 600 pounds, 1 bolus; 601 to 900 pounds, 1½ boluses; and 901 to 1,200 pounds, 2 boluses.

(2) *Indications for use.* For removal and control of mature gastrointestinal nematode infections of cattle including stomach worms (*Haemonchus* spp., *Ostertagia* spp., *Trichostrongylus* spp.), worms of the small intestine (*Cooperia* spp., *Trichostrongylus* spp., *Nematodirus* spp.), and worms of the large intestine (*Oesophagostomum radiatum*).

(3) *Limitations.* Conditions of constant worm exposure may require retreatment in 2 to 4 weeks. Consult your veterinarian before administering to severely debilitated animals and for assistance in the diagnosis, treatment, and control of parasitism. Do not treat within 14 days of slaughter. Not for use in dairy animals of breeding age.

Effective date. October 16, 1981.

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

Dated: October 7, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-29633 Filed 10-15-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR PARTS 556 AND 558

Establishment of Tolerances for Residues of New Animal Drugs in Food and New Animal Drugs for Use in Animal Feeds; Morantel Tartrate

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration is amending the animal drug regulations to reflect approval of a new animal drug application (NADA) filed by Pfizer, Inc., providing for safe and effective use of a morantel tartrate premix in the manufacture of a finished feed to be used as an anthelmintic in cattle and to establish a tolerance for residues of morantel tartrate in edible tissues of cattle.

EFFECTIVE DATE: October 16, 1981.

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

SUPPLEMENTARY INFORMATION: Pfizer, Inc., 235 E. 42nd St., New York, NY 10017, filed an NADA (92-444) providing for use of morantel tartrate premix in the manufacture of a finished feed to be used for removal and control of mature gastrointestinal nematode infections of cattle. Pfizer has submitted data from safety and parasitological studies supporting the safety and effectiveness of morantel tartrate for this use. The NADA is approved and the regulations are amended accordingly.

Standards prescribed in the agency's proposal of March 20, 1979 (44 FR 17070) on chemical compounds in food-producing animals were not applied to approval of this NADA. The approval is based on alternative criteria which assure that the product is safe and on factors which justify the equitable treatment of this sponsor who completed drug development testing adequately according to scientific standards in existence before March 20, 1979.

Additionally, Pfizer submitted consumer safety related data from radiotracer metabolism, tissue residue depletion, and laboratory toxicology and pathology studies which support a preslaughter withdrawal period of 14 days for the labeled conditions of use.

The agency has accepted for regulatory purposes Pfizer's tissue residue method. Therefore, the regulations are further amended to establish cattle tolerances of 0.5 part per million (ppm) for residues in muscle, 1.0 ppm for liver, 1.5 ppm for kidney, and 2.0 ppm for fat.

The Bureau of Veterinary Medicine has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement therefore will not be prepared. The Bureau's finding of no significant impact and the evidence supporting this finding, contained in an environmental impact analysis report (pursuant to 21 CFR 25.1(j)) may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

In accordance with the freedom of information provisions of Part 20 (21 CFR Part 20) and § 514.11(e)(2)(ii) (21 CFR 514.11(e)(2)(ii)), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (address above).

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 556 and 558 are amended as follows:

PART 556—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

1. Part 556 is amended by adding new § 556.425 to read as follows:

§ 556.425 Morantel tartrate.

Tolerances of 0.5 part per million (ppm) are established for total residues of morantel tartrate in uncooked cattle muscle, 1.0 ppm for liver, 1.5 ppm for kidney, and 2.0 ppm for fat. A drug residue assay measuring *N*-methyl-1, 3-propane diamine (the morantel fragment marker residue) in the target tissue, liver, serves to monitor the total residue in edible tissues. A marker residue concentration of 0.5 ppm in liver corresponds to 1.0 ppm in this target tissue.

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

2. Part 558 is amended by adding new § 558.360 to read as follows:

§ 558.360 Morantel tartrate.

(a) *Approvals.* Premix level of 88 grams per pound granted to 000069 in § 510.600(c) of this chapter.

(b) *Assay limits.* Finished feeds 85–115 percent of labeled amount. Premix 90–110 percent of labeled amount.

(c) *Related tolerances.* See § 556.425 of this chapter.

(d) *Special considerations.* (1) Do not mix in feeds containing bentonite.

(2) Consult your veterinarian before using in severely debilitated animals and for assistance in the diagnosis, treatment, and control of parasitism.

(e) *Conditions of use*—(1) *Amount.* 4.4 grams of morantel tartrate per pound of feed.

(2) *Indications for use.* For removal and control of mature gastrointestinal nematode infections of cattle including stomach worms *(Haemonchus* spp., *Ostertagia* spp., *Trichostrongylus* spp.), worms of the small intestine *(Cooperia* spp., *Trichostrongylus* spp., *Nematodirus* spp.), and worms of the large intestine *(Oesophagostomum radiatum).*

(3) *Limitations.* Feed as a single therapeutic treatment at 0.1 pound of medicated ration (0.44 gram of morantel tartrate) per 100 pounds of body weight. Withhold feed overnight prior to treatment to insure the ration will be readily consumed. Fresh water should be available at all times. When medicated feed is consumed, resume normal feeding. Conditions of constant worm exposure may require retreatment in 2 to 4 weeks. Not for use in dairy cattle of breeding age. Do not treat animals within 14 days of slaughter.

Effective date. October 16, 1981.

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

Dated: October 7, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-29634 Filed 10-15-81; 8:45 am]

BILLING CODE 4110-03-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1602

Records and Reports; Elementary-Secondary Staff Information EEO-5; Waiver of Filing Reports for Calendar Year 1981

AGENCY: Equal Employment Opportunity Commission.

ACTION: Waiver of Rule Requirement.

SUMMARY: The Equal Employment Opportunity Commission waives the EEO-5 filing requirement for calendar year 1981 in order to provide data which are usable in conjunction with the Department of Education, Office for Civil Rights student population survey, and to minimize impact on the respondent school districts. The Commission proposes to resume the EEO-5 on a biennial basis in 1982.

EFFECTIVE DATE: November 30, 1981.

FOR FURTHER INFORMATION CONTACT: Joachim Neckere, Chief, Survey Branch, Phone: (703) 756-6026.

SUPPLEMENTARY INFORMATION: The Equal Employment Opportunity Commission waives the requirement of § 1602.41 for filing the Elementary-Secondary Staff Information Report EEO-5 for the calendar year 1981. The recordkeeping requirements of § 1602.39 for calendar year 1981 remain unchanged and are not waived. The Commission reaffirms its filing requirements for these reports for calendar year 1982 and subsequent years.

Note.—Since the reporting requirement has been waived and no forms have been mailed to entities required to report, no further reporting action is required on 1981 reports.

Signed at Washington, D.C. this 8th day of Oct. 1981.

J. Clay Smith, Jr.,

Acting Chairman, Equal Employment Opportunity Commission.

[FR Doc. 81-30063 Filed 10-15-81; 8:45 am]

BILLING CODE 6570-06-M

GENERAL SERVICES ADMINISTRATION

41 CFR Part 101-2

[FPMR Amendment A-33]

Payments to GSA for Supplies and Services Furnished Government Agencies; Billings, Payments, and Adjustments Reinstituting the Use of the General Supply Fund in Financing Nonstock Requisitions

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation specifies that the General Supply Fund (GSF) will be used to finance nonstock direct delivery requisitions for Government agencies. Agencies will continue to submit requisitions to GSA, where a purchase order will be initiated citing the GSF. Goods will be sent directly to the

ordering agency by the vendor. The vendor will bill GSA who, in turn, will bill the ordering agency. GSA expects these changes will significantly reduce the delay in vendor payments and allow the Government to benefit by realizing the full discount offered. These changes have been approved by the General Accounting Office via Comptroller General Decision B-158487.

EFFECTIVE DATE: August 4, 1981.

FOR FURTHER INFORMATION CONTACT: William R. Stanton, Supply and Transportation Accounting Division (202-566-0620).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society. This regulation supersedes material transmitted by FPMR Temporary Regulation A-14 (45 FR 31314, May 13, 1981), which expired on April 30, 1981.

PART 101-2—PAYMENTS TO GSA FOR SUPPLIES AND SERVICES FURNISHED GOVERNMENT AGENCIES

Section 101-2.102 is amended by revising paragraph (a) to read as follows:

§ 101-2.102 Billing procedures.

(a) Bills are rendered biweekly, monthly, or quarterly after the fact or in advance on approved billing forms, which are GSA Form 789, Statement, Voucher, and Schedule of Withdrawals and Credits, and Treasury TFS Form 7306, Paid Billing Statement for SIBAC Transactions (illustrated at §§ 101-2.4902-789 and 101-2.4903-7306). Certification of such bills by GSA is not required. Except for those bills which are rendered in advance: bills for shipment from stock are rendered on the basis of drop from inventory, provided that notification of warehouse refusal or other advice of nonavailability has not been received from the depot prior to the billing date; bills for services are rendered after there is evidence of actual delivery of services; and bills for stock and nonstock direct delivery shipments are rendered based upon payment to the vendor.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Dated: September 23, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-30058 Filed 10-15-81; 8:45 am]

BILLING CODE 6820-39-M

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41 CFR Part 101-41

[FPMR Amdt. G-54]

Refunds From Carriers for Unused Transportation Services or Accommodations

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation amends the policy and procedures for actions to be taken regarding refunds from carriers for unused transportation services or accommodations. Carriers have been accumulating unearned revenue as a result of furnishing lesser value services than those originally assigned to the U.S. Government Transportation Requests (GTR). This accumulation is caused when Government agencies fail to initiate requests for refunds on a Standard Form 1170, Redemption of Unused Tickets, or a carrier fails to make a voluntary refund for differences in services furnished. Compliance with these revised procedures by Government agencies and the carrier industry will assure the recovery of outstanding refunds due the U.S. Government.

EFFECTIVE DATE: October 16, 1981.

FOR FURTHER INFORMATION CONTACT: John W. Sandfort, Chief, Reports and Procedures Branch, Office of Transportation Audits (202-275-0664).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. The General Services Administration has based all administrative decisions underlying this rule on adequate information concerning the need for, and consequences of, this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

Background

A proposed rulemaking was published in the **Federal Register** of March 31, 1981 (46 FR 19504), inviting comments for 30 days ending April 30, 1981. Comments were received from five airlines and three Government agencies. The following summarizes the substantive comments, recommendations, and actions taken.

Discussion of Major Comments

One agency and two carriers cited administrative and accounting difficulties with the proposed 120-day time limit for submitting the triplicate copy of the SF 1170 to GSA. They asked that this time limit be extended to 180 days or longer. This recommendation was accepted and the time limit for submitting the SF 1170 has been extended to 180 days.

Two agencies asked that instructions be included on how agencies can recover carrier refunds sent direct to GSA. This recommendation has been adopted and instructions for submitting proper forms and refund requests to GSA are now a part of this regulation.

PART 101-41—TRANSPORTATION DOCUMENTATION AND AUDIT

1. The table of contents for Part 101-41 is amended to add the following entry:

Subpart 101-41.2—Passenger Transportation Services Furnished for the Account of the United States

2. Section 101-41.210-3 is revised to read as follows:

§ 101-41.210-3 Carrier processing of SF 1170.

Each carrier shall promptly refund moneys to adjust items listed on SF 1170, whether or not the related GTR has been submitted or paid. The carrier shall indicate on the original SF 1170 the amount credited to each ticket and the total amount being refunded and shall return the original with its refund to the agency. A refund that is inconsistent with the information on the SF 1170 shall be explained or computed on the SF 1170 or in an attached letter. A carrier declining to refund shall furnish an explanation on the original SF 1170. If a carrier is unable to determine which agency submitted the SF 1170, the payment and refund information shall

be sent direct to the General Services Administration (TACA), Washington, DC 20406.

3. Section 101–41.210–4 is revised to read as follows:

§ 101–41.210–4 Agency processing of refunds.

Upon return of the original SF 1170 with the refund, the agency shall record and deposit the refund in conformity with its fiscal procedures and promptly forward the original SF 1170, together with any advice from the carrier regarding the basis of the refund, to the General Services Administration (TACA), Washington, DC 20406.

4. Section 101–41.210–5 is revised to read as follows:

§ 101–41.210–5 Report of carrier failure to make refund for unused transportation services or accommodations.

If, within 180 days from the time of issuance of SF 1170, the carrier has failed to make refund for unused transportation or accommodations or to furnish satisfactory explanation as to why no refund is due, or has refused to make an adjustment, the agency shall transmit the triplicate copy of the SF 1170 and all related correspondence to the General Services Administration (TACA), Washington, DC 20406, for appropriate action.

5. Section 101–41.210–5a is added to read as follows:

§ 101–41.210–5a Carrier reimbursement when SF 1170 has not been received.

(a) It is not necessary for a carrier to receive an SF 1170 before reimbursing the government for unused transportation or accommodations. When a carrier identifies a difference between the transportation service requested by the Government and the service actually provided, a refund shall be made to the Government. If an SF 1170 has not been received within 180 days from the ticket issuance date, or date of travel, whichever is later, the refund shall be sent to the General Services Administration (TACA), Washington, DC 20406. Both the GTR number and ticket number, and the amount being refunded, must be included along with any other information pertinent to the refund.

(b) In order to recover carrier refunds sent direct to GSA (TACA), agencies must forward either an SF 1080, Voucher for Transfers Between Appropriations and/or Funds, or SF 1081, Voucher and Schedule of Withdrawals and Credits, to the General Services Administration (TACA), Washington, DC 20406. Included on these forms must be the name of the carrier, carrier check number, date, and amount; GTR number; and the appropriation number to be credited. Agency refund requests should be sent promptly to GSA (TACA). Refunds from carriers which are not identified and claimed by agencies within 180 days after receipt by GSA (TACA) will be returned to the U.S. Treasury as miscellaneous receipts.

(31 U.S.C. 244 and 40 U.S.C. 486(c))

Dated: September 24, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81–30078 Filed 10–15–81; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 31

[Docket No. 20188; FCC 81–463]

Proceedings To Allocate Depreciation Reserve

AGENCY: Federal Communications Commission.

ACTION: Implementation of final rule.

SUMMARY: Federal Communications Commission has ordered AT&T and the Bell System operating companies to allocate their overall book reserves based upon the actual debits and credits to the reserve which are attributable to specific subclasses of plant. Prior to the *Report and Order* in Docket No. 20188 (46 FR 9098 (1981)), the aforementioned subject companies had not maintained their book reserves by accounts corresponding to the depreciable plant accounts. This Order permits these companies to proceed with implementing remaining-life procedures for calculating depreciation rates/expense.

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

FOR FURTHER INFORMATION CONTACT: Kenneth P. Moran, Chief Depreciation Rates Branch, (202) 634–1730.

SUPPLEMENTARY INFORMATION:

I. Introduction

1. In our *Report and Order in Docket No. 20188*, 83 FCC 2d 267 (1980), we directed that the staff, in the furtherance of our objective of implementing remaining-life procedures for calculating depreciation expense, "determine, as expeditiously as possible, the most reasonable allocation of the current book reserves to plant categories." *Id.* at 290. On January 23, 1981, in *Public Notice No. 06219* ("Initiation of Proceedings to Allocate Depreciation Reserve as Required by Docket No. 20188"),[1] the Depreciation Rates Branch of the Common Carrier Bureau requested comments on alternative methods of allocating the depreciation reserves of those carriers that do not maintain book reserves in sufficient detail to permit the calculation of remaining-life rates. *Public Notice No. 06219*, p. 1. In this Opinion and Order, we reopen Docket No. 20188, incorporate the comments and replies which were received in response to the public notice in that docket, and conclude that the historical recordation of debits and credits as required in § 31.171(c) of the Federal Communications Commission Rules and Regulations, 47 CFR 31.171(c), should be the method by which the accumulated depreciation reserve is allocated to individual plant accounts and thereafter maintained. See 47 CFR 31.171, and *Report and Order in Docket No. 20188, supra*, at 295.

2. The remaining-life procedure for the determination of depreciation expense for each category of telephone plant is a computation which takes the original book cost of the telephone plant, subtracts therefrom the sum of the book depreciation reserve allocable thereto plus estimated future net salvage, and thereafter divides the result so obtained by the estimated number of years of average remaining life for that category of telephone plant. Remaining-life depreciation expense is thus calculated to distribute the unrecovered cost (i.e. original cost less the sum of the accumulated depreciation which is attributable to that plant and the estimated net salvage value of that plant) of a group of assets over the estimated average remaining life of that group of assets. Currently, depreciation expense for telephone plant is calculated by the use of a process which is known as "whole-life," by which depreciation expense is calculated by taking the book cost of telephone plant less average net salvage, and by then dividing the result so obtained by the estimated average service life of the assets. As a consequence, the "whole-life" method does not incorporate a mechanism which automatically corrects the periodic computation of depreciation expense to fully reflect the changes in depreciation expense which may be necessary to completely depreciate the net book value of unrecovered investment in telephone plant over the estimated average life of that telephone plant.

[1] This Notice was subsequently published in the **Federal Register** on January 28, 1981 (46 FR 9204–5).

3. The change to remaining life requires that the depreciation reserve balance—i.e. the accumulated depreciation—be determined for each group of assets for which separate depreciation rates are to be prescribed. *Public Notice No. 06219, supra* at 2–3, discussed two alternatives for allocating the accumulated depreciation reserve account ("account 171") to individual telephone plant accounts: (1) allocation based upon the actual debits and credits to the reserve which are attributable to specific subclasses of plant; and (2) allocation based upon a distribution determined from theoretical reserve studies. As stated in that Notice, the aggregate depreciation reserve represents the extent to which capital recovery has been achieved for the company as a whole. This reserve is the accounting accumulation of accruals, retirements, salvage, and costs of removal, which are, by and large, directly traceable to specific subclasses of property for which depreciation rates have been prescribed. Consequently, a reserve can be developed for a specific class of plant based upon an analysis of actual depreciation reserve activity, and the reserve developed in this manner represents the capital recovery which has occurred for that class of plant. This information is provided to the Commission each year through reports which are submitted by the carriers.

4. A theoretical reserve allocation approach focuses attention on current life estimates, ignoring all asset life characteristics that have existed in the past. This approach determines the theoretical reserve for each plant category using the most recent life prescription for that category. The aggregate reserve is then allocated to the plant categories in proportion to the distribution of theoretical reserves. The theoretical reserve approach assigns more of account 171 than would be allocated by actually recorded amounts to categories whose life characteristics are becoming shorter relative to other categories of plant. Similarly, less of the existing reserve would be allocated to plant categories which are expected to have longer lives.

II. Summary of Comments

5. In response to the Public Notice thirty-two comments and seven reply comments were filed by twenty-five state regulatory bodies, the National Association of Regulatory Utility Commissioners, the United States Department of Defense, a management consultant, telecommunications users, independent telephone companies, and A.T.&T.[2] Those parties who support the historical debits and credits allocations (hereinafter, "actual allocations" or "actual reserves") argue, *inter alia:* (1) that the assignment of account 171 to specific categories of plant should be performed on the basis of the information which has already been recorded for those categories of plant; (2) that § 31.171(c) of the Federal Communications Commission's rules and regulations, 47 CFR 31.171(c), requires the use of actual reserves; (3) that the purpose of this proceeding is to *allocate* account 171 to contra accounts which correspond to categories of depreciable plant in the furtherance of the Commission's objective of implementing the remaining-life method; (4) that the purpose of this proceeding is not to *reallocate* the existing reserve by some new method; (5) that A.T.&T. and the Bell System Operating Companies should be placed in the same position as G.T.E. and the other independent telephone companies that have historically maintained disaggregated depreciation reserves on the basis of actual allocations; (6) that actual reserves constitute a straight-forward, auditable, and reasonable method which would involve few discretionary decisions concerning the reallocation of the aggregate reserve; and (7) that, by comparison, theoretical reallocations would be almost fully dependent upon managerial assessments, particularly with respect to those classes of plant for which the evaluation of future technologies and marketplace characteristics would constitute an essential part of the analysis.

6. Opponents of the use of actual reserves have generally argued that the use of actual allocations requires broad assumptions to reconstruct the past; that actual reserves perpetuate the distorting effects of dated estimates of plant lives and net salvage; and, that actual allocations result in higher revenue requirements.

7. Those participants who supported the theoretical reserve study allocative approach (hereinafter "theoretical studies" or "theoretical reallocations") have contended that theoretical reallocations have been mandated by this Commission for the determination of interstate rate base pursuant to the requirements of the Separations Manual (which are found in § 67.1 of this Commission's rules and regulations, 47 CFR 67.1); that theoretical reallocations have been used for determining interstate and intrastate rate bases and expenses for ratemaking purposes; that theoretical reallocations will have a somewhat lower near-term impact on revenue requirements; and that this Commission has acquiesced in the use of theoretical reallocations by permitting A.T.&T. and the Bell System Operating Companies to file "Form M" data which included theoretical reallocations.

8. In general, the participants whose comments opposed the use of theoretical reallocations based their opposition upon one or more of the following observations: (1) theoretical reallocations ignore the past contributions which were made by customers for the use of property which is represented by specific plant accounts; (2) the use of theoretical studies, which are more manipulable than actual debits and credits data, may result in inequitable treatment of some wireline carriers through the administration of the separations and settlements process; (3) theoretical reallocations would allocate too large a proportion of the existing depreciation reserve to accounts which may be deregulated, with the potential consequence that an unregulated subsidiary of A.T.&T. may acquire assets at an understated net book value; (4) the object of this proceeding is to implement the remaining-life method for calculating depreciation expense by determining with reasonable certainty what the accumulated depreciation reserve balance for each category of plant presently is, and not what one would like it to be, nor what one thinks that it should be; and (5) theoretical reallocations are inconsistent with prior depreciation rate prescription practices.

9. The National Association of Regulatory Utility Commissioners ("NARUC"), the General Telephone and Electronics Corporation ("GTE"), the United Telephone Systems, Inc. ("United"), the Central Telephone and Utilities Corporation ("CENTEL"), the Southern Pacific Communications Corporation ("SPCC"), M.C.I., Inc. ("MCI"), the North American Telephone Association ("NATA"), the United States Department of Defense ("DOD"), the States of Florida, Missouri, North Carolina, Georgia, Tennessee, West Virginia, New York, California, Arkansas, Ohio, Colorado, South Carolina, the Bureau of Rates of the Pennsylvania Public Utility Commission, and the District of Columbia supported the use of actual reserves. A.T.&T. and the States of Delaware, North Dakota, Oregon, and Texas supported the use of theoretical allocations as did a management specialist with an accounting firm.

[2] A more detailed summary of the comments and the reply comments is contained in the appendix to this Opinion and Order and filed with the original.

III. Discussion

10. As already noted, to implement the remaining-life procedure for the calculation of depreciation expense for a category of plant, it is first necessary to determine the extent to which that category of plant has been depreciated, after which the unrecovered difference can be expensed during the expected remaining life of that category of plant. Both the actual allocation and the theoretical allocation proposals would assign the existing *accumulated* depreciation reserve among the categories of telephone plant. The essential difference between the two methods rests upon the fact that the actual allocation approach would result in the assignment of the depreciation expense based on the historical accumulated depreciation for specific classes of plant. Thus, actual allocations recognize the extent to which particular categories of plant have, in the past, been under-depreciated or over-depreciated. Theoretical allocations, on the other hand, are based upon contemporaneous estimates of what depreciation rates by category of plant would have been if current assessments of the expected lives of each category of plant had been employed *ab initio*.

11. As a number of parties have pointed out in their comments, we are concerned here with the reformation of the depreciation process or the correction of past inadequacies. Those matters were attended to in the *Report and Order in Docket No. 20188, supra* at 280–96, where we prescribed SLELG to allow for more rapid depreciation for future years and "remaining life" to eliminate past underdepreciation and to correct for future errors in life estimation. The task remaining at this point is simply to provide the necessary break-down of the accumulated depreciation reserve (account 171) so that the remaining-life procedures which were adopted in Docket No. 20188 can be implemented.

12. We believe that a break-down of the depreciation reserve into separate depreciation study categories based upon actual entries is already called for in our Rules. Specifically, § 31.171(c) provides that:

"* * * For corporate ledger and balance-sheet purposes this account shall be regarded and treated as a single composite reserve. However, for purposes of analysis, the company shall maintain subsidiary records in which the depreciation reserve is broken into component parts corresponding to the primary telephone plant accounts which include depreciable telephone plant (note also § 31.02–82); these subsidiary records shall show the current credits and debits to the reserve in complete detail by such primary plant accounts." 47 CFR 31.171(c) * * *

13. The illustrative example given in Case 1 of Appendix A to Part 31 of this Commission's Rules makes clear that what is required by § 31.171(c) is a cumulative break-down of the depreciation reserve to the separate depreciation study categories so that the total depreciation taken for each study category can be determined.

"* * * Carriers shall break-down the balance of their respective depreciation reserve (Account 171, 'Depreciation Reserve') in such a manner as *to show the amounts embraced therein in accordance with the historical development of such reserves with respect to each depreciation plant account*, and shall report such break-down in the appropriate schedules of the annual reports to the Commission." (Emphasis added).* * *

14. This Commission prescribes depreciation rates for thirty-six separate telephone companies which individually are affiliated with one of four corporate entities: A.T.&T., GTE, United or the Continental Telephone Company ("Continental"). GTE, United, and Continental have maintained subsidiary records showing the accumulation of debits and credits to the reserve for individual depreciation study categories. Although A.T.&T. reports the assignment of debits and credits on a current entry basis, it has not cumulated these amounts to show the total assignment to specific depreciation study categories.

15. As we read § 31.171(c), particularly in light of the example which is given in Case 1, A.T.&T.'s failure to cumulate its depreciation entries by specific depreciation study category is contrary to the requirements of that rule.[3] We note that Case 1 specifically requires that the carrier break-down the balance of the depreciation reserve "to show the amounts embraced therein in accordance with the historical development of such reserves with respect to each depreciation plant account. * * *" To only report current debits and credits, as A.T.&T. does, would not show this historical development.[4]

16. It is true, as A.T.&T. points out, that the Commission has not sought to enforce upon A.T.&T. the requirements for disaggregation and cumulation which are specified by § 31.171(c). Thus, the Commission has long been aware that A.T.&T. has not kept cumulative records for depreciation by depreciation study category, and it has permitted A.T.&T. to use theoretical depreciation studies for a number of purposes including the preparation of annual financial reports (e.g., Form M). A.T.&T. has also used theoretical studies for jurisdictional separations purposes.[5]

17. However, the Commission's acquiescence in A.T.&T.'s failure to keep cumulative information as to debits and credits for individual depreciation study categories is not determinative for our purposes here. We are not seeking to punish A.T.&T. or to provide for any sanctions because of its failure to comply with Rule 31.171(c). Rather, as we noted earlier, our goal here is to obtain the information which is necessary to compute remaining life rates for specific categories of plant. It would be sufficient for our purposes if A.T.&T. could provide the information required by § 31.171(c) by making the necessary summations based upon the debit and credit information that it has kept through the years. Based on the information before us, we believe that this can, in fact, be done.

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[3] After the Commission issued its Case 1 note in 1935, A.T.&T. disaggregated in its Form M Annual Report "the reserves of the Bell Companies * * * by primary depreciation plant accounts to the extent permitted by available data." A.T.&T. Comments p. 9. Although A.T.&T. discontinued this practice in 1944 (assertedly because of the difficulty of making the necessary break-down based on historical data) and substituted instead a new theoretical study, A.T.&T.'s initial attempt at compliance would suggest that it was well aware that Case 1 required that its depreciation reserve be disaggregated to the primary plant accounts based upon historical data.

[4] In our final order in Docket 20188 we amended § 31.171(c) of the Rules to make clear, without reference to the example in Case 1, that a telephone company was required to maintain a break-down of its overall depreciation reserve.

[5] Section 51.2 of the *Separations Manual* (which is incorporated *in toto* at § 67.1 of the Federal Communications Commission's Rules and Regulations, 47 CFR 67.1), states: "(t)he depreciation reserve applicable to the total depreciable property is first allocated to plant accounts. Where such amounts are not available from the books of the company, this allocation is made on the basis of a determination of the straight-line reserve theoretically applicable to the respective amounts." The information available to us indicates that A.T.&T. has chosen to employ theoretical studies for its companies in the administration of the jurisdictional separations and settlements processes. In contrast, GTE, United and Continental have used, and have been required to use (because the information was available), actual allocations for settlements purposes. We do not believe that the fact that A.T.&T. has used theoretical studies for separations purposes because it did not have available actual depreciation data by individual account is of more than peripheral significance. We have found nothing in the Separations Manual or in our decisions which support A.T.&T.'s suggestion that the use of theoretical allocations has been "mandated" for "determining the appropriate interstate rate base * * *." On the contrary, the Separations Manual appears to favor the use of actual debit and credit data by requiring such use if it is available. It is only in the absence of such actual data that theoretical studies can be used.

18. A.T.&T. does not contend that it does not have the necessary debit and credit information to disaggregate account 171 into accounts which generally correspond to the primary plant accounts.[6] Instead, A.T.&T. contends that such allocations could not be a complete, accurate, and meaningful break-down of the reserve by existing plant accounts. In support of this contention, A.T.&T. first asserts that the use of composite depreciation rates for large categories of depreciable plant of different types during certain periods would result in arbitrary assignments of account 171 to specific plant categories. As an example of such a possibility, A.T.&T. states that until "about 1947, a composite depreciation rate was applied to all central office investment," and that, thereafter "this investment was split into various categories such as panel, step-by-step, and crossbar, and depreciation was then accrued on this fragmented basis." (A.T.&T. Comments, p. 7.)

19. A.T.&T. is correct that central office equipment rates prior to 1947 were calculated on a composite basis. A.T.&T. has not, however, quantified the extent to which any allocation of such a reserve component could be considered to be arbitrary. It would appear that the effects of any arbitrariness in such an allocation would be quite small. The NARUC, for example, stated in its reply comments that the depreciation reserve in 1947 for all categories of plant was approximately ten percent of the current reserve. For central office equipment, this percentage would be considerably less. As the NARUC points out,

"* * * very little of the 1947 reserve is contained in the current reserve, as most of the plant in service in 1947 has already been retired. Thus, the problems associated with allocating undistributed portions of the reserve are clearly miniscule, as are those stemming from transferring plant between accounts or discontinuing and initiating accounts." (NARUC Reply Comments, p. 4). * * *

20. A.T.&T. further argues that "when plant was transferred between accounts, or when accounts were discontinued or new accounts created for part of the plant in existing accounts, associated reserve transfers were not determined or recorded," and that "the composition of equipment items within a depreciable investment category has changed such that the historical debits and credits are not reflective of the current composition of investment." (A.T.&T. Comments, pp. 7–8). This argument is correct as far as it goes: Reclassifications of plant have occurred, and reclassifications have not always been associated with concomitant changes in depreciation reserve data. However, the essential point here is that any distortions caused by such reclassifications are minor. Thus, the largest change in this regard was the reconstitution of the station equipment account in 1957, which our Staff has estimated to have been less, in total, than twenty-two percent of the plant which was then in existence.[7] At present, there is virtually no station equipment from 1957 which still remains in the terminal equipment accounts. As a consequence, the effect of that reclassification upon the composition of existing reserves is obviously nominal. The next major reclassification was the change which occurred when account 207 ("right of way") was discontinued and the balance in that account was distributed to the outside plant accounts. This change took place in 1959, and Staff computations show that the amount of investment involved at that time constituted less than one-tenth (.1) of one percent of today's investment.[8] Such an amount is also nominal. The Arkansas Public Service Commission correctly observes that the dollar amount of the current reserve which reflects activity prior to 1958 is negligible, and that the bulk of the existing depreciation reserve results from the growth of the system and inflation rather than from pre-1958 depreciation reserve activity. Similarly, GTE states that:

"* * * The reconstruction of the reserve does not require extreme precision to be representative of today's plant. * * * Historical debits and credits to the reserves from that date would provide a reasonably accurate picture of the reserves by account today since the vast majority of plant has been placed during the past twenty years. Certainly such an approach would be far more representative than using newly updated lives for accounts as a starting point for a reserve distribution as proposed by A.T.&T." (G.T.E. Comments, p. 4). * * *

21. In more recent years, information which has been forthcoming through the depreciation represcription process has indicated that the major reclassifications which have occurred in the last several years have been in the transfer of power and common equipment from the electromechanical to the electronic switching accounts. The Staff has carefully analyzed those reclassifications and has concluded that they have largely taken place *within* the primary plant accounts. Moreover, analyses which have occurred in connection with the depreciation rates represcription process have indicated that reclassifications within those accounts in recent years have been less than five percent of the electro-mechanical switching account. As a consequence, we do not believe that failures to effect parallel reclassifications in depreciation reserve data will significantly distort actual reserve allocations.[9]

22. Under the circumstances decribed above, we believe that we can disaggregate account 171 with sufficient accuracy for purposes of this proceeding based upon historical debit and credit activity.[10] In addition, since we are able to utilize this historical data, there is no warrant for accepting A.T. & T.'s proposal that we permit disaggregation of account 171 based upon current theoretical studies.

23. It is quite clear that if AT&T had kept separate depreciation reserves (as did GTE, United and Continental) there would have been no need to intitiate this proceeding. We believe it equally clear that our ability to obtain equivalent historical data through computation likewise completes our task here. Thus, we consider that our task in this proceeding is to determine what the individual depreciation study category reserves are. We are not concerned here with determining what

[6] A.T.&T. states in its comments that it has maintained "subsidiary records showing each year the current credits and debits to the reserve by primary plant accounts." (A.T.&T. Comments, pp. 5–6). The NARUC states "(f)or at least twenty years, AT&T has maintained detailed records of actual depreciation expense for each plant account, from which can be compiled actual accruals to the depreciation reserves for that period. Thus, by far the largest portion of the reserves can be accounted for on the basis of actual debits and credits." (NARUC Reply Comments, pp. 2–3).

[7] Each account which was reclassified into other accounts was substantially less than the totals which were contained in the combined accounts.

[8] In its December 31, 1959, Quarterly Report No. 2–A, AT&T stated that the total "right of way" investment was approximately $84 million. This is less than .1 percent of the nearly $130 billion of plant in service shown on the December 31, 1980, Quarterly Report No. 2–A.

[9] The other reclassifications or transfers of investment without associated reserve transfers which A.T. & T. has referenced in its comments were of substantially lesser amounts than those which have been heretofore discussed, and may consequently be viewed as being quite insignificant in their proportionate allocative effects upon actual reserves. Also, it should be emphasized that very few reclassifications of significant dollar amounts have taken place from one primary account to another, with the result that even if a reclassification could be considered to be significant in any sense, such a reclassification would not be likely to have a substantial effect upon the total reserve which would be associated with the related primary plant account.

[10] As shown *infra*, any uncertainty created by consolidations or transfers of accounts is far less in the uncertainty inherent in relying upon current theoretical studies.

these reserves should be or would have been had carriers and regulators been gifted with prescience in forecasting depreciation lives.

24. This is not to say that it would be improper to adjust the actual reserves for individual accounts in order to remedy specific problems. For example, if certain plant is underdepreciated, or if the reserve for a particular asset or for a group of assets is so deficient that remedial action must be taken, this can, of course, be done. However, the issue of any remedial action is not before us and there is no record in this proceeding to support such action. As we have stated, our task here is to simply allocate the existing reserve. Moreover, even where remedial action might be called for, it would be important to know—and this is the determination being made in this proceeding—what the actual reserves are. Such information would provide a base line for any departure and enable us to determine what depreciation has already been taken before deciding upon any adjustments.

25. For the reasons stated above, we believe that the use of historical debits and credits to obtain the disaggregation of account 171 necessary to implement remaining-life is the only course consistent with our accounting rules and with the limited nature of the task assigned by our decision in Docket No. 20188, *viz.* the disaggregation of the reserve to permit the implementation of remaining-life. We also believe that the use of actual or historical data to disaggregate account 171 is sound from a policy standpoint and that it avoids a number of serious problems which would result from the use of current theoretical reserve methods suggested by A.T. & T. For example:

26. It is generally understood that forecasting depreciation lives is an uncertain enterprise; that it is characterized by the exercise of a high degree of judgment; and, that it is dependent to a fair extent on the stated intentions of management. Thus, depreciation lives may vary depending upon a company's marketing plans, its proposed maintenance procedures or its capital acquisition program. As A.T. & T. points out in its comments (p. 12), "Depreciation rates are no more accurate than the uncertain estimates of service lives and net salvage on which they are based. In the depreciation process, current depreciation rates have continually been modified and represcribed over time in light of more refined estimates based on current experience."

27. To a large extent, the uncertainties accompanying the depreciation rate setting process are unavoidable. All the Commission can do is to make a careful estimate of future lives, permit depreciation expense by the carrier on the basis of these estimates, and then make corrections in the future when necessary. It is a far different matter, however, to use a theoretical allocation methodology to allocate *past* depreciation based upon future life estimates. If these estimates prove to be incorrect—as they almost certainly will given the fact that depreciation rate analysts do not possess perfect foresight—the errors of estimation would affect not only future depreciation, but also the accuracy of the disaggregation of the accumulated depreciation reserve. In other words, the amounts shown for the individual reserve accounts would be tainted by the same errors as the forecast. Any error would result not only in a misreading of the future but the past as well. This kind of uncertainty is obviously undesirable and can be avoided by the use of historical data.

28. Moreover, because of these uncertainties, and because of the judgmental elements inherent in any theoretical allocation, there is created the possibility that a carrier would use such an allocation to manipulate the disaggregation of its reserve to assign depreciation to particular classes of plant in such a fashion as to raise or lower the net book value of such plant in order to achieve a predetermined result. Although we do not suggest here that AT&T has sought to use the theoretical method to achieve any such result, the possibility of manipulation cannot be entirely disregarded as a matter of general principle and, indeed, several parties to this proceeding have raised the spector of such manipulation.[11]

29. As already noted, AT&T uses theoretical studies to allocate depreciation reserves for separations purposes. It is the only carrier for whom the Commission prescribes depreciation rates to use such an approach. GTE, United and Continental all use historical data for separations purposes. This disparity will be worse with the implementation of remaining-life, and presents a situation which is less than ideal from a regulatory standpoint. As a matter of principle, we believe that consistency among the carriers should be the cornerstone of the separations process.

[11] See Comments of the New York Public Service Commission (p. 5) and of Southern Pacific Communications Company (p. 7); and Reply Comments of the North American Telephone Association (pp. 3–6).

30. The adoption of theoretical allocations would tend to undermine the "three-way" meetings which have been held to represcribe depreciation rates. That process was instituted to afford state regulatory commissions and the affected carriers an opportunity to formally discuss, with the Commission's Staff, the depreciation rates which were to be applied to each category of plant. The results of those meetings, which have extended over several decades, are embodied in the depreciation reserve debits and credits which the carriers have maintained for each of those categories of plant. As was pointed out in the Public Notice "we believe that it would be difficult to simply ignore the results of past depreciation prescriptions so painstakingly arrived at in so many tripartite meetings over so many years."

31. We recognize that the depreciation rates established at the three-way meetings were not carved in stone. There probably have been, as AT&T claims (Comments p. 11), trade-offs and concessions in specific cases in order to reach a concensus. We would further concede that the participants in the three-way meeting process were almost certainly not unmindful of the need to provide for an adequate depreciation reserve overall. Nevertheless, the focus of the three-way meetings and the depreciation rate setting process generally has been to establish specific depreciation rates by individual study categories. The fact that there may have been concern for the amount of the overall reserve, or the fact that the process may have involved some haggling in individual cases, would hardly justify a decision to completely disregard the specific depreciation rates which constitute the work product of the three-way meetings.

32. Some parties have expressed concern that revenue requirements will increase as a consequence of allocations which are based upon actual reserves. While it is true that there will be no difference in the total dollar amount of depreciation expense which will be recovered under either of the two methods, there is some difference with respect to the timing of the additional depreciation expense. In our final order in Docket No. 20188, 83 FCC 2d at 293, we stated that increased revenue requirements were to be expected in the short run as a consequence of the changes in the depreciation methodologies which we were then considering. At that time we recognized that:

* * * Any change in accounting methods is not without cost * * *

Changes may result in increased revenue requirements and lead to rate increases. We do not find increased rates inconsistent, *per se* with our mandate under Section 1 of the Act, "to make available * * * a rapid efficient, nation-wide, and world-wide communications service with adequate facilities at reasonable charges * * *" 47 U.S.C. § 151. We must balance the interests of all present and future customers in the preservation of adequate facilities at reasonable charges. On balance, we find it not unreasonable that present ratepayers incur some additional expense in order to preserve the integrity of the investment and to assure the continued and longer term satisfaction of the requirements of our congressional mandate. The only alternative, continued deferral of both recognition of current costs and initiation of corrective measures to rectify any past unrecovered costs, will require much larger adjustments to be made at some future date. *Id.* * * *

It has been clear that implementation of the remaining life method will result in higher revenue requirements, and that the use of actual reserve allocations, may in the near term, raise depreciation expenses by an amount which is somewhat in excess of that which would be occasioned by the use of theoretical reserves. We cannot, however, avoid, nor should we seek to avoid, the direct consequences of our decision in Docket No. 20188. We would point out in this regard, that although the burden of any short run increase in revenue requirements attendant upon the decision to use actual as opposed to theoretical results would fall most heavily upon the states, a substantial majority of the states filing comments in this proceeding (14 of 18) have supported the use of actual, historical data as a basis for disaggregation. Moreover, based solely upon a consideration of which alternative would result in the lowest total revenue requirement impact over time, the decision would have to be made in favor of actual reserve allocations. Thus, a failure to provide for a more rapid recovery of investment through increased depreciation expenses carries the attendant cost of reimbursement to each carrier of its cost of capital on the investment thus unrecovered.

33. On an administrative note, regulatory bodies of several states have expressed concern with respect to the formalities of the implementation of the remaining-life method of calculating depreciation expense and the attendant disaggregation of account 171. We are sensitive to these concerns and shall attempt to address them by requiring: (1) that the Secretary of the Federal Communications Commission forward a copy of this order to each state regulatory body which is charged with the regulation of telecommunications common carriers which are also subject to the jurisdiction of this Commission; (2) that each carrier for whom this Commission prescribes depreciation rates shall file with the Secretary and with the Chief of the Depreciation Rates Branch of the Common Carrier Bureau of this Commission, within such time and in such form as the Chief of the Depreciation Rates Branch shall deem reasonable, statements of the actual allocation of its accumulated depreciation reserve (account 171); in accordance with this opinion, and shall thereafter file annual updates thereto; (3) and that the Chief of the Depreciation Rates Branch shall, upon completing his review, forward the reserve allocations of each carrier to each state telecommunications regulatory body which is charged with the regulation of that carrier.

III. Ordering Clauses

34. Accordingly, it is ordered, pursuant to sections 1, 4(i), and 4(j) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), and 154(j) that Docket No. 20188 is reopened and reinstituted for the limited purposes stated herein.

35. It is further ordered, pursuant to Sections 1, 4(i), 4(j), and 5(d)(1) of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i) 154(j) and 155(d)(1), that the disaggregation of account 171 of the Uniform System of Accounts shall be accomplished in accordance with this Opinion and Order and that depreciation reserves shall be maintained by each carrier for each category of property for which this Commission prescribes depreciation rates.

36. It is further ordered, That all future filings of the Form M shall be based upon and contain depreciation information in accordance with the disaggregation requirements of this Opinion and Order.

37. It is further ordered, That the Secretary of the Federal Communications Commission shall cause this Opinion and Order to be published in the **Federal Register**, and that the Secretary shall forward copies of this Opinion and Order to state regulatory bodies as heretofore provided.

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

Federal Communications Commission.[12]

William J. Tricarico

Secretary

Statement of Commissioner Joseph R. Fogarty

In Re: Proceedings to Allocate Depreciation Reserve as Required by the Final Order in Docket 20188

By this order we at last confront the reality of implementing our procompetitive telephone policies. Without the allocation of AT&T's accumulated depreciation reserve account to individual telephone plant accounts based upon actual debits and credits, no reliable reserve figures would exist upon which to base remaining life depreciation for AT&T. And, without the prescription of remaining life depreciation for AT&T, it is impossible to address the tremendous underdepreciation problem [1] this Commission has ignored for years. Furthermore, unless this Commission begins to resolve the depreciation crisis as well as to develop accurate depreciation reserve figures for AT&T's shorter-lived plant, we cannot valuate customer premises equipment (CPE) in an expedititious manner, a prerequisite to ultimate deregulation.

Our action in this proceeding, however, is only the first step in this valuation process. As we note in paragraph 24 of this order we are now simply allocating the existing reserve in a manner which will permit us to determine what the actual valuation is. If plant to be deregulated is drastically underdepreciated or if net book value is not an appropriate measure of true value, then this Commission must employ a truing up procedure before the monopoly assets can be transferred to the new Bell Fully Separated Subsidiary in accordance with the implementation directions of the Second Computer Inquiry (Docket No. 20828).

[FR Doc. 81-29976 Filed 10-15-81; 8:45 am]

BILLING CODE 6722-01-M

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47 CFR Part 73

[BC Docket No. 81-193; RM-3688, RM-3732]

FM Broadcast Station San Manuel, Miami, Claypool, and Summerhaven, Arizona; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action makes FM channel substitutions at Claypool, Miami, and San Manuel, Arizona, at the

[12] See Attached Statement of Commissioner Joseph R. Fogarty.

Note.—A summary of comments and reply comments received is available for inspection in the FCC Dockets Branch, Room 239, 1919 M St., NW., Washington, D.C. and on the Public Inspection Table at the Office of the **Federal Register**, 1100 L St., NW., Washington, D.C.

[1] *See* Statement of Commissioner Joseph R. Fogarty, *Reconsideration Order*, Docket No. 20188, FCC 2d (1981).

request of Coronado Broadcasting Company. The channel substitutions will allow a station operating in San Manuel to provide a wider service area. A proposal to assign Channel 288A to Summerhaven, Arizona, is denied for technical reasons.

DATE: Effective December 8, 1981.

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

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

SUPPLEMENTARY INFORMATION:

Adopted: October 5, 1981.

Released: October 8, 1981.

By the Acting Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 46 FR 20711, published April 7, 1981, proposing a series of channel substitutions in San Manuel, Miami, and Claypool, Arizona, and the addition of a Class A channel in Summerhaven, Arizona. These actions were requested by Coronado Broadcasting Company ("Coronado"), which seeks the substitution of Channel 276A for Channel 288A in San Manuel plus the related substitutions in Miami and Claypool; and Stanley Soho ("Soho"), who seeks the addition of Channel 288A in Summerhaven, Arizona. All of the channels proposed for substitution in this proceeding are unused. Because the Summerhaven proposal requires the same channel substitutions as requested by Coronado, the two proceedings were consolidated for Commission action. Comments in response to the *Notice* were submitted by Coronado, Soho, Grabet, Inc. Radio Enterprises ("Grabet"), and Steven R. Macias ("Macias"). Reply comments were filed by Coronado and Soho.

2. Coronado seeks the use of Channel 276A instead of Channel 288A at San Manuel because the use of Channel 288A is severely limited due to restricted site availability. In its comments, Coronado restates its intention to apply for Channel 276A at Coronado, if assigned. Coronado also opposes the addition of a channel assignment at Summerhaven. Coronado states that Summerhaven is not a city, town, political subdivision, or community within the meaning of the Commission's rules. Also, the proposed Summerhaven transmitter site does not allow line-of-sight transmission over what is alleged to be the entire community as required by § 73.315(b) of the Commission's rules. Coronado avers, however, that the chosen transmitter site will provide direct line-of-sight over the entire metro Tucson area. Coronado opines that this raises serious questions about the community which Soho intends to serve with the proposed Summerhaven facility.[1]

3. Soho states in his comments that Summerhaven indeed is ". . . a little marginal in the area of identifiable indicia of a community . . .". According to Soho, Summerhaven is a subdivision of the community of Mount Lemmon which has a total population of 1,390.[2] Soho argues that, even though Mount Lemmon is unincorporated and has no form of local government, it does have an identifiable community of interest. In this regard, Soho states that many of the local public and community service organizations as well as the local businesses identify themselves as Mount Lemmon establishments. These include the Mount Lemmon post office, elementary school, women's club, fire department, water co-operative, home association, accommodations school, Alpine Lodge, a realty company, a commercial sawmill, and the Ski Valley Lodge. Soho concludes that if Channel 288A is assigned to either Summerhaven or Mount Lemmon, he will apply for authority to build and operate a station there.

4. Grabet, the licensee of Stations KMGX(AM) and KRQQ(FM), Tucson, opposes the proposal to assign Channel 288A to Summerhaven primarily because Summerhaven is not a specific, defined community. Grabet states that Summerhaven has none of the characteristics of a typical community and is so small and insignificant that it is not recognized as a "place" or community by the U.S. Census Bureau. Grabet concludes that Soho must be seeking the assignment in order to serve some other community. According to Grabet, although a station at Summerhaven would not place a 60 dBu signal over the city of Tucson, it would certainly place a listenable signal over the city. Grabet, therefore, asserts that any station operating out of Summerhaven would only be able to exist as a substandard Tucson facility.

5. Macias states in his comments that he has prepared an application for Channel 288A at San Manuel and will amend his application if Channel 276A is substituted for Channel 288A. Macias also states that Mount Lemmon should be the community of assignment instead of Summerhaven if the Commission decides to act favorably toward Soho's petition.

6. In reply comments, Coronado notes that none of the parties commenting in the proceeding have objected to the channel substitutions necessary for the assignment of Channel 276A to San Manuel. Coronado also reiterates its objections to the Summerhaven proposal and urges the Commission to deny the Soho petition. Soho states in his reply comments that line-of-sight reception in fact is not possible to all of Summerhaven and Mount Lemmon due to obstructions from mountain ridges. Soho asserts that a suitable site from which such coverage could be provided does not exist presently, but that the Forest Service "may be able to provide such a site in the future." Soho alleges that Coronado's opposition is not based as much on its technical arguments as its fear of additional competition from a Summerhaven station. Soho contends that such additional service would promote the public interest.

7. We believe the proposed channel substitutions suggested by Coronado serve the public interest and should be adopted. It appears that the use of Channel 276A in San Manuel will considerably improve the coverage of a station operating there. The channels at San Manuel, Miami, and Claypool[3] are all unused and unapplied for; thus, the substitutions will cause no disruption or inconvenience. With respect to the proposal to assign Channel 288A to Summerhaven or Mount Lemmon, the technical deficiencies inherent in the proposal persuade us that the assignment should be denied. Although the Commission does not normally consider technical issues at the assignment stage of proceedings, an exception is made where no transmitter sites meeting the distance separation requirements are available from which shadow-free service can be provided to the community of license. Soho admits, and a staff study confirms, that the site chosen by Soho is unsuitable for the provision of line-of-sight service to Summerhaven and Mount Lemmon. Soho also admits that currently there are no alternative transmitter sites available. Consequently, because of these technical difficulties, the proposal to assign Channel 288A to Summerhaven or Mount Lemmon, Arizona, will be denied.[4] *Attica and*

[1] Coronado also raises several procedural objections relating to the Commission's decision to consolidate the two proceedings. Given the outcome of this proceeding, we do not believe Coronado's interests have been impaired by our joint consideration of the petitions.

[2] Soho states that these population figures are supplied by the "USDA Forest Service."

[3] The assignment of Channel 288A to Claypool requires a site restriction of .5 mile northeast.

[4] Due to our resolution of this case on technical grounds, it is not necessary for us to reach the issue of whether Summerhaven or Mount Lemmon can be considered a community for FM assignment purposes.

Warsaw, New York, 54 F.C.C. 2d 1137 (1975).

8. Mexican concurrence in the assignments has been received.

9. Accordingly, it is ordered, That effective December 8, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended as follows:

City	Channel No.
Claypool, Ariz.	288A.
Miami, Ariz.	252A.
San Manuel, Ariz.	276A.

10. It is further ordered, That the petition to assign Channel 288A to Summerhaven, Arizona, filed by Stanley Soho, is denied, without prejudice.

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

12. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act do not apply to rule making to amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

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

14. For further information, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Martin Blumenthal,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-30088 Filed 10-15-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-233; RM-3702, RM-3918, RM-3949]

FM Broadcast Station in Bay City, and Pasadena, Texas; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 221A to Bay City, Texas; substitutes Channel 225 for Channel 223 at Pasadena, Texas; and modifies the license of Station KYND, Pasadena, to specify operation on Channel 225; and reassigns Channel 245 from Bay City to El Campo, Texas, to reflect that channel's use at El Campo. The action is taken in response to a petition filed by Nathan Blum. The action will enable Bay City to receive its first local FM service and permit Station KYND to relocate its transmitter.

DATE: Effective December 8, 1981.

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

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

SUPPLEMENTARY INFORMATION:

In the Matter of Amendment of Section 73.202(b); Table of Assignments, FM Broadcast Stations. (Bay City, and Pasadena,[1] Texas); BC Docket No. 81-233, RM-3702, RM-3918, RM-3949, report and order, (Proceeding Terminated).

Adopted: October 5, 1981.

Released: October 9, 1981.

By the Acting Chief, Policy and Rules Division.

1. Before the Commission is a *Notice of Proposed Rule Making*, 46 FR 22006, published April 15, 1981, proposing the assignment of FM Channel 221A to Bay City, Texas, and the reassignment of Channel 245 from Bay City to El Campo, Texas, to reflect that channel's actual use at El Campo. The *Notice* was issued in response to a petition filed by Nathan Blum ("Blum"). Comments were filed by Blum; Commerce Broadcasting, Inc. ("Commerce"); Henderson Broadcasting Corporation ("Henderson"); a group of Houston radio station licensees ("Houston licensees");[2] and Harte-Hanks Radio, Inc. ("Harte-Hanks").[3] Reply comments were submitted by Blum and Harte-Hanks. Following the close of the pleading cycle, Harte-Hanks submitted a petition for rule making which, because of its relation to the present proceeding, was considered by the Commission as a counterproposal.[4] Comments in response to Harte-Hanks' counterproposal were filed by Blum, First Media Corporation ("First Media"), and by a group of Houston area FM stations known as the Senior Road Tower Group ("SRTG").[5]

2. Before summarizing the comments, a brief examination of the history of this proceeding is necessary. Although the assignment of Channel 221A to Bay City currently meets all minimum mileage restrictions, it would be short-spaced by approximately 26.7 kilometers (16.7 miles) to the proposed new transmitter site of Station KYND, Pasadena, Texas, Channel 223, licensed to Harte-Hanks. Harte-Hanks asserts that it is forced to relocate its transmitter due to the construction of several tall buildings adjacent to its present transmitter site in downtown Houston. Altogether, ten Class C FM stations licensed to Houston and its suburbs have been similarly affected by the new construction in downtown Houston. These ten stations have submitted applications with the Commission to move their transmitters to a common site known as the Senior Road Site southwest of the city. According to the affected stations, this location is the only suitable location in the Houston area which meets Federal Aviation Agency antenna height restrictions while providing adequate signals to their service areas.[6] In the *Notice*, the Commission stated that its policy with respect to a site preference of an existing station is that such a relocation is not sufficient justification to deny a new first assignment in another city. Thus, Harte-Hanks was given the burden of establishing that its existing transmitter site was unusable for purposes of serving its city of license, and that no other alternative sites which would not cause short-spacing to the proposed Bay City assignment could be utilized.

3. In his comments, Blum states that Bay City is a rapidly growing community whose population increased from 11,733 to 17,837 during the last decade. Furthermore, according to Blum, Bay City is an independent community in its own right and is not a part of any metropolitan area. Blum concludes that Bay City deserves a first local FM service and reiterates his intention to apply for a channel in Bay City, if assigned. Both Commerce and Henderson support the assignment of Channel 221A to Bay City and state that they will apply for the channel if

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[1] This community has been added to the caption.

[2] The stations represented are KSRR(FM), KIKK-FM, KYND(FM), KLEF(FM), and KMJQ(FM).

[3] In its original comments, Harte-Hanks advanced a counterproposal (RM-3918, Public Notice given June 19, 1981, Report No. 1293), proposing the assignment of Channel 252A to Bay City in lieu of Channel 221A. This counterproposal was opposed by First Media Corporation. Subsequently, Harte-Hanks withdrew the counterproposal; thus, that proposal and comments thereon will not be addressed herein.

[4] Public Notice of the petition and the Commission's decision to treat the petition as a counterproposal in this proceeding was given August 5, 1981, Report No. 1301.

[5] The members of SRTG are KYND(FM), KSRR(FM), KIKK-FM, KLEF(FM), KLOL(FM), KFMK(FM), KILT-FM, KODA(FM) and KRBE(FM).

[6] The proposed transmitter relocations also affect recent FM assignments in Lockhart and Freeport, Texas (BC Docket 79-256 and Docket 21513, respectively).

assigned. The comments of Harte-Hanks, the Houston licensees, and the reply comments of all parties address in detail the necessity of Station KYND's proposed transmitter relocation. However, given the counterproposal submitted by Harte-Hanks and the unanimous support for the counterproposal from the parties to this proceeding, the relocation conflict with the Bay City assignment becomes moot. Thus, we shall not discuss these comments, but shall proceed directly with a discussion of the counterproposal of Harte-Hanks.

4. In its counterproposal, Harte-Hanks seeks the substitution of Channel 225 for Channel 223 at Pasadena and the modification of Station KYND's license to specify operation on Channel 25. This change would remove the conflict with the assignment of Channel 221A at Bay City.[7] Harte-Hanks submits that this proposal clearly serves the public interest because it allows Station KYND to relocate it transmitter plus it permits the assignment of a new FM channel to Bay City. Harte-Hanks also notes that adoption of its proposal would result in the amicable resolution of this "enormously complicated" dispute and would "spare the resources of the Commission from protracted litigation . . ." According to the engineering report submitted by Harte-Hanks, the proposed channel substitution at Pasadena would also reduce the area of preclusion caused by the Pasadena assignment by approximately 4,474 square miles. Harte-Hanks concludes by requesting the modification of Station KYND's license to specify operation on Channel 225. In this regard, Harte-Hanks argues that the Commission's *Cheyenne*[8] policy, which makes new channel assignments in a community available to competing applications, should not apply in this instance because the requested action here is a simple channel substitution which is technically necessary for the addition of a new assignment at Bay City. All parties responding to the counterproposal of Harte-Hanks support the action proposed. SRTG additionally submits that the channel substitution at Pasadena has a further public interest benefit in that the use of Channel 225 instead of Channel 223 would reduce the possibility of producing intermodulation interference to Federal Aviation Agency facilities in the Houston area.

5. Although much of the discussion in this case has focused on the mileage separation issue and the necessity for Station KYND to move its transmitter, the primary issue for resolution is whether Bay City deserves an FM assignment. The proponents of the channel assignment to Bay City have shown that the community is a rapidly growing city which is currently served locally by a single daytime-only AM station. Given these circumstances, we believe that Bay City's need for a first local FM station has been amply demonstrated, and we will assign Channel 221A accordingly. In order to make this assignment and avoid any conflict with Station KYND's proposed transmitter relocation, we shall also adopt the counterproposal suggested by Harte-Hanks and substitute Channel 225 for Channel 223 at Pasadena, Texas. Channel 225 is available for use both at Stations KYND's current transmitter site and its presently proposed new transmitter site at Senior Road.[9] In conjunction with the channel substitution, we will modify Station KYND's license to specify operation on Channel 225. Such a license modification is a standard procedure in cases such as this where the substitution accommodates a new channel assignment. *See, e.g., Rhinelander and Wausau, Wisconsin, et al.*, 49 RR 2d 1113 (Broadcast Bureau 1981); *Mayfield and Wickliffe, Kentucky*, 46 RR 2d 1267 (Broadcast Bureau 1980).[10]

6. As stated in the *Notice*, we are also reassigning Channel 245 from Bay City to El Campo, Texas, to reflect its actual use there.

7. Accordingly, it is ordered, That effective December 8, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's rules, is amended as follows:

City	Channel No.
Bay City, Texas	221A
El Campo, Texas	245
Pasadena, Texas	225

8. It is further ordered, pursuant to the authority contained in Section 316 of the Communications Act of 1934, as amended, that the license of Station KYND, Pasadena, Texas, is modified, to specify operation on Channel 225 subject to the following conditions:

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

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

(c) The licensee shall not commence operation on the newly specified channel without prior Commission authorization; and,

(d) Nothing contained herein shall be construed to authorize a major change in transmitter location or to avoid the necessity of filing an environmental impact statement pursuant to § 1.1301 of the Commission's rules.

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

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

11. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-30087 Filed 10-15-81; 8:45 am]

BILLING CODE 6712-01-M

[7] A mileage separation of 65 miles is required between a Class C and a second adjacent Class A channel (e.g., Channel 221A to Channel 223). However, there are no mileage restrictions applying to fourth adjacent channels such as Channel 221A to Channel 225.

[8] *Cheyenne, Wyoming*, 62 FCC 2d 63 (1976).

[9] Harte-Hanks has indicated that it is presently preparing an amendment to its transmitter relocation application to specify a site other than the Senior Road site. According to our calculations, operation on Channel 225 at the new site would cause a short-spacing of approximately 1 kilometer (0.6 mile) with Station KITY at San Antonio, Texas. The distance between the two sites is approximately 179.4 miles. Therefore, if Harte-Hanks does amend its application to specify a site other than Senior Road, it must also request a waiver of the mileage separation requirements at that time.

[10] Making the channel substitution at Pasadena has obviated the necessity of analyzing the facts surrounding Station KYND's transmitter relocation. Thus, we need not, and we expressly do not, take any position on this issue at this time. The decision reached in this case should therefore not be considered precedent for the still-pending proceedings regarding the Lockhart and Freeport assigments cited in footnote 6. Those cases, as this one, will be decided on their own merits.

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

Various Railroads Authorized To Use Tracks and/or Facilities of Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Twenty-fourth Revised Service Order No. 1473.

SUMMARY: Pursuant to Section 122 of the Rock Island Railroad Transition and Employee Assistance Act, Pub. L. 96-254, this order authorizes various railroads to provide interim service over the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), and to use such tracks and facilities as are necessary for operations. This order permits carriers to continue to provide service to shippers which would otherwise be deprived of essential rail transportation.

EFFECTIVE: 12:01 a.m., October 14, 1981, and continuing in effect until 11:59 p.m., October 30, 1981, unless otherwise modified, amended or vacated by order of this Commission.

FOR FURTHER INFORMATION CONTACT: M. F. Clemens, Jr., (202) 275-7840.

SUPPLEMENTARY INFORMATION:

Decided: October 9, 1981.

Pursuant to Section 122 of the Rock Island Transition and Employee Assistance Act, Pub. L. 96-254 (RITEA), the Commission is authorizing various railroads to provide interim service over Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee), (RI) and to use such tracks and facilities as are necessary for the operation.

In view of the urgent need for implementation of long range solutions for continued rail service over RI lines, and in consideration of a recent complaint by the Trustee regarding the absence of compensation for the use of his property by certain rail carriers, the Railroad Service Board (RSB) hereby reminds any carriers which haven't negotiated such compensation to do so in the interest of continued operations. Compensation to the Trustee is an integral part of the interim authority and an obligation of all interim operators as specified by paragraph (c) of the order.

Appendix A, to the previous order, is revised by adding at Item 20, the additional authority for the Iowa Railroad to operate at Council Bluffs and from Stuart, Iowa, to Dexter, Iowa, and by reinstating at Item 21, the authority for the Missouri-Kansas-Texas Railroad Company to operate between McAlester and Oklahoma City, Oklahoma. This authority was inadvertently omitted and is considered to have continued uninterrupted. That Appendix is further modified by deleting at Item 15, the authority for the Cedar Rapids and Iowa City Railway Company. All succeeding Items were renumbered accordingly.

Appendix B of Thirteenth Revised Service Order No. 1473 is unchanged, and becomes Appendix B of this order.

It is the opinion of the Commission that an emergency exists requiring that the railroads listed in the attached appendices be authorized to conduct operations using RI tracks and/or facilities; that notice and public procedure are impracticable and contrary to the public interest; and good cause exists for making this order effective upon less than thirty days' notice.

It is ordered.

§ 1033.1473 Twenty-fourth revised Service Order No. 1473.

(a) *Various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, debtor (William M. Gibbons, trustee).* Various railroads are authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company (RI), as listed in Appendix A to this order, in order to provide interim service over the RI; and as listed in Appendix B to this order, to provide for continuation of joint or common use facility agreements essential to the operations of these carriers as previously authorized in Service Order No. 1435.

(b) The Trustee shall permit the affected carriers to enter upon the property of the RI to conduct service as authorized in paragraph (a).

(c) The Trustee will be compensated on terms established between the Trustee and the affected carrier(s); or upon failure of the parties to agree as hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by Section 122(a) Pub. L. 96-254.

(d) Interim operators, authorized in Appendix A to this order, shall, within fifteen (15) days of its effective date, notify the Railroad Service Board of the date on which interim operations were commenced or the expected commencement date of those operations. Termination of interim operations will require at least thirty (30) days notice to the Railroad Service Board and affected shippers.

(e) Interim operators, authorized in Appendix A to this order, shall, within thirty days of commencing operations under authority of this order, notify the RI Trustee of those facilities they believe are necessary or reasonably related to the authorized operations.

(f) During the period of the operations over the RI lines authorized in paragraph (a) of this section, operators shall be responsible for preserving the value of the lines, associated with each operation, to the RI estate, and for performing necessary maintenance to avoid undue deterioration of lines and associated facilities.

(1) In those instances where more than one railroad is involved in the joint use of RI tracks and/or facilities described in Appendix B, one of the affected carriers will perform the maintenance and have supervision over the operations in behalf of all the carriers, as may be agreed to among themselves, or in the absence of such agreement, as may be decided by the Commission.

(g) Any operational or other difficulty associated with the authorized operations shall be resolved through agreement between the affected parties or, failing agreement, by the Commission's Railroad Service Board.

(h) Any rehabilitation, operational, or other costs related to the authorized operations shall be the sole responsibility of the interim operator incurring the costs, and shall not in any way be deemed a liability of the United States Government.

(i) *Application.* The provisions of this order shall apply to intrastate, interstate and foreign traffic.

(j) *Rate applicable.* Inasmuch as the operations described in Appendix A by interim operators over tracks previously operated by the RI are deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via RI, until tariffs naming rates and routes specifically applicable become effective.

(1) The operator under this temporary authority will not be required to protect transit rate obligations incurred by the RI or the directed carrier, Kansas City Terminal Railway Company, on transit balances currently held in storage.

(k) In transporting traffic over these lines, all interim operators described in Appendix A shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to that traffic. Divisions shall be, during the time this order remains in force, those

voluntarily agreed upon by and between the carriers; or upon failure of the carriers to so agree, the divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(l) To the maximum extent practicable, carriers providing service under this order shall use the employees who normally would have performed the work in connection with traffic moving over the lines subject to this Order.

(m) *Effective date.* This order shall become effective at 12:01 a.m., October 14, 1981.

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., October 30, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

This action is taken under the authority of 49 U.S.C. 10304, 10305, and Section 122, Pub. L. 96-254.

This order shall be served upon the Association of American Railroads, Transportation Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members J. Warren McFarland, Robert S. Turkington, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

Appendix A—RI Lines Authorized To Be Operated by Interim Operators

1. *Louisiana and Arkansas Railway Company (L&A):*

A. Tracks one through six of the Chicago, Rock Island and Pacific Railroad Company's (RI) Cadiz yard in Dallas, Texas, commencing at the point of connection of RI track six with the tracks of The Atchison, Topeka and Santa Fe Railway Company (ATSF) in the southwest quadrant of the crossing of the ATSF and the Missouri-Kansas-Texas Railroad Company (MKT) at interlocking station No. 19.

2. *Peoria and Pekin Union Railway Company (P&PU):* All Peoria Terminal Railroad property on the east side of the Illinois River, located within the city limits of Pekin, Illinois.

3. *Union Pacific Railroad Company (UP):*

A. Beatrice, Nebraska.

B. Approximately 36.5 miles of trackage extending from Fairbury, Nebraska, to RI Milepost 581.5 north of Hallam, Nebraska.

4. *Toledo, Peoria and Western Railroad Company (TP&W):*

A. Keokuk, Iowa.

B. Peoria Terminal Company trackage from Hollis to Iowa Junction, Illinois.

5. *Chicago and North Western Transportation Company (C&NW):*

A. From Minneapolis-St. Paul, Minnesota, to Kansas City, Missouri.

B. From Rock Junction (milepost 5.2) to Inver Grove, Minnesota (milepost 0).

C. From Inver Grove (milepost 344.7) to Northwood, Minnesota.

D. From Clear Lake Junction (milepost 191.1) to Short Line Junction, Iowa (milepost 73.6).

E. From Short Line Junction Yard (milepost 354) to West Des Moines, Iowa (milepost 364).

F. From Short Line Junction (milepost 73.6) to Carlisle, Iowa (milepost 64.7).

G. From Carlisle (milepost 64.7) to Allerton, Iowa (milepost 0).

H. From Allerton, Iowa (milepost 363) to Trenton, Missouri (milepost 415.9).

I. From Trenton (milepost 415.9) to Air Line Junction, Missouri (milepost 502.2).

J. From Iowa Falls (milepost 97.4) to Esterville, Iowa (milepost 206.9).

K. From Bricelyn, Minnesota (milepost 57.7) to Ocheyedan, Iowa (milepost 246.7).

L. From Palmer (milepost 454.5) to Royal, Iowa (milepost 502).

M. From Dows (milepost 113.4) to Forest City, Iowa (milepost 158.2).

N. From Cedar Rapids (milepost 100.5) to Cedar River Bridge, Iowa (milepost 96.2) and to serve all industry formerly served by the RI at Cedar Rapids.

O. From Newton (milepost 320.5) to Earlham, Iowa (milepost 388.6).

P. Sibley, Iowa.

Q. Worthington, Minnesota.

R. Altoona to Pella, Iowa.

S. Carlisle to Indianola, Iowa.

T. Omaha, Nebraska, (between milespost 502 to milepost 504).

U. Earlham, (milepost 388.6) to Dexter, Iowa (milepost 393.5).

V. Peoria Terminal Company trackage from Iowa Junction (RI milepost 164.32/PTC milepost .91) through Hollis, Illinois to the Illinois River bridge (milepost 7.40).

6. *Chicago, Milwaukee, St. Paul and Pacific Railroad Company (Milwaukee):*

A. From West Davenport, through and including Muscatine, to Fruitland, Iowa, including the Iowa-Illinois Gas and Electric Company near Fruitland.

B. Washington, Iowa.

C. From Newport, to a point near the east bank of the Mississippi River, sufficient to serve Northwest Oil Refinery, at St. Paul Park, Minnesota.

D. From Davenport to Iowa City, Iowa.

E. At Davenport, Iowa.

7. *Davenport, Rock Island and North Western Railway Company (DRI):*

A. Moline, Illinois.

B. Rock Island, Illinois, including 26th Street yard.

C. From Rock Island through Milan, Illinois, to a point west of Milan sufficient to include service to the Rock Island Industrial complex.

D. From Rock Island, Illinois, to Davenport, Iowa, sufficient to include service to Rock Island Arsenal.

8. *St. Louis Southwestern Railway Company (SSW):*

A. From Brinkley to Briark, Arkansas, and at Stuttgart, Arkansas.

B. At North Topeka and Topeka, Kansas.

9. *Little Rock & Western Railway Company:* From Little Rock, Arkansas (milepost 135.2) to Perry, Arkansas (milepost 184.2); and from Little Rock (milepost 136.4) to the Missouri Pacific/RI Interchange (milepost 130.6).

10. *Missouri Pacific Railroad Company:* From Little Rock, Arkansas (milepost 135.2) to Hazen, Arkansas (milepost 91.5); Little Rock Arkansas (milepost 135.2) to Pulaski, Arkansas (milepost 141.0); Hot Springs Junction (milepost 0.0) to and including Rock Island milepost 4.7.

11. *Norfolk and Western Railway Company:* Is authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company running southerly from Pullman Junction, Chicago, Illinois, along the western shore of Lake Calumet approximately four plus miles to the point, approximately 2,500 feet beyond the railroad bridge over the Calumet Expressway, at which point the RI track connects to Chicago Regional Port District track; and running easterly from Pullman Junction approximately 1,000 feet into the lead to Clear-View Plastics, Inc., for the purpose of serving industries located adjacent to such tracks and connecting to the Chicago Regional Port District. Any trackage rights arrangements which existed between the Chicago, Rock Island and Pacific Railroad Company and other carriers, and which extended to the Chicago Regional Port District Lake Calumet Harbor, West Side, will be continued so that shippers at the port can have NW rates and routes regardless of which carrier performs switching services.

12. *Southern Railway Company:*

A. At Memphis, Tennessee

13. *Cadillac and Lake City Railroad:*

A. From Sandown Junction (milepost 0.1) to and including junction with DRGW Belt Line (milepost 2.7) all in the vicinity of Denver, Colorado.

B. From Colorado Springs (milepost 609.1) to and including all rail facilities at Colorado Springs and Roswell, Colorado (milepost 602.8), all in the vicinity of Colorado Springs, Colorado.

C. From Limon, Colorado (milepost 532) to but not including Caruso, Kansas (milepost 429.3), with over-head rights from Caruso to Colby, Kansas, in order to effect interchange with the Union Pacific.

D. Rock Island trackage rights over Union Pacific Railroad Company between Limon and Denver, Colorado.

14. *Baltimore and Ohio Railroad Company:*

A. From Blue Island, Illinois (milepost 15.7) to Bureau, Illinois (milepost 114.2), a distance of 98.5 miles.

B. From Bureau, Illinois (milepost 114.12) to Henry, Illinois (milepost 126.94) a distance of approximately 12.8 miles.

15. *Keota Washington Transportation Company:*

A. From Keota to Washington, Iowa; to effect interchange with the Chicago, Milwaukee, St. Paul and Pacific Railroad Company at Washington, Iowa, and to serve any industries on the former RI which are not being served presently.

B. At Vinton, Iowa (milepost 120.0 to 123.0).

C. From Vinton Junction, Iowa (milepost 23.4) to Iowa Falls, Iowa (milepost 97.4).

16. *The La Salle and Bureau County Railroad Company:*

A. From Chicago (milepost 0.60) and Blue Island, Illinois (milepost 16.61), and yard tracks 6, 9 and 10; and crossover 115 to effect interchange at Blue Island, Illinois.

B. From Western Avenue (Subdivision 1A, milepost 16.6) to 119th Street (Subdivision 1A, milepost 14.8), at Blue Island, Illinois.

C. From Gresham (subdivision 1, milepost 10.0) to South Chicago (subdivision 1B, milespost 14.5) at Chicago, Illinois.

17. *The Atchison, Topeka and Santa Fe Railway Company:*

A. At Alva, Oklahoma.

18. *The Brandon Corporation:*

A. From Clifton, Kansas (milepost 197.0), to Manhattan, Kansas (milepost 143.0), a distance of approximately 53 miles.

19. *Iowa Northern Railroad:*

A. From Cedar Rapids, Iowa (milepost 100.5), to Waterloo, Iowa (milepost 150.76).

B. From Shell Rock, Iowa (milepost 172.1), to Nora Springs, Iowa (milepost 211.40).

C. At Vinton, Iowa, and west on the Iowa Falls Line to milepost 24.3.

20. *Iowa Railroad Company:*

A.* From McClelland, Iowa (milepost 476.6) to Dexter, Iowa (milepost 393.0) a distance of approximately 83.6 miles.

B. From Audubon Junction (milepost 440.7) to Audubon, Iowa (milepost 465.1) a distance of approximately 24.4 miles.

C. From Hancock, Iowa (milepost 6.4) to Oakland, Iowa (milepost 12.3) a distance of approximately 5.9 miles.

D.* At Council Bluffs and from Riggs, Iowa (milepost 486.34) to Pool Yards (milepost 490.15).

21.† *Missouri-Kansas-Texas Railroad Company:*

A. From Oklahoma City, Oklahoma (milepost 496.4) to McAlester, Oklahoma (milepost 365.0), a distance of approximately 131.4 miles.

[FR Doc. 81-29959 Filed 10-15-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 653

Atlantic Herring Fishery

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

ACTION: Notice of closure.

SUMMARY: This notice closes the herring fishery in the Gulf of Maine, south of Cape Elizabeth, Maine for fishing vessels harvesting Atlantic herring within the fishery conservation zone. This action is based on a projection by the Assistant Administrator for Fisheries which indicates that the seasonal allocation for the summer-fall fishing period will be reached by October 18, 1981. This fishery closure is expected to keep the harvest levels within the area-period allocations established in the fishery management plan.

EFFECTIVE DATE: From October 18, through November 30, 1981.

FOR FURTHER INFORMATION CONTACT: Frank Grice (Chief, Management Division, NMFS) 617-281-3600.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for Atlantic Herring (FMP) (45 FR 15957) established an area and period allocation system to divide the optimum yield for adult herring in the Gulf of Maine into allocations north and south of Cape Elizabeth, Maine (43°34' N. latitude) according to historical fishing activity. The allocation of age 3 and older herring for the summer-fall period (July 1–November 30) in the Gulf of Maine, south of Cape Elizabeth, Maine is 9000 mt.

Regulations at 50 CFR 653.22(a) require the Assistant Administrator for Fisheries, NOAA (Assistant Administrator) to project, at least once a month, the date when the quotas of Atlantic herring in each of the two management areas, less anticipated amounts for incidental catches of herring, will be harvested. If the projected date in any area is earlier than the end of the period, then the Assistant Administrator shall, by notice, make a determination to prohibit fishing in the applicable area after the projected date.

The Assistant Administrator has determined, based upon his projection, that the fishery for Atlantic herring in the fishery conservation zone of the Gulf of Maine, south of Cape Elizabeth, Maine will be closed on October 18, 1981 and remain closed through the end of the period (November 30, 1981). The projection of the date when the quota of herring for this management area will be caught was based on historical catch data, market conditions and actual landings between July 1, and October 2, 1981.

50 CFR 653.22(b) (1) and (2) establish that vessels fishing for fish other than herring, in an area closed under 50 CFR 653.22, are allowed an incidental catch of herring of not more than 5 percent by weight of the total catch on board. However, vessels fishing for mackerel are allowed an incidental catch of herring of not more than 20 percent by weight of the total catch on board. As defined in 50 CFR 653.2, "a vessel fishing for mackerel" is a vessel whose catch on

* Added.

† Changes.

board is at least 75 percent mackerel by weight.

This notice implements a provision required by § 653.22(a) of the final regulations. The effects of this inseason closure on the participants in the fishery were considered in the final regulations implementing Amendment 3 to the FMP.

(16 U.S.C. 1801 *et seq.*)

Dated: October 14, 1981.

William G. Gordon,

Acting Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 81-30156 Filed 10-14-81; 4:00 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 46, No. 200
Friday, October 16, 1981

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 145 and 147

National Poultry Improvement Plan and Auxiliary Provisions on National Poultry Improvement Plan

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend portions of the provisions governing the National Poultry Improvement Plan and Auxiliary Provisions to incorporate new provisions for the control of certain poultry diseases.

Duties of the General Conference Committee would also be revised. The changes are being proposed in an effort to reduce the cost of the testing programs and to use more reliable laboratory techniques in screening specimens which have had a positive or suspicious blood test. Those proposed changes which provide for new programs will permit the breeding flocks which participate to be blood tested and officially classified as to their freedom from the diseases for which they were tested. Certain portions of the present provisions are being proposed for deletion because recent scientific findings show they are no longer pertinent or because there is no longer any interest in them on the part of the poultry industry. The intended effect of these proposals is to continue providing valid tests for the different diseases at lower cost to the owner, to provide more definitive techniques to confirm suspected reactors, and to offer new testing and classification programs which permit prospective buyers to know the health status of products before making a purchase.

DATE: Comments should be received on or before December 15, 1981.

ADDRESS: Written comments should be submitted to Deputy Administrator, USDA, APHIS–VS, Building 265, BARC-East, Beltsville, MD 20705.

FOR FURTHER INFORMATION CONTACT: Raymond D. Schar, USDA, APHIS–VS, Building 265, BARC-East, Beltsville, MD 20705. (301) 344–2227.

SUPPLEMENTARY INFORMATION:

Classification

The amendments would reduce the maximum size of the sample of breeding chickens to be blood tested for *Mycoplasma gallisepticum* and *Mycoplasma synoviae* (MG and MS) under the official control program for the diseases caused by these two organisms. They would provide for a new program to identify flocks of started poultry which have had a negative test for MG, and would change certain criteria for determining the MG and MS classification of breeding flocks. Two new procedures, bacteriological examination and in vivo bio-assay, are proposed to further evaluate the status of *Mycoplasma* reactors. A program to blood test and classify turkey breeding flocks for *Mycoplasma meleagridis*, to be effective January 1, 1982, is being proposed for the first time. Waterfowl which are located on the same premises, but are not part of the participating flock of breeding chickens, turkeys, or other fowl would no longer have to be blood tested for *Salmonella pullorum* or *S. gallinarum* as a condition for the classification of a participating flock. Recommended procedures for the bacteriological examination of Salmonella reactors would be amended to include new techniques and diagnostic materials.

This proposed action has been reviewed in conformance with Executive Order 12291 and has been classified as not a "major rule." Based on information compiled by the Department, and outlined in the section "Economic Analysis" below, it has been determined that, in terms of the total economy, the annual economic effect will be negligible since the cost of the additional requirements called for by these proposed changes to the National Poultry Improvement Plan will be offset by the annual savings derived from the proposed elimination of other requirements. It has been further determined that this action will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; that this action will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dr. Harry C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because the proposed amendments would only affect owners of hatcheries which are voluntarily participating in the National Poultry Improvement Plan (NPIP) programs. Presently there are a total of 1062 hatcheries in the NPIP, of which 90 commercial egg and meat-type chicken hatcheries and 13 turkey hatcheries are considered to be small entities which could be affected. However, only three of these small entities have ever blood tested for the particular diseases with which these amendments are concerned. Furthermore, it is considered unlikely that the balance of the small entities entities which participate in the NPIP will blood test for *Mycoplasma gallisepticum*, *M. synoviae*, or *M. meleagridis* in the foreseeable future. Additionally, it is not anticipated that this action will have a significant economic impact on small organizations or small governmental jurisdictions.

Economic Analysis

The National Poultry Improvement Plan (NPIP) is a voluntary State-Federal cooperative Program for the improvement of poultry and poultry products through the control of certain egg-transmitted and hatchery-disseminated diseases. It is voluntary for the States to cooperate in the program and voluntary for individual industry members. Amendments to the provisions governing the program are recommended by the delegates to the Biennial National Plan Conference. These delegates represent participating hatcherymen, dealers, and independent breeding flockowners from the 47 cooperating States. Amendments are proposed to meet the changing needs of the breeding and hatching industry and to utilize new information, materials,

procedures, and techniques as they are developed.

The delegates to the 1980 National Plan Conference recommended additions, changes, or deletions to 53 of the NPIP provisions. They are contained in this notice of proposed rulemaking. These industry delegates voted to have these regulations incorporated into the NPIP provisions so that the poultry industry would be more cost effective.

There are four proposed amendments which could have some economic impact on certain segments of the poultry industry:

1. An Amendment Concerning Mycoplasma Gallisepticum (MG) Testing.

MG is a bacteria which causes serious respiratory diseases in poultry and is egg transmitted. Breeding flocks can be blood tested and those flocks found to be infected can be discarded as breeders. The proposed change in these provisions would reduce the size of the sample of breeding chickens tested for an official "U.S. M. Gallisepticum Clean" classification. This change would affect owners of egg and meat-type chicken breeding flocks. Of the 4000 flocks which participated in the NPIP in 1978–79, 1300 were tested for MG. By using the proposed sample size to be tested, there would have been 481,000 fewer tests made on the 11.5 million breeders which were classified. At a cost of $0.30 per test, this would have saved $144,300 in testing costs. In addition, savings would have been realized through fewer records, less money invested in flocks, and less work for laboratories for testing. By lowering the sample size, additional flocks can be expected to participate in the testing program. This would provide an increased supply of MG negative hatching eggs and baby poultry resulting in a better disease control program.

2. An Amendment Concerning Mycoplasma Synoviae (MS) Testing

MS is a bacteria which produces an infectious disease in poultry, manifesting itself as synovitis and respiratory ailments. This amendment would reduce the size of the sample of the egg and meat-type breeding chichens which must be tested for an official "U.S. M. Synoviae Clean" classification. During 1978–79, 1200 of the 4000 breeding flocks participating in the NPIP were given an MS classification. If this proposal had been in effect, these same flocks could have been classified with 227,000 fewer tests on the 10.5 million breeding birds involved. Since each test cost approximately $0.50, this would have represented a saving of $113,500 to these flockowners. In addition, there would have been savings due to less paperwork and records, less money invested in flocks, and less workload at the laboratories. Also, by reducing the sample size, more flocks should particate in the testing program, thus providing a larger supply of MS negative hatching eggs and baby poultry. This should result in better control of this disease.

3. An Amendment To Provide a Mycoplasma meleagridis (MM) Program for Turkeys

MM is a bacteria which causes an egg-transmitted disease of turkeys in which the primary lesion is airsacculitis in the progeny. Other manifestations of the disease include decreased hatchability, skeletal abnormalities, and poor growth performance. This amendment would provide for blood testing certain turkey breeding flocks for MM. This would be a voluntary program, and those breeding flocks which proved to be negative to MM would be classified as "U.S. M. Meleagridis Clean."

An alternative to hatching poults from MM clean hatching eggs would be to continue dipping the hatching eggs infected with MM in an antibiotic solution in an effort to control the organisms. This procedure is estimated to cost $4 million per year.

The MM blood testing program would not be available until January 1, 1982, when it is anticipated that sufficient primary breeding stock negative to MM will be available to make an official testing program worthwhile. At that time, many of the 750 turkey breeding flocks participating in the NPIP would have the opportunity to participate in the MM testing Program. This would entail the blood testing of approximately 300 samples from each flock during their egg laying period or a total of 225,000 samples if all flocks participated in the MM program. At a maximum cost of $1.00 per sample, the expected testing cost would be $300 per flock or $225,000 for the entire industry. If half of the breeding flocks were MM clean and the eggs from these flocks did not have to be dipped, a saving of about $2 million would be realized. Better hatchability is expected from MM clean hatching eggs. This should result in 2 percent more poults from the MM clean eggs. This should result in over $1 million greater income from the MM clean breeding flocks.

4. An Amendment To Provide an MG Program for Started Poultry

An MG testing program for started poultry would be made available for this segment of the industry through an addition to the NPIP provisions. Approximately 290 million laying hens are produced in the United States each year. Assuming that half of these are raised to laying age by persons other than those who keep them during their laying period, there would be 145 million started pullets produced for sale. If five percent of these or 7.25 million started pullets participated in the proposed MG testing and certification program, 110,000 birds would be blood tested at a cost of $33,000. These figures assume that the started pullets are grown in units of 5000 birds each and that the proposed 75 bird sample per flock is tested. At $0.30 per sample tested, this would cost the owner of each 5000 started pullets less than $25 for laboratory testing costs. There would be additional labor costs involved in the bleeding of the birds. Also sanitation costs to prevent the flock from becoming infected with MG could also be included. Many of these costs, however, are normally good disease control procedures.

If, through this testing program, a flock of started pullets is determined to be infected with MG, it does not mean that the flock has no value as a producer of table eggs. It would provide information necessary to make management decisions as to where the flock should be housed and handled. Layers negative to MG can be expected to produce 6–10 more eggs per year than an infected layer.

The MG started poultry program will provide greater assurance to an egg producer that this infection will not be brought on to his MG-free premises. This program will also provide an incentive to the commercial egg industry to try to control this disease. Reduction in the number of MG infected flocks will reduce the danger of infecting the poultry meat industry. Spread of MG to this industry causes large economic losses annually.

The balance of the proposed amendments provide for certain definitions, assignment of approval numbers, exempting certain waterfowl from a pullorum-typhoid test, improved laboratory procedures for mycoplasmosis diagnosis, additional criteria for bacteriological examination of salmonella reactors, and other organizational changes which are considered to have little, if any, economic impact on the poultry industry in terms of added costs to Plan participants. The proposed amendments would enhance the Plan by including the most recent research and laboratory techniques in isolating and identifying

the organisms and diseases covered by Plan programs. Additionally they would improve the general operation and supervision of the administration of the Plan. The added cost, if any, to program participants is greatly outweighted by the benefit to be derived by inclusion in the Plan of these proposed amendments.

Notice is hereby given, under the administrative procedure provisions of 5 U.S.C. 553, that the Animal and Plant Health Inspection Service is considering amending Parts 145 and 147, Title 9, Code of Federal Regulations.

Background

The National Poultry Improvement Plan (NPIP) is a cooperative State-Federal program through which new technology can be effectively applied to the improvement of poultry breeding stock and hatchery products through the control of certain hatchery-disseminated diseases. The provisions of this voluntary program are changed from time to time to conform with the development of the industry and to utilize new information as it becomes available. These changes are based on recommendations initiated at the biennial National Plan Conference by the official delegates representing participating flockowners, breeders, and hatcherymen from all cooperating States. Since this is a voluntary program, these provisions apply only to those who wish to participate in the program. On June 20, 1980, there was published in the **Federal Register** (45 FR 41683) a notice of the July 7–10, 1980, meeting of the General Conference Committee and the biennial National Plan Conference. The recommended amendments contained in this proposed rule were made by the delegates to that conference.

Affecting the Mycoplasma Provisions

Sections 145.23(c), 145.33(c), and 145.53(c), 9 CFR, are proposed to be amended by reducing the size of the sample of breeding birds which are blood tested for an official *Mycoplasma gallisepticum* (MG) classification. Primary breeding flocks would be qualified on an intitial test of 300 birds instead of the present sample of 500 birds. The monitoring tests, spaced a maximum of 90 days apart, would require a test of 150 birds, rather than five percent of the flock which is presently required. For multiplier flocks, the sample size for the initial test would be 150 birds, rather than the 200 birds which is now required. The monitoring test would require that a maximum sample of 75 birds be tested each 90 days, instead of the present 100 bird sample. These proposed sample sizes would give a 95 percent probability of finding reactors in a flock in which the rate of infection is at least two percent. This rate of infection is the minimum normally found in flocks which are infected, according to information presented at the 1978 National Plan Conference by representatives of four State diagnostic laboratories. Those reports are included in the proceedings of that conference. Tables to determine the sample size at the 95 percent probability level are found in 'Regulatory Statistics, 5th Edition,' June 1975, published by Veterinary Services, APHIS, U.S. Department of Agriculture, hereinafter referred to as 'Regulatory Statistics.' [1] These proposed reductions in the size of the sample to be tested would save time and money due to fewer chickens being tested, while still retaining the high level of reliability in determining which flocks may be infected.

Sections 145.23(e) and 145.33(e), 9 CFR, are proposed to be amended by reducing the size of the sample of breeding birds which are blood tested for an official *Mycoplasma synoviae* (MS) classification. Primary breeding flocks would be qualified on an initial test of 300 birds instead of the present maximum sample of 500 birds. The monitoring test, spaced on a maximum of 90 days apart, would require a test of 150 birds, rather than three percent of the flock which is presently required. For multiplier flocks, the sample size for the initial test would be 75 birds, instead of the present requirement of one percent of the flock, with a maximum of 100 and a minimum of 30 birds. The monitoring tests for multiplier flocks, which would be spaced a maximum of 90 days apart, would require a test of 50 birds, instead of the present requirement of one percent of the flock, with a maximum of 60 and a minimum of 30 birds being tested. These proposed sample sizes would give a 95 percent probability of finding reactors in a flock in which the rate of infection is at least five percent. This rate of infection is the minimum normally found in flocks which are infected with MS, according to information presented at the 1978 National Plan Conference by representatives of four State diagnostic laboratories. Those reports are included in the proceedings of that conference. Tables to determine the sample size at the 95 percent probability level are found in 'Regulatory Statistics.' These proposed reductions in size of sample to be tested would save time and money due to fewer chickens being tested, while still retainining the high level of reliability in determining which flocks are infected.

Section 145.23, 9 CFR, is proposed to be amended by adding a new paragraph (f) which would provide for an MG testing and classification program for started poultry. Those flocks of started poultry which originated as U.S. M. Gallisepticum Clean baby chicks and were raised on premises where only U.S. M. Gallisepticum Clean poultry were kept, would be eligible for this program. A sample of 75 birds, with a minimum of 50 birds per poultry house, must be negative for MG between 15 to 20 days prior to the flock being moved to laying quarters in order for the flock to be classified as U.S. M. Gallisepticum Clean. In order to aid in preventing the disease organism from entering the flock, it must be raised under the sanitary conditions prescribed in § 147.26 of 9 CFR, and delivered to the laying quarters in crates which have been cleaned and disinfected as described in § 147.24(a) of 9 CFR. Since practically all started poultry are raised in large flocks, the minimum of 50 birds per house would, on a flock basis, be a valid sample, as determined in 'Regulatory Statistics.' Research has shown that a 'clean' bird will produce 10–15 more eggs than a bird that has a natural infection during the laying year and 6–10 more eggs than a bird that has been subjected to 'controlled exposure' to the disease during the growing period. Since an MG infected started pullet flock should not be brought onto a 'clean' laying premises, it is important to know the status of the flock before it is moved to the laying quarters. This program is designed to test and identify the MG negative flocks just prior to their being moved.

Section 145.43, 9 CFR, is proposed to be amended by adding two new paragraphs (d) and (e) to provide for the testing and classifying of turkey breeding flocks for *Mycoplasma meleagridis* (MM). *Mycoplasma meleagridis* is a bacteria which can be transmitted from the breeding turkey hen to the poult through the hatching egg. It may cause airsacculitis in the poults, may affect growth performance and livability, and may cause skeletal deformities and condemnation at the processing plant. This organism is a specific pathogen of turkeys, costing the turkey industry considerable sums of money each year. This proposed testing program would identify breeding flocks which were free of MM. The proposed size of the sample of breeding turkeys to be tested for the initial test is 60 birds.

[1] Copies may be obtained upon request from the NPIP Staff, USDA, APHIS–VS, Building 265, Beltsville, MD 20705.

This would be followed at 4–6 week intervals with a test of 60 birds from the female flock and 30 birds from the male flock. The male flocks are generally not over one-tenth the size of female flocks. The MM bacteria is primarily spread via the males through artificial insemination. Therefore, higher portions of the male flock must be tested at the 4–6 week intervals to prevent the spread of the MM bacteria. Additionally these sample sizes are consistent with the tables shown in 'Regulatory Statistics.' Those flocks which test negative on the initial test and continue to test negative on the monitoring tests will be classified as "U.S. M. Meleagridis Clean." However, if a flock is negative on the initial test but shows positive on one of the monitoring tests, its classification shall be changed to "U.S. M. Meleagridis Tested" as of the date of the positive test. The mode of transmission and rate of spread of this disease are such that a high percentage of the flock is usually infected. Since artificial insemination is often responsible for the spread of this disease to the breeding hens, and insemination is done at 7 to 14 days intervals, it is imperative that retesting be done each 4–6 weeks in order to detect antibodies in the blood. Although an adequate test for this organism is available, the basic turkey breeding organizations are not expected to have sufficient negative primary breeding stock available to make this program feasible until early in 1982. Therefore, it is proposed that this program become effective on January 1, 1982.

Section 147.6, 9 CFR, is proposed to be amended by adding the Serum Plate Dilution (SPD) test as one of the supplemental tests to be used in determining the MG and MS status of breeding flocks which had positive tube agglutination or serum plate tests. Research by laboratory diagnosticians and scientists has shown that the SPD test is reliable and should prove a useful additional tool in determining flock status. The Department of Agriculture recognizes this research and concurs with a technical panel convened to advise delegates to the 1980 National Plan Conference that the SPD test be one of the recognized tools used by diagnostic laboratories. This panel consisted of research scientists and industry and regulatory veterinarians. Section 147.6, 9 CFR, is proposed to be further amended by reducing the minimum number of birds to be retested after an infection was initially discovered, from a random sample of 5 percent of the birds in the flock, with a minimum of 100, whichever is greater, to a sample comprised of 75 birds. This proposed sample size would give a 95 percent probability of finding at least one reactor in a flock in which the rate of infection is at least two percent. This rate of infection is the minimum rate normally found in infected flocks, according to reports given at the 1978 National Plan Conference by representatives of four State diagnostic laboratories.

Part 147, 9 CFR, is proposed to be amended by adding a new section 15 which would contain procedures for the bacteriological examination of Mycoplasma reactors. In an effort to provide uniform practices for the use of all cooperating laboratories, detailed procedures are set forth as to what organs to collect and how to prepare them for culture, what media to use and how to prepare it, how long and at what temperature to incubate the culture, and how to interpret the results. These procedures are based on practices outlined in "Isolation and Identification of Avian Pathogens," Creative Printing Company, Inc., Endwell, NY, with modifications recommended by the technical panel meeting in conjunction with the 1980 National Plan Conference.

Part 147, 9 CFR, is proposed to be amended by adding a new section 16 which provides for the in vivo bio-assay techniques for the evaluation of Mycoplasma reactors. It is being recommended for the first time in the National Plan provisions. Several research and State diagnostic laboratories have used this technique with considerable success. Research results are described in the "United States Livestock Sanitary Association Proceedings," Vol. 67, 1963, pages 541–549. By having the recommended procedures as part of the Plan provisions, additional laboratories would be encouraged to use this tool in their diagnostic work. The proposed procedures describe what test birds are needed and how they should be maintained, how to collect and prepare the sample of tissues, exudates, and organs from birds which are suspected to be infected with a Mycoplasma, how to inoculate test birds with the prepared suspensions, and how to interpret the findings when the test birds are sacrificed and examined.

Affecting the Salmonella Provisions

Sections 145.23(b), 145.33(b), 145.43(b), and 145.53(b), 9 CFR, are proposed to be amended by exempting waterfowl which are located on the same premises as a participating breeding flock of chickens, turkeys, or other fowl, but are not part of the participating flock, from a blood test for *Salmonella pullorum* and *S. gallinarum*. Waterfowl are known to be fairly resistant to these two diseases. In the rare instances when isolations have been made, the waterfowl most always have been in physical contact with infected chicken or turkey flocks, according to epidemiological studies made by State laboratory personnel involved with infected waterfowl. This fact has also been reported in "Diseases of Poultry" Seventh Edition, 1978, page 85, published by Iowa State University Press, Ames, Iowa. Thus, if the blood tested participating flock of chickens, turkeys, or other fowl is negative, it appears that it can quite reliably be concluded that waterfowl on the same premises as the tested flock would also be negative for these two diseases.

Section 147.11, 9 CFR, is proposed to be amended by expanding the laboratory procedures for the bacteriological examination of Salmonella reactors. Included would be additional organs and tissues to be collected for culture from reacting fowl and additional broths and agars for use in growing organisms from suspected cultures. Also, the incubation times and temperatures for the various broths and medias are given, as are the methods for reading the reactions in the media after incubation. These proposed changes are based on the material found in "Culture Methods for the Detection of Animal Salmonellosis and Arizonosis" which was developed by the American Association of Veterinary Laboratory Diagnosticians [2] and on material found in "Isolation and Identification of Avian Pathogens" which was developed by the American Association of Avian Pathologist.[3]

Affecting General and Auxiliary Provisions

Section 145.1, 9 CFR, is proposed to be amended by adding two new definitions, (ee) and (ff), in order to clarify any ambiguity which may exist when the term "equivalent" or the phrase "sexual maturity" is used. Frequent reference is made to programs or classifications which are "equivalent" to those of the NPIP. It is being proposed to define "equivalent" as "equal to " the program requirements with which they are compared, as determined by the Official State Agency with the concurrence of the Services. The term "sexual maturity" is used in the provisions to determine the time when certain species of fowl

[2] *Culture Methods for the Detection of Animal Salmonellosis and Arizonosis.* Committee on Salmonellosis and Arizonosis, AAVLD, 1976, Iowa State University Press, Ames, IA 50010.

[3] *Isolation and Identification of Avian Pathogens.* American Association of Avian Pathologists, 1960, Texas A & M University, College Station, TX 77843

should be blood tested. Major species of fowl, such as chickens and turkeys, should be blood tested when more than 4 months of age to insure that the onset of "sexual maturity" has caused sufficient antibodies in the blood if infected birds for a blood test to be reliable. However, some species of quail reach "sexual maturity" at approximately 35 days of age and the blood testing of these species should be done at that time. Under the circumstances, it is proposed to define this term as "The average age at which a species of poultry is biologically capable of reproduction."

Section 145.4(d), 9 CFR, is proposed to be amended by deleting the requirements relating to a program started in 1972 by the Animal and Plant Health Inspection Service (APHIS) for the control of pullorum-typhoid in turkeys. At that time the NPIP, which also contained a program for the control of pullorum-typhoid in turkeys, was administered by the Agricultural Research Service of the Department. Since the NPIP program was transferred to APHIS in 1979, the two programs, which are identical in provisions and purpose, have been administered by the same agency. Each of the five States which are authorized by the 1972 memorandum of APHIS for a program for the control of pullorum-typhoid in turkeys are also participants in NPIP pullorum-typhoid in turkey program. Consequently, the 1972 memorandum of APHIS authorizing the program for the control of pullorum-typhoid in turkeys has been revoked. Therefore, the requirements relating to the program started in 1972 ty APHIS would be deleted.

Section 145.4, 9 CFR, is proposed to be amended by adding a new paragraph (e) which would provide for the Department to assign a permanent approval number to each participant in the NPIP. This number could be used as identification on invoices and certificates used in marketing a participant's products and to meet the requirements of certain States and European Common Market Countries for shipment of certain imported products to be identified with an official number. The approval number would be withdrawn when the participant no longer qualified for participation in the Plan. Permanent approval numbers, for hatcheries and dealers only, are now contained in § 145.9, 9 CFR, but it is proposed that § 1456.9, 9 CFR, be amended by deleting the portion which provides for permanent approval numbers. The adoption of this proposal would also make permanent approval numbers applicable to participating flocks as well as preventing unnecessary repetition by consolidation all reference to approval numbers to § 45.4(e).

Section 145.13, 9 CFR, is proposed to be amended by removing the definition of "Director." Since the NPIP is now administered by APHIS, this definition is no longer applicable.

Section 145.14, 9 CFR, is proposed to be amended by describing where a "sample" of birds shall be drawn for use in the blood testing programs. There are many instances in Part 145, 9 CFR, where the classifications of breeding flocks are based on a sample of the birds in the flock being tested. To have a statistically valid sample, this sample should be drawn from all pens or units of the flock. Therefore, it is proposed that this requirement be put in the introductory paragraph of this section where it will apply equally to all disease control programs.

Section 145.23(c), 9 CFR, is proposed to be amended by removing subparagraph (*c*) of subdivision (1)(ii). This would delete the provisions for blood testing of day-old baby chicks as one of the approved methods of monitoring the MG status of egg-type chicken breeding flocks because of the low concentration or complete lack of MG antibodies in baby chicks which originated from an infected breeding flock. This practice was previously removed from the provisions governing meat-type breeding flocks for the same reason.

Sections 145.23(d) and 145.33(d), 9 CFR, are proposed to be amended by permitting alternative sanitary practices to be used for certain programs under certain conditions. One of the requirements for a breeding flock to be classified as "U.S. Sanitation Monitored" is that the hatching eggs be handled in a prescribed sanitary manner and that they be fumigated after being collected from the nest. It is being proposed that the State Agency administering the NPIP be given the option of permitting equivalent alternate sanitary practices to be used in handling hatching eggs and practices which are equivalent to fumigation as a means of sanitizing the eggs. This would be done with the concurrence of the Service and would be made available to those breeding farms whose size, equipment, and management systems make it impractical to employ the practices presently being recommended in Part 147, 9 CFR.

Section 145.53(b)(5), 9 CFR, is proposed to be amended to permit a serological testing program for pullorum-typhoid for game birds instead of a bacteriological examination program. The present provisions, which apply to waterfowl, exhibition poultry, and game birds, permit primary breeding flocks to be monitored for their freedom from pullorum-typhoid by a bacteriological examination monitoring program approved by the State Agency administering the NPIP and the Service. The incidence of pullorum-typhoid in game birds is quite low. Bacteriological monitoring to detect such low levels of infection in game birds does not appear to be as effective as a serological testing program. Therefore, a serological testing program is being proposed because it appears to be a superior alternative in the monitoring of the low levels of infection in game birds.

Part 147, 9 CFR, is proposed to be amended by deleting the provisions contained in Subpart D and marking Subpart D as "Reserved." This Subpart, which contains Random Sample Performance Testing Procedures, should be removed since the Department is no longer involved in this program. When the number of Random Sample Tests conducted by the States and Canadian Provinces dropped to four, a valid statistical analysis of the combined performance data collected by the tests could not be made. Because of this, the Department decided to no longer provide for the analysis and publication of these data.

Section 147.26, 9 CFR, is proposed to be amended by recommending that only crates and vehicles cleaned and properly disinfected in accordance with the requirements of § 147.24(a) be used to haul live poultry to and from the farm premises. Crates and vehicles which are incrusted with fecal matter, feathers, etc., make excellent carriers for disease organisms. This proposal would alert crate users to this fact, and would add an additional recommended management practice for the control of Salmonella and Mycoplasma infections.

Section 147.43(d), 9 CFR, is proposed to be amended to expand the duties of the General Conference Committee of the National Poultry Improvement Plan. This is an Advisory Committee to the Secretary of Agriculture. Its duties would be amended to include the study of all problems relating to poultry health and as the need arises, to make specific recommendations to the Secretary concerning ways in which the Department may assist the industry in solving these problems. The scope of the duties of this committee was expanded in Secretary's Memorandum No. 1981, Revised July 29, 1980, to take full advantage of the expertise of its members. This proposed amendment

would take into account these added responsibilities.

Accordingly, it is proposed to amend Parts 145 and 147, Title 9, Code of Federal Regulations as follows:

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN

1. Section 145.1 would be amended by adding new paragraphs (ee) and (ff) to read as follows:

§ 145.1 Definitions.

* * * * *

(ee) *Equivalent or equivalent requirements.* Requirements which are equal to the program, conditions, criteria, or classifications with which compared, as determined by the Official State Agency and with the concurrence of the Service.

(ff) *Sexual Maturity.* The average age at which a species of poultry is biologically capable of reproduction.

§ 145.4 [Amended]

2. Section 145.4(d) would be amended by removing the following: "* * *, except turkey breeding stock, hatching eggs, and poults produced in a State qualified for phase 1 or 2 of the pullorum-typhoid eradication program described in the November 6, 1972, Memorandum Number 565.1 of the Veterinary Services of the Animal and Plant Health Inspection Service of the Department".

3. Section 145.4 would be further amended by adding a new paragraph (e) to read as follows:

* * * * *

(e) Each participant shall be assigned a permanent approval number by the Service. This number, prefaced by the numerical code of the State, will be the official approval number of the participant and may be used on each certificate, invoice, shipping label, or other document used by the participant in the sale of his products. Each Official State Agency which requires an approval or permit number for out-of-State participants to ship into it's State should honor this number. The approval number shall be withdrawn when the participant no longer qualifies for participation in the Plan.

§ 145.9 [Amended]

4. Section 145.9 would be amended by removing the 2nd, 3rd, and 4th sentences.

§ 145.10 [Amended]

5. Section 145.10 would be amended by adding a new paragraph (f) to read as follows:

* * * * *

(f) *U.S. M. Meleagridis Clean*—(See § 145.43(d)).

Figure 11

* * * * *

6. Section 145.10 would be further amended by adding a new paragraph (j) to read as follows:

* * * * *

(j) *U.S. M. Meleagridis Tested*—(See § 145.43(e)).

Figure 12

§ 145.13 [Amended]

7. Section 145.13 would be amended by removing paragraph (a) and redesignating paragraph (b) as paragraph (a).

§ 145.14 [Amended]

8. Section 145.14 would be amended by adding the following sentence to the end of the introductory paragraph:

* * * For those programs where a sample of the poultry may be tested in lieu of the entire flock, the poultry tested shall be a representative sample drawn from all pens or units of the flock.

* * * * *

9. Section 145.14(a)(5) would be amended by removing the 2nd sentence from paragraph (a)(5) and by removing the following from the 4th sentence of paragraph (a)(5): "* * * except that when the flock involved is turkeys, the period during which all birds must be tested shall be 2 years".

§ 145.23 [Amended].

10. Section 145.23(b)(3)(ii) would be amended by adding the phrase ", except waterfowl," between the words "domesticated fowl" and "are maintained".

11. Section 145.23 would be amended by revising paragraphs (c)(1)(i), (c)(1)(ii), and (c)(1)(ii)(*a*) to read as follows:

* * * * *

(c) * * *

(1) * * *

(i) It is a flock in which all birds or a sample of at least 300 birds in the flock has been tested for M. gallisepticum as provided in § 145.14(b) when more than 4 months of age: *Provided,* That to retain this classification, a minimum of 150 birds shall be tested at intervals of not more than 90 days: *And provided further,* That a sample comprised of less than 150 birds may be tested at any one time, with the approval of the Official State Agency and the concurrence of the Service, provided that a minimum of 150 birds is tested within each 90 day period; or

(ii) It is a multiplier breeding flock which originated as U.S. M. Gallisepticum Clean chicks from primary breeding flocks and a sample comprised of a minimum of 150 birds per flock has been tested for M. gallisepticum as provided in § 145.14(b) when more than 4 months of age: *Provided,* That to retain this classification, the flock shall be subjected to one of the following procedures:

(*a*) At intervals of not more than 90 days, a sample of 75 birds and a minimum of 30 birds per pen, whichever is greater, shall be tested; or

* * * * *

12. Section 145.23(c)(1)(ii) would be amended by removing paragraph (*c*).

13. Section 145.23(d)(1)(v) would be amended by removing the semicolon and the word "and" from the end of the paragraph and adding the following in lieu thereof: "or handled in a sanitary manner equivalent to §§ 147.22 and 147.25(a) of this part, which has been approved by the Official State Agency with the concurrence of the Service; and".

14. Section 145.23 would be amended by revising paragraphs (e)(1)(i) and (e)(1)(ii) to read as follows:

* * * * *

(e) * * *

(1) * * *

(i) It is a flock in which a minimum of 300 birds has been tested for M. synoviae as provided for in § 145.14(b) when more than 4 months of age:

Provided, That to retain this classification, a sample of at least 150 birds shall be tested at intervals of not more than 90 days: *And provided further*, That a sample comprised of less than 150 birds may be tested at any one time, with the approval of the Official State Agency and the concurrence of the Service, provided that a minimum of 150 birds is tested within each 90 day period; or

(ii) It is a multiplier breeding flock which originated as U.S. M. Synoviae Clean chicks from primary breeding flocks and a sample of 75 birds has been tested for M. synoviae as provided in § 145.14(b) when more than four months of age: *Provided*, That to retain this classification, a sample of 50 birds shall be tested at intervals of not more than 90 days: *And provided further*, That a sample of less than 50 birds may be tested at any one time, provided that a minimum of 30 birds per flock with a minimum of 15 birds per pen, whichever is greater, is tested each time and a total of at least 50 birds is tested within each 90-day period.

* * * * *

15. Section 145.23 would be further amended by adding a new paragraph (f) to read as follows:

* * * * *

(f) *U.S. M. Gallisepticum Clean Started Poultry*. (1) A block which originated from U.S. M. Gallisepticum Clean breeding flocks and was hatched in a hatchery approved by the Official State Agency for the production of U.S. M. Gallisepticum Clean chicks.

(2) All other poultry on the premises of the candidate flock must originate from U.S. M. Gallisepticum Clean sources.

(3) The flock is maintained in compliance with the provisions of § 147.26.

(4) The flock's freedom from M. gallisepticum is demonstrated by a negative blood test, as provided in § 145.14(b), of a sample of 75 birds, with a minimum of 50 birds per poultry house, between 15–20 days prior to the flock being moved to laying quarters.

(5) Started poultry shall be delivered to and from the farm premises in crates and vehicles which have been cleaned and disinfected as described in § 147.24(a) of this chapter.

§ 145.33 [Amended]

16. Section 145.33(b)(3)(ii) would be amended by adding the phrase ", except waterfowl," between the words "domesticated fowl" and "are maintained".

17. Section 145.33 would be amended by revising paragraphs (c)(1)(i), (c)(1)(ii), and (c)(1)(ii)(*a*) to read as follows:

* * * * *

(c) * * *

(1) * * *

(i) It is a flock in which all birds or a sample of at least 300 birds in the flock has been tested for M. gallisepticum as provided in § 145.14(b) when more than 4 months of age: *Provided*, That to retain this classification, a minimum of 150 birds shall be tested at intervals of not more than 90 days: *And provided further*, That a sample comprised of less than 150 birds may be tested at any one time, with the approval of the Official State Agency and the concurrence of the Service, provided that a minimum of 150 birds is tested within each 90 day period; or

(ii) It is a multiplier breeding flock which originated as U.S. M. Gallisepticum Clean chicks from primary breeding flocks and a sample comprised of a minimum of 150 birds per flock has been tested for M. gallisepticum as provided in § 145.14(b) when more than 4 months of age: *Provided*, That to retain this classification, the flock shall be subjected to one of the following procedures:

(*a*) At intervals of not more than 90 days, a sample of 75 birds and a minimum of 30 birds per pen, whichever is greater, shall be tested; or

* * * * *

18. Section 145.33(d)(1)(v) would be amended by removing the semicolon and the word "and" from the end of the subparagraph and adding the following in lieu thereof: "or handled in a sanitary manner equivalent to §§ 147.22 and 147.25(a) of this part, which has been approved by the Official State Agency with the concurrence of the Service; and".

19. Section 145.33 would be amended by revising paragraphs (e)(1)(i) and (e)(1)(ii) to read as follows:

* * * * *

(e) * * *

(1) * * *

(i) It is a flock in which a minimum of 300 birds has been tested for M. synoviae as provided for in § 145.14(b) when more than 4 months of age: *Provided*, That to retain this classification, a sample of at least 150 birds shall be tested at intervals of not more than 90 days: *And provided further*, That a sample comprised of less than 150 birds may be tested at any one time, with the approval of the Official State Agency and the concurrence of the Service, provided that a minimum of 150 birds is tested within each 90 day period; or

(ii) It is a multiplier breeding flock which originated as U.S. M. Synoviae Clean chicks from primary breeding flocks and a sample of 75 birds has been tested for M. synoviae as provided in § 145.14(b) when more than 4 months of age: *Provided*, That to retain this classification, a sample of 50 birds shall be tested at intervals of not more than 90 days: *And provided further*, That a sample of less than 50 birds may be tested at any one time, provided that a minimum of 30 birds per flock with a minimum of 15 birds per pen, whichever is greater, is tested each time and a total of at least 50 birds is tested within each 90-day period.

* * * * *

§ 145.43 [Amended]

20. Section 145.43(b)(3)(ii) would be amended by adding the phrase ", except waterfowl," between the words "domesticated fowl" and "are maintained".

21. Section 145.43 would be further amended by adding two new paragraphs (d) and (e) to read as follows:

* * * * *

(d) *U.S. M. Meleagridis Clean.*[1] (1) A flock in which freedom from *M. meleagridis* has been demonstrated under the following criteria:

(i) A sample of 60 birds from each flock has been tested for *M. meleagridis* when more than 4 months of age: *Provided*, That to retain this classification, a minimum of 30 samples from male flocks and 60 samples from female flocks shall be retested at 28–30 weeks of age and at 4–6 week intervals thereafter.

(2) The official blood tests for *M. meleagridis* shall be the serum plate agglutination, the tube agglutination, or the microagglutination tests. The hemagglutination inhibition tests, serum plate dilution test (1:10), and microagglutination tests may be used as supplemental tests to determine the status of the flock.

(3) The test shall be conducted using *M. meleagridis* antigens and the protocols for testing approved by the Department or the Official State Agency.

(4) When reactors to the official test are found and can be identified, 10 tracheal swabs and/or vaginal or phallus swabs and their corresponding blood samples shall be submitted to a laboratory for serological and cultural examination. If reactors cannot be

[1] Effective Date: January 1, 1982.

identified, at least 30 tracheal swabs and/or vaginal or phallus swabs and their corresponding blood samples shall be submitted. In a flock with a low reactor rate (less than 5 reactors) the reactors may be submitted to the laboratory within 10 days for serology, necropsy, and thorough bacteriological examination.

(5) If a Mycoplasma is isolated, the organism must be serotyped. If *M. meleagridis* is isolated, the flock shall be considered infected.

(e) *U.S. M. Meleagridis Tested.*[1] A flock which originally was tested and classified as U.S. M. Meleagridis Clean but was found to be infected during the subsequent monitoring tests provided for in paragraph (d) of this section, shall be given the option of being classified as U.S. M. Meleagridis Tested.

§ 145.53 [Amended]

22. Section 145.53(b)(3)(ii) would be amended by adding the phrase ", except waterfowl," between the words "domesticated fowl" and "are maintained".

23. Section 145.53(b)(5) would be amended by adding the words "or serological examination monitoring program for game birds" between the words "bacteriological examination monitoring program" and "acceptable" and by adding the word "annual" between the words "in lieu of " and "blood testing."

24. Section 145.53 would be amended by revising paragraph (c)(1)(i) to read as follows:

* * * * *

(c) * * *

(1) * * *

(i) All birds or a sample of at least 300 birds in the flock has been tested for M. gallisepticum as provided in § 145.14(b) when more than 4 months of age or upon reaching sexual maturity: *Provided,* That to retain this classification, a sample of at least 5 percent of the birds in the flock, with a minimum of 100 birds, shall be tested at intervals of not more than 90 days; *And provided further,* That a sample comprised of less than 5 percent may be tested at any one time, with the approval of the Official State Agency and the concurrence of the Service, provided that a total of at least 5 percent of the birds in the flock, with a minimum of 100 birds, is tested within each 90-day period; or

* * * * *

25. Section 145.53(c)(1)(ii) would be amended by changing the figure "300" to "200" and by inserting after the phrase "4 months of age" and before the first colon the phrase "or upon reaching sexual maturity".

PART 147—AUXILIARY PROVISIONS ON NATIONAL POULTRY IMPROVEMENT PLAN

26. Table of Contents: Subpart B would be amended by revising the heading of § 147.11 to read as follows:

* * * * *

Subpart B—Bacteriological Examination Procedure

§ 147.11 Laboratory procedure recommended for the bacteriological examination of salmonella reactors.

* * * * *

27. Table of contents: Subpart B would be further amended by adding the headings for two new sections § 147.15 and § 147.16 to read as follows:

Sec.

* * * * *

147.15 Laboratory procedure recommended for the bacteriological examination of Mycoplasma reactors.

147.16 Procedure for the evaluation of Mycoplasma reactors by in vivo bio-assay (enrichment).

* * * * *

28. Table of Contents: Subpart D would be amended by removing §§ 147.31, 147.32, 147.33, and 147.34 and changing the heading of Subpart D to read [Reserved].

* * * * *

Subpart D—[Reserved]

§ 147.6 [Amended]

29. Section 147.6 would be amended by adding at the end of the last sentence in the introductory statement the phrase "and in §§ 147.15 and 147.16 of this part."

30. The introductory paragraph of § 147.6(b) would be amended by removing, from the last sentence, the words "supplemental serological" and inserting in lieu thereof the phrase "additional agglutination and hemagglutination inhibition (HI)"

31. Section 147.6(b)(2) would be amended by adding between the words "inhibition (HI) test" and "shall be" the words "and/or the Serum Plate Dilution (SPD) test"

32. Section 147.6 would be amended by revising paragraph (b)(3) to read as follows:

* * * * *

(b) * * *

(3) If the HI and/or the SPD tests are negative and the tube agglutination or serum plate tests are positive, the flock shall be retested in accordance with paragraph (b)(6) of this section.

* * * * *

33. Section 147.6(b)(4) would be amended by adding, between the words "titers of 1:40" and "are found" the words "or SPD titers of 1:5"

34. Section 147.6(b)(5) would be amended by adding between the words "titers of 1:80" and "or higher" the words "or SPD titer of 1:10"

35. The first sentence of § 147.6(b)(6) would be amended by removing the words "5 percent of the birds in the flock, with a minimum of 100, whichever is greater," and inserting in lieu thereof the words "75 birds"

36. Section 147.6(b)(8) would be amended by adding between the words "the HI" and "test shall" the words "and/or SPD".

37. Section 147.6 would be amended by revising paragraph (b)(9) to read as follows:

* * * * *

(b) * * *

(9) On the retest, if the HI or SPD test is negative and the tube agglutination or serum plate tests are positive at the same or higher rate, the flock shall be considered suspicious and shall be retested in accordance with paragraph (b)(6) of this section.

* * * * *

38. Section 147.6(b)(10) would be amended by adding between the words "titers of 1:80" and "or higher" the words "and/or SPD titers of 1:10"

39. Section 147.6(b)(11) would be amended by adding between the words "titers of 1:80" and "or higher" the words "and/or SPD titers of 1:10"

40. Section 147.6(b) would be further amended by adding new paragraphs (12), (13), (14), and (15) to read as follows:

* * * * *

(b) * * *

(12) If the HI and/or SPD test is negative and the tube agglutination or serum plate tests are found on the second retest to be positive at the same or higher rate, the flock should be considered infected: *Provided,* That if the status of the flock is considered to be equivalent, the Official State Agency may examine reactors by the in vivo bio-assay and/or culture procedures before final determination of the flock status is made.

(13) If the in vivo bio-assay and culture procedures are both negative, the Official State Agency may qualify the flock for the classification for which it was tested.

[1] Effective Date: January 1, 1982.

(14) If the in vivo bio-assay or culture procedures are positive, the flock shall be considered infected: *Provided*, That if only the bio-assay is positive, additional in vivo bio-assay or cultural examinations may be conducted by the Official State Agency before final determination of the flock status is made.

(15) If the in vivo bio-assay or cultures are positive on retest, the flock shall be considered infected for the mycoplasma for which it was tested.

41. Section 147.11 would be amended by revising the section title and paragraph (a) to read as follows:

§ 147.11 Laboratory procedure recommended for the bacteriological examination of reactors.

(a) Grossly normal or diseased liver, heart, pericardial sac, spleen, lung, kidney, pancreas, peritoneum, drained gall bladder, oviduct, misshapen ova, testes, inflamed or unabsorbed yolk sac, and other visibly pathological tissues where purulent, necrotic, or proliferative lesions are seen (including cysts, abscesses, hypopyon, and inflamed serosal surfaces), should be directly cultured by means of a flamed wire loop or with sterile swabs.[1] Careful aseptic technique must be utilized throughout the process of collecting tissues. Selective media should not be relied upon to deal with contaminants, since some strains may not dependably survive and grow in certain selective media. Inoculate veal infusion (VI) and brilliant green (BG) agar plates. Incubate the plates for 24 and 48 hours at 37°C. The digestive system should always be cultured separately (see paragraph (f) of this section) after other anatomical organs and systems have been collected and cultured.

* * * * *

42. Section 147.11 would be amended by revising paragraph (b)(5) to read as follows:

* * * * *

(b) * * *

(5) Pancreas and kidneys; and

* * * * *

43. Section 147.11 would be amended by revising paragraph (c) to read as follows:

* * * * *

(c) Aseptically collect 10–15 g of each organ or site listed in paragraph (b) of this section from each reactor, and grind or blend them completely in 10 times their volume of VI broth. Organs may be processed individually or in combinations where appropriate. Suspensions should be transferred in 10-mL aliquots to 100-mL of both VI and tetrathionate brilliant green (TBG) broth and incubated at 37°C for 24 hours. Plate the VI broth on VI and BG agar and plate the TBG broth on BG agar and incubate at 37°C. Examine these plates after 24 and 48 hours of incubation. The contents of the gall bladder can be cultured separately by inoculating 10-mL of VI and TBG broth with cotton swabs and incubating at 37°C for 24 hours. Plate on BG agar and incubate at 37°C. Examine these plates after 24 and 48 hours of incubation. If contamination with Pseudomonas or Proteus is a problem, make platings on BG sulfapyridine (BGS) agar.

* * * * *

44. Section 147.11 would be amended by revising paragraph (d) to read as follows:

* * * * *

(d) Where field samples are directly inoculated into enrichment broths and a delay of several days occurs before they reach a laboratory, or if recovery of low numbers or organisms is expected from a primary culture, a secondary enrichment culture should be prepared. Subculture a week-old primary culture by transferring 1-mL of inoculum into a fresh tube of 10-mL of enrichment broth. This secondary enrichment should be incubated at 37°C for 24 hours before plating, (see paragraph (a) of this section). TBG broth is recommended for this procedure.

* * * * *

45. Section 147.11 would be amended by revising paragraph (e) to read as follows:

* * * * *

(e) Make a composite sample of the following parts of grossly normal or diseased tissues from the digestive tract: Crop wall, duodenum, jejunum (including remnant of yolk-sac attachment), both ceca, cecal tonsils, and rectum-cloaca. Aseptically collect 10–15 g of each organ or tissue and grind or blend them completely in 10 times their volume of TBG broth. Transfer 10-mL of a composite sample of a suspension from the digestive tract into 100-mL of TBG broth, and incubate flasks at 42°C for 24 hours. Cultures may be incubated at 37°C if 42°C incubators are not available. The higher incubation temperatures for TBG broth reduces populations of competitive contaminants common in gut tissue. Plate on BG agar and incubate at 37°C. Examine the plates after 24 and 48 hours of incubation. If contamination with Pseudomonas or Proteus is a problem make platings on BGS agar.

* * * * *

46. Section 147.11 would be amended by revising paragraph (f) to read as follows:

* * * * *

(f) If preferred, individual cotton swab samples may also be taken from the upper, middle, and lower intestinal tract (including both ceca and the rectum-cloaca). Deposit swabs in 10-mL of TBG broth and incubate and plate as described in paragraph (e) of this section.

* * * * *

47. Section 147.11 would be amended by revising paragraph (g) to read as follows:

* * * * *

(g) Transfer suspect colonies to triple-sugar-iron (TSI) agar and lysine-iron (LI) agar and incubate at 37°C for 24 hours.

* * * * *

48. Section 147.11 would be amended by revising paragraph (h) to read as follows:

* * * * *

(h) Cultures revealing typical reactions of salmonellae or arizonae on TSI and LI agar slants should be transferred to any of the following appropriate biochemical tests for final identification: Dextrose, lactose, sucrose, mannitol, maltose, dulcitol, malonate, gelatin, urea broth, citrate, lysine decarboxylase, ornithine decarboxylase, methyl red and Voges-Proskauer, KCN, dalicin broths, indole, and hydrogen sulfide. Motility or non-motility is demonstrated by inoculating a suitable semi-solid medium.[2] The Analytical Profile Index for Enterobacteriacae (API) system may be utilized for identification if feasible. For arizonae identification, make readings daily up to 10 days. An O-nitrophenyl-beta-D-galactopyranside (ONPG) disc may be used to identify slow lactose fermenters.[3]

49. Section 147.11 would be further amended by adding a new paragraph (i) to read:

* * * * *

(i) All salmonella cultures should be serologically typed.

50. Part 147, Subpart B, would be amended by adding new § 147.15 and § 147.16, to read as follows:

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[1] Culture media preparation and biochemcial identification charts cna be obtained from *Culture Methods for the Detection of Animal Salmonellosis and Arizonosis*, Committee on Salmonellosis and Arizonosis, AAVLD, 1976 Iowa State University Press, Ames, IA 50010.

[2] Formulation for the semisolid motility medium can be obtained from: *Isolation and Identification of Avian Pathogens*, American Association of Avian Pathologists, Texas A&M University, College Station, TX 77843, 1980.

[3] ONPG disc are available from: Baltimore Biological Laboratories, Cockeysville, MD 21030.

§ 147.15 Laboratory procedure recommended for the bacteriological examination of mycoplasma reactors.[4]

(a) Turbinates, trachea, air sacs, sinuses, nasal passages, respiratory exudates, synovial fluid, eggs (including yolk, yolk sacs, membranes and allantoic fluid), should be directly cultured with sterile swabs. Aseptic techniques are very important as some organisms may not be suppressed by the antimicrobial agents used in this procedure. Tissue suspensions from large volumes are sometimes desirable from the sites listed above and occasionally from the oviduct and cloaca. Tissues should be ground or blended completely in 10 times their volume of Mycoplasma Broth Medium (MBM), (see paragraph (e) of this section). Specimens submitted to referral laboratories in order of preference for recovery of the mycoplasma organisms are: (1) live birds, (2) refrigerated fresh tissues, (3) tissue specimens packed with dry ice.

(b) Inoculate 5–10 mL of MBM with a swab, wire loop or 0.1 mL of the tissue suspension. When evidence of growth is observed (lowered pH or turbidity of broth) transfer each broth culture as needed to maintain the original isolates. Incubate tubes at 37° C for at least 21 days before discarding as negative. When growth is first observed or if no growth occurs by the *4th or 5th* day of incubation, inoculate broth culture onto a plate of Mycoplasma Agar Medium (MAM), (see paragraph (f) of this section). Several cultures may be inoculated on one plate by using a wire loop or a cotton swab. Incubate plates 3–5 days at 37° C in a high humidity chamber. The addition of 5% CO_2 or the use of a candle jar may be used if preferred. Tiny circular and translucent colonies with elevated centers are very suggestive of mycoplasma. Indirect lighting and a low power or dissecting microscope are recommended for observation of the colonies as they are rarely more than 0.2–0.3 mm in diameter.

(c) Isolates must be serotyped. (1) Isolates may be shipped in MBM with ice packs if shipment will be in transit less than 2–3 days. Longer shipments require freezing of the MBM with dry ice, or shipping MAM slants at room temperature. Isolates must have indications of growth before shipment is made.

(2) Isolates may be stored in MBM at −20° C for 2–3 weeks, or they may be stored at −68° C for several years.

(d) Alternate method of culture: An overlay enrichment culture for fastidious and sensitive mycoplasma, especially for *M. meleagridis* should be included.

(1) Pour 2–3 mL of MAM into a test tube and tilt the tube until a slant (approximately 45°) is obtained. Other containers are acceptable.

(2) Overlay the slant with sufficient MBM, so that the media (including inoculum) covers the agar slope.

(3) Inoculate the culture as indicated in paragraph (b) of this section.

(4) Incubate and examine the overlay as indicated in paragraph (b) of this section.

(e) Preparation of media components: [5] (1) Deionized distilled water suitable for cell culture fluids should be used.

(2) All glassware should be carefully washed with a non-residue detergent such as Alcojet and rinsed three times in tap water and twice in deionized distilled water.[6]

(3) Thallium acetate in a 10% solution is added to an approximate final concentration of 1:4000; however, highly contaminated specimens may require a final concentration of 1:2000.[7] Thallium acetate is added to deionized distilled water first, except as noted in paragraph (e)(4) of this section, to prevent the precipitation of proteins.

(4) Mycoplasma Broth Base, dextrose, phenol red, and cysteine hydrochloride are added to deionized distilled water first if autoclave sterilization is used.[8] Thallium acetate and then the remaining components are added aseptically after cooling the autoclaved media to 45° C or less.

(5) Use sterile deionized distilled water to reconstitute penicillin.

(6) Sterile serum should be inactivated by heating at 56° C for 30 minutes. Swine serum may be used for *M. gallisepticum, M. synoviae, M. gallinarum,* and *M. meleagridis* isolation; however, horse serum is usually recommended for *M. meleagridis* isolation.

(7) Phenol red should be prepared as a 1% solution.

(8) NAD (beta nicotinamide adenine dinucleotide or coenzyme I) should be prepared as a 1% solution.[9]

(9) Cysteine hydrochloride, prepared as a 1% solution, is used to reduce the NAD for *M. synoviae* growth.

(10) A purified agar product such as Nobel (Special agar) is used in the MAM.[10]

(11) Adjust the pH with NaOH.

(12) Sterilization may be accomplished by two methods: (i) Filtration sterilization through a 0.20 micron filter is the recommended method. Aseptic techniques must be utilized.

(ii) Autoclave sterilization at 120° C, 15 pounds pressure (103 kPa), for 15 minutes may be used, if preferred, when following the procedure described in paragraph (e)(4) of this section.

(13) Phenol red, dextrose, and NAD may be omitted when culturing for *M. meleagridis* and *M. gallinarum.*

(14) When culturing for *M. meleagridis* from contaminated samples include 100 units/mL of Polymyxin B in MBM.

(f) Mycoplasma Broth Medium (Frey) is prepared as follows: To 850–880 mL of deionized distilled water;

Add:
Thallium acetate (mL)—2.5 (1:4000)
Potentially contaminated samples (mL)—5.0 (1:2000)
Mycoplasma Broth Base (g)—22.5
Aqueous penicillin (units)—500,000
Sterile serum (mL)—120 to 150.0
Phenol red plus (mL)—2.5
NAD (mL)—12.5
Cysteine hydrochloride (mL)—12.5
Dextrose (g)—1.0–1.5
Adjust pH to 7.8
Filter sterilize

(1) Broth may be stored at 4° C for at least 2 weeks orb at −40° C for longer periods.

(g) Mycoplasma Agar Medium (Frey) is prepared as follows: To 850–880 mL of deionized distilled water;

Add:
Mycoplasma Broth Base (g)—22.5
Adjust pH to 7.8
Purified agar (g)—18.0
Autoclave and cool in 45° C water bath
Thallium acetate (mL)—2.0 (1:4000)
Sterile serum at 45° C (mL)—150.0
Aqueous penicillin (units)—400,000
NAD (mL)—12.5
Cysteine hydrochloride (mL)—12.5

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[4] Yoder, H. W., Jr., "Mycoplasmosis." In: Isolation and Identification of Avian Pathogens. (Stephen B. Hitchner, Chairman, Charles H. Domermuth, H. Graham Purchase, James E. Williams.) 1980, pp. 40–42. Creative Printing Company, Inc., Endwell, NY 13760.

[5] Trade names are used in these procedures solely for the purpose of providing specific information. Mention of a trade name does not constitute a guarantee or warranty of the product by the U.S. Department of Agriculture or an endorsement over other products not mentioned.

[6] Alcojet is available from: Alconox, Inc., New York, NY 10003.

[7] Thallium acetate may be obtained from Fischer Scientific Company.

[8] Mycoplasma Broth Base may be obtained from: (a) Product #M 33600, Gibco Diagnostics, 2801 Industrial Drive, Madison, WI 53711. (b) Product #3900-3212, Scott Laboratories, Inc., 8 Westchester Plaza, Elmsford, NY 10523.

[9] NAD Grade III may be obtained from: Sigma Chemical Company, P.O. Box 14508, St. Louis, MO 63178.

[10] Noble Agar may be obtained from: Difco Laboratories, Box 1058-A, Detroit, MI 48201.

(1) Rotate flask gently and pour about 15 mL of media into each petri dish.

(2) Stack petri dishes only 2–3 high in a 37° C incubator up to 2 hours to remove excess moisture.

(3) Wrap inverted plates in sealed bundles and store at 4° C for not more than 15 days.

(h) New component or media batches should be monitored to compensate for changes in formulation due to alterations of purity, concentration, preparation, etc. A known series of titrations from a single culture should be made on both new and old media. The media should be compared on the basis of growth, colony size, and numbers of colonies which develop.[11]

§ 147.16 Procedure for the evaluation of mycoplasma reactors by in vivo bio-assay (enrichment).

This procedure has been shown to be sensitive enough to detect less than 100 mycoplasma organisms under proper conditions.[12] Proper conditions are defined in this section.

(a) Obtain chickens or turkeys (test birds) which are at least 3 weeks of age and are free of *M. gallisepticum, M. Synoviae,* and *M. meleagridis* and transport them in a manner to prevent their being contaminated by any infectious avian disease.

(1) Maintain test birds in an area that has been effectively cleaned and disinfected.

(2) The area should be isolated from other birds or animals.

(3) Personnel caring for the test birds should take the necessary precautions (see § 147.26(b)) to prevent the mechanical transfer of infectious avian diseases from other sources.

(b) Test birds to be used for inoculation with contaminated tissues should be serologically negative by the serum plate agglutination test.

(1) Inoculated test birds should be isolated from noninoculated control birds for the length of any experiment.

(c) Aseptically obtain turbinate and sinus mucosa, sinus exudates, air sac tissues (including lesions), portions of oviduct and synovial fluid from at least four suspect, donor birds. In a sterile device, blend the tissues completely in four times their volume of Mycoplasma Broth Medium (Frey), (see § 147.15(e)). Suspensions may be made from tissue pools. Inoculate test birds within 30 minutes of preparation of suspensions.

(1) Inoculate at least four test birds for each suspension pool via the abdominal air sac and infraorbital sinus, with up to ½ mL of inoculum per site.

(2) Test birds should be bled every 7 days for 28 days to identify sero-converters.

(3) At 28 days, test birds should be sacrificed and bacteriologic isolation and identification of mycoplasma attempted (see § 147.15). Note especially the sites of inoculation for typical gross or microscopic mycoplasma lesions.

(d) Donor birds are considered infected when:

(1) Test birds have serum plate antibodies for the mycoplasma for which the donor birds were tested, regardless of HI test results; *and* control birds stay serologically negative; or

(2) Mycoplasma organisms are isolated from the test birds and serotyped positive for the mycoplasma for which the donor birds were tested; *and* control birds stay serologically and culturally negative.

(e) Laboratory findings may be verified by direct culture of material from sick birds or by inoculating seronegative birds from the suspect flock and comparing serological findings with those from the test birds.

51. Section 147.26(b) would be amended by adding a new paragraph (15) to read as follows:

§ 147.26 Procedures for establishing isolation and maintaining sanitation and good management practices for the control of salmonella and mycoplasma infections.

* * * * *

(b) * * *

(15) Use only crates and vehicles that have been cleaned and disinfected in accordance with the provisions of § 147.24(a) to haul live poultry to and from the premises.

52. Part 147, Subpart D, would be removed in its entirety and designated as "Reserved."

Subpart D [Reserved]

§§ 147.31, 147.32, 147.33, and 147.34 [Removed]

53. Section 147.43 would be amended by revising paragraph (d) to read as follows:

§ 147.43 General Conference Committee.

* * * * *

(d) The duties and functions of the General Conference Committee shall be as follows:

(1) Assist the Department in planning, organizing, and conducting the biennial National Poultry Improvement Plan Conference.

(2) Recommend whether new proposals (i.e., proposals that have not been submitted as provided in § 147.44) should be considered by the delegates to the Plan Conference.

(3) During the interim between Plan Conferences, represent the cooperating States in:

(i) Advising the Department with respect to administrative procedures and interpretations of the Plan provisions as contained in 9 CFR.

(ii) Assisting the Department in evaluating comments received from interested persons concerning proposed amendments to the Plan provisions.

(iii) Recommending to the Secretary of Agriculture any changes in the provisions of the Plan as may be necessitated by unforeseen conditions when postponement until the next Plan Conference would seriously impair the operation of the program. Such recommendations shall remain in effect only until confirmed or rejected by the next Plan Conference, or until rescinded by the committee.

(4) Serve as a forum for the study of problems relating to poultry health and as the need arises, to make specific recommendations to the Secretary of Agriculture concerning ways in which the Department may assist the industry in solving these problems.

(Sec. 101(b), Pub. L. 425, 78th Cong. 58 Stat. 734, as amended 7 U.S.C. 429)

Done at Washington, D.C., this 9th day of October 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-29905 Filed 10-15-81; 8:45 am]

BILLING CODE 3410-34-M

[11] "Laboratory Procedures and Medium For The Isolation Of Mycoplasma From Clinical Materials." *Laboratory Diagnosis of Mycoplasma in Food Animals.* Proceedings of Nineteenth Annual Meeting. The American Association of Veterinary Laboratory Diagnosticians, 1976, pp. 106–115, AAVLD, 6101 Mineral Point Road, Madison, WI 53705.

[12] Research results are described in the following two publications: (a) Bigland, C. H. and A. J. DaMassa, "A Bio-Assay for Mycoplasma Gallisepticum." In: United States Livestock Sanitary Association Proceedings, 67th, 1963, pp. 541–549. (b) McMartin, D. A., "Mycoplasma gallisepticum in the Respiratory Tract of the Fowl." In: The Veterinary Record, September 23, 1967, pp. 317–320.

FEDERAL RESERVE SYSTEM

12 CFR Part 211

[Reg. K; Docket No. R-0366]

International Banking Operations; Edge Corporations

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rulemaking.

SUMMARY: The Board of Governors of the Federal Reserve System is proposing an amendment to its Regulation K that would add a new activity to the list of activities permissible for Edge

Corporations in the United States. The amendment would permit Edge Corporations to offer to their foreign customers certain investment and economic advisory and investment mangement services in the United States. This action is being taken in response to a request from a member bank.

DATE: Comments must be received by December 18, 1981.

ADDRESS: Comments should include a reference to Docket Number R-0366 and should be mailed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or be delivered on weekdays to Room B-2223, 20th and Constitution Avenue, NW., Washington, D.C., between 8:45 a.m. and 5:15 p.m. Any comments received may be inspected on weekdays in Room B-1122 between 8:45 a.m. and 5:15 p.m.

FOR FURTHER INFORMATION CONTACT: Henry Schiffman, Division of Banking Supervision and Regulation, (202) 452-2523, James Keller, Senior Attorney, (202) 452-3582, or Melanie Fein, Attorney (202) 452-3594, Legal Division, Board of Governors of the Federal Reserve System.

SUPPLEMENTARY INFORMATION: Section 25(a) of the Federal Reserve Act (the "Edge Act"), 12 U.S.C. 615, authorizes the organization of corporations ("Edge Corporations") for the purpose of engaging in international or foreign financial or banking operations. The Edge Act specifies certain powers and activities that are permissible for Edge Corporations and authorizes other activities that are incidental thereto. Section 211.4(e) of the Board's Regulation K, 12 CFR 211.4(e), lists activities that will ordinarily be considered to be incidental to an Edge Corporation's international or foreign business and may be conducted in the United States. These activities include certain foreign or international related deposit-taking, funding, and financing activities. Section 3(a) of the International Banking Act (92 Stat. 607) (12 U.S.C. 611a note) states that it is the policy of Congress to eliminate restrictions that disadvantage or unnecessarily restrict Edge Corporations in competing with foreign-owned banking institutions in the United States or abroad or impede the purposes of the Edge Act to foster United States international business activities.

The Board has been requested by Bank of America National Trust and Savings Association, San Francisco, California to include on the list of activities permissible in the United States for Edge Corporations certain investment and economic advisory and investment management services. These activites would include managing investment portfolios comprised of securities, other financial instruments, and real estate, on behalf of foreign persons. Bank of America states that the customers to whom the Edge Corporation would offer these services would be wealthy individuals residing outside the United States who visit the United States infrequently and are therefore unavailable for consultation on a continual basis. Bank of America believes that such individuals would desire to grant an Edge Corporation discretionary authority over their U.S. investments.

The Board invites interested persons to comment on the proposal. Comment is requested specifically on whether the proposed activity would enable Edge Corporations to compete effectively with foreign-owned institutions consistent with the International Banking Act. The Board also invites comment on the extension of provision of those services to U.S. customers with respect to foreign investments.

Pursuant to the section 605(b) of the Regulatory Flexibility Act (Pub. L. No. 96-354; 5 U.S.C. 601 *et seq.*), the Board of Governors of the Federal Reserve System certifies that the proposed amendment, if adopted, will not have a significant economic impact on a substantial number of small entities. The proposed amendment would liberalize the existing regulations and does not have any particular effect on small entities.

PART 211—INTERNATIONAL BANKING OPERATIONS

Accordingly, pursuant to its authority under section 25(a) of the Federal Reserve Act, 12 U.S.C. 615, the Board of Governors of the Federal Reserve System proposes to amend 12 CFR Part 211 as follows:

1. The authority citation for Part 211 reads as follows:

Authority: Federal Reserve Act (Act U.S.C. 221 *et seq.*); the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*); and the International Banking Act of 1978 (Pub. L. 95-369; 92 Stat. 607; (12 U.S.C. 3101))

2. Section 211.4 is amended by adding the following paragraph (e)(4)(xiv):

§ 211.4 Edge and agreement corporations.

* * * * *

(e) * * *

(4) * * *

(xiv) Offer to persons from whom an Edge Corporation may receive deposits under § 211.4(e)(1) investment, financial, and economic advisory services, including management of, and advice with respect to, investments. Specifically, these services may consist of (*1*) providing general economic information; (*2*) providing portfolio investment advice with respect to securities and other financial instruments, and real estate; and (*3*) managing investment portfolios, with authority to exercise discretion in buying and selling securities and other financial instruments.

* * * * *

Board of Governors of the Federal Reserve System, October 9, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-30081 Filed 10-15-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 930

Interpretation of the Federal Consistency Term: "Directly Affecting the Coastal Zone"

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

ACTION: Notice of proposed rescission of final rule.

SUMMARY: On July 8, 1981, NOAA published final regulations to clarify which Federal activities are considered as "directly affecting the coastal zone" and, therefore, subject to consistency review under section 307(c)(1) of the Coastal Zone Management Act of 1972, as amended (CZMA). Under these regulations, consistency review is required if the Federal agency finds that the conduct of the activity itself produces an identifiable physical alteration in the coastal zone or that the activity initiates a chain of events reasonably certain to result in such alteration, without further required agency approval.

Following publication of these final regulations, NOAA received comments of concern from state governments and members of Congress assigned to Committees which have oversight responsibilities with respect to the CZMA. In addition, Congressional resolutions which express disapproval of the final regulations were introduced in both the House and Senate. In view of the administrative discretion vested in it in administering the CZMA, NOAA proposes to rescind its present regulation.

DATE: Comments must be received by November 16, 1981.

ADDRESS: Send comments to JoAnne Chandler, Office of Coastal Zone Management, Room 324A, Page 1 Building, 2001 Wisconsin Avenue NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Dan Hoydysh, (202) 634–4245.

SUPPLEMENTARY INFORMATION:

I. Background

Section 307(c)(1) of the CZMA states that, "Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved state coastal management programs."

The regulations (published June 25, 1979, 44 FR 37142) implementing the Federal consistency provisions define all the key terms of Section 307(c)(1) except "directly affecting."

On May 14, 1981 regulations defining the term were proposed (46 FR 26658) and on July 8, 1981 these regulations were published in final form (46 FR 35253) with minor revisions.

The July 8 final rule provides that a Federal activity directly affects the coastal zone if the Federal agency finds that the conduct of the activity itself produces an identifiable physical alteration in the coastal zone or that the activity initiates a chain of events reasonably certain to result in such alteration, without further required agency approval. "Direct effects" of Federal planning decisions do not include those effects of the activity being planned which are identified by the Federal agency as uncertain, speculative, remote, or subject to further approval by that same Federal agency.

In 1980, the CZMA was amended by Pub. L. 96–184 which required, in part, that final rules implementing the CZMA must be submitted to Congress for review. In addition, the statute provides that final rules shall become effective unless, within 60 calendar days of continuous session after submission, both Houses of Congress adopt a concurrent resolution disapproving the final rules. Although it is NOAA's view that this statutory requirement raises constitutional issues, we have nevertheless treated this requirement as a report-and-wait provision. Therefore, the July 8 regulations would not have become effective until after this 60-day period had expired, and notification of the date on which the regulations were to become effective had been published in the **Federal Register**.

II. Proposed Rule

NOAA proposes to rescind the final rule published July 8. Another rule will be proposed after the Department has had an opportunity to reconsider this matter. Since the Agency's proposal is governed by the provisions of the Administrative Procedure Act, 5 U.S.C. 553, there will be a period during which comments on the proposal will be accepted by the Agency. Comments in this regard should be addressed to William Matuszeski, at the address and telephone number given above, and must be received by the agency not later than November 10, 1981.

III. Other Matters

The rule which this Notice proposes to rescind was determined to be a "major rule." However, in view of the extensive review, analysis and consultation which has been involved in defining the term "directly affecting," the Director of the Office of Management and Budget has waived the requirements of Section 3 of Executive Order 12291 for this rule.

Dated: October 6, 1981.

John V. Byrne,

Administrator, National Oceanic and Atmospheric Administration.

PART 930—FEDERAL CONSISTENCY WITH APPROVED COASTAL MANAGEMENT PROGRAMS

Subparts C–E [Removed]

Accordingly, the amendments to 15 CFR Part 930, Subparts C, D and E published on July 8, 1981, 46 FR 35253, are proposed to be removed.

[FR Doc. 81–30003 Filed 10–15–81; 8:45 am]

BILLING CODE 3510–12–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[File No. 811–0085]

General Electric Co.; Proposed Consent Agreement With Analysis To Aid Public Comment

AGENCY: Federal Trade Commission.

ACTION: Proposed consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order, accepted subject to final Commission approval, would require, among other things, a Fairfield, Conn., diversified, industrial company to divest its stock in Applicon, a major producer of stand-alone, turnkey, interactive graphics computer aided design/computer aided manufacturing ("CAD/CAM") systems, under a two-part divestiture plan to be completed by March 31, 1982. Pending divestiture, GE would be prohibited from exerting any influence over Applicon's operations; voting its stock in a manner which would be contrary to that in which it votes all other shares; and obtaining, from Applicon, confidential information of any kind. Additionally, for a 5-year period, any GE employee who was in any way affiliated with Applicon would be barred from serving in any Calma position, including its board of directors; prohibited from disclosing confidential information received during their tenure with Applicon, and barred from intervening in any of Calma's business operations. GE would be prevented from discriminating against Applicon, when purchasing CAD/CAM systems and products and restricted, for a ten-year period, from acquiring any interest in any firm engaged in the manufacture and sale of CAD/CAM products without prior Commission approval.

DATE: Comments must be received on or before December 15, 1981.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th St. and Pennsylvania Ave., N.W., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT: FTC/CS–2, James C. Egan, Washington, D.C. 20580. (202) 254–6025.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 2.34 of the Commission's Rules of Practice (16 CFR 2.34), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with § 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

In the Matter of General Electric Company, a corporation.

The Federal Trade Commission (hereinafter "Commission") having initiated an investigation of the proposed acquisition of Calma Company (hereinafter "Calma") by General Electric Company (hereinafter "GE"), and it now appearing that GE, as proposed respondent, is willing to enter

into an agreement containing an order in settlement of this matter:

It is hereby agreed by and between GE, by its duly authorized officer and its attorneys, and counsel for the Commission that:

1. GE is a corporation organized, existing and doing business under and by virtue of the laws of the State of New York with executive offices located at 3135 Easton Turnpike, Fairfield, Connecticut 06431.

2. GE admits all the jurisdictional facts set forth in the draft complaint here attached.

3. GE waives:

(a) Any further procedural steps;

(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; and

(c) All rights to seek judicial review or otherwise to challenge or contest the validity of the order entered pursuant to this agreement.

4. This agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the draft complaint contemplated thereby and related material pursuant to Rule 2.34, will be placed on the public record for a period of sixty (60) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this agreement and so notify GE, in which event it will take such action as it may consider appropriate, or issue and serve its complaint (in such form as the circumstances may require) and decision in disposition of the proceeding.

5. This agreement is for settlement purposes only and does not constitute an admission by GE either that the law has been violated as alleged in the draft of the complaint here attached, or with the exception of the jurisdictional facts and the relevant line of commerce, of the facts therein alleged.

6. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of § 2.34 of the Commission's Rules, the Commission may without further notice to GE (1) issue its complaint corresponding in form and substance with the draft complaint here attached and its decision containing the following order to cease and desist in disposition of the proceeding, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other orders. The order shall become final upon service. Delivery by the U.S. Postal Service of the complaint and decision containing the agreed to order to GE's address as stated in this agreement shall constitute service. GE waives any right it may have to any other manner of service. The complaint may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement may be used to vary or to contradict the terms of the order.

7. GE has read the proposed complaint and order contemplated hereby. It understands that once the order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the order. GE further understands that it may be liable for civil penalties in the amount provided by law for each violation of the order after it becomes final.

Order

I

It is ordered, That for the purposes of this order the following definitions shall apply:

1. "GE" means General Electric Company, a corporation organized, existing, and doing business under and by virtue of the laws of the State of New York, with its offices at 3135 Easton Turnpike, Fairfield, Connecticut 06431, as well as its directors, officers, employees, agents, its divisions, subsidiaries, controlled affiliates, successors, assigns, and the directors, officers, emloyees, or agents of GE's divisions, subsidiaries, affiliates, successors, or assigns.

2. "Calma" means Calma Company, a wholly-owned subsidiary of United Telecommunications, Inc., and a corporation organized, existing, and doing business under and by virtue of the laws of the State of California, with its principal offices at 527 Lakeside Drive, Sunnyvale, California 94086, as well as its directors, officers, employees, agents, its divisions, subsidiaries, successors, assigns, and the directors, officers, employees, or agents of Calma's parents, divisions, subsidiaries, affiliates, successors, or assigns.

3. "Applicon" means Applicon, Inc., a corporation organized, existing, and doing business under and by virtue of the laws of the State of Massachusetts, with its principal offices at 32 Second Avenue, Burlington, Massachusetts 01803, as well as its directors, officers, employees, agents, its divisions, subsidiaries, successors, assigns, and the directors, officers, employees, or agents of Applicon's divisions, subsidiaries, affiliates, successors, or assigns.

4. "Eligible Person" means any individual, corporation (including subsidiaries thereof), partnership, joint venture, trust, unincorporated association, other business or legal entity, or any combination thereof: (i) acquiring an amount of Applicon stock that will not result in its ownership or control, directly or indirectly, of 250,000 or more shares of Applicon common stock; or (ii) acquiring Applicon stock on an established stock exchange (other than through a privately negotiated sale which is "crossed" on an exchange) or through a public offering; or (iii) acting as an underwriter for the purpose of reselling such shares pursuant to a secondary public offering.

5. "Initial Divestiture Period" shall mean the period through and including December 31, 1981.

6. "Final Divestiture Period" shall mean the period from the end of the Initial Divestiture Period through and including March 31, 1982.

7. "Documents" means all writings of every kind including, but not limited to, books, records, statements, minutes, reports, studies, memoranda, correspondence, agreements, print outs, telegrams, diary entries, pamphlets, notes, charts, tabulations, releases, and purchase orders (including any notes, attachments, riders, modifications, etc.) in the possession, custody, or control of GE. The term "documents" also includes voice recordings and reproductions or film impressions of any of the aforementioned writings as well as copies of documents which are not identical duplicates of the originals and copies of documents the originals of which are not in the possession, custody, or control of the company. The term "documents" further includes data compilations in machine readable form used in data processing, together with the programming instructions and other written material necessary to understand or use such data compilations.

8. "Relating to" means in whole or in part constituting, containing, embodying, reflecting, identifying, stating, referring to, dealing with, or in any way pertaining to.

9. "CAD/CAM products" means any stand-alone, turnkey, interactive graphics computer aided design/computer aided manufacturing system.

II

It is further ordered, That:

1. GE shall divest absolutely during the Initial Divestiture Period to Eligible Persons at least two-thirds of the total number of shares of stock in Applicon held by GE either through a secondary public offering, the costs of which are to be borne by GE, through private placement, or according to the provisions of Securities and Exchange Commission Rule 144, 17 CFR 230.144 (1980).

2. GE shall divest absolutely during the Final Divestiture Period, through private placements to Eligible Persons, all the remaining shares of stock in Applicon held by GE, with the exception that no more than 100,000 of such shares may be divested according to the provisions of Securities and Exchange Commission Rule 144, 17 CFR 230.144 (1980).

III

It is further ordered, That pending the divestiture required under Paragraph II of this order:

1. GE shall not, directly or indirectly, exert any control over or influence or interfere with any of the business decisions, operations, or policies of Applicon.

2. No GE officer, employee, representative, or agent shall serve in any Applicon position or on Applicon's Board of Directors.

3. GE shall cause its shares of stock in Applicon to be voted *pro-rata* according to the manner in which all other outstanding shares of common stock in Applicon are voted.

4. GE shall not require Applicon to make available or communicate, and shall not seek to obtain or exploit, directly or indirectly, any of Applicon's trade secret, proprietary, or other confidential business information of any kind, except in the ordinary course of GE's relationship with Applicon in its capacity as a licensor or licensee, lessor or lessee, purchaser or seller of any product, and except as such information may be required under applicable law to be disclosed in selling or disposing of Applicon stock.

IV

It is further ordered, That:

1. GE shall return to Applicon forthwith upon issuance of this order all nonpublic documents containing trade secrets or proprietary or other confidential business information received from Applicon:

(a) Which were obtained by an officer or employee of GE during such officer's or employee's tenure as a director of Applicon;

(b) Which were obtained by an officer or employee of GE in connection with discussions with Applicon regarding a possible joint venture;

(c) which, regardless of how obtained, (unless independently obtained by Calma prior to its acquisition by GE) disclose the functions, applications, design, or features of any new Applicon product or enhancement to any existing product and the timing of the introduction of any new Applicon product or enhancement to any existing product (except to the extent disclosed in connection with the use or prospective use of Applicon products by GE); Applicon's actual or estimated costs or profit margins; Applicon's research and development plans, projects, or expenditures; Applicon's business plans; or any Applicon decision to purchase or produce any component of any existing or new product;

And shall destroy all copies of such documents and all other documents containing Applicon trade secrets or proprietary or other confidential business information, which information was received in the manner described in 1(a) or 1(b) or is of the type described in 1(c).

2. For a period of five years after ceasing to be a director of Applicon no officer or employee of GE who obtained trade secret, proprietary, or confidential information or documents from Applicon during such officer or employee's tenure as a director of Applicon shall:

(a) Disclose such information (including to other GE officers or employees);

(b) Exert any control over or influence or interfere in any way with the business decisions or operations of Calma;

(c) Cause Calma, directly or indirectly, to adopt policies preferred, suggested or dictated by such director;

(d) Cause Calma to change its existing policies or methods of operations;

(e) Serve in any Calma position or on Calma's Board of Directors or in any GE position with responsibility for Calma; or

(f) Confer, advise, or consult with regard to Calma.

3. Officers and employees of GE who obtained Applicon trade secret, proprietary, or other confidential business information or documents from any officer or employee of GE who obtained such information or documents during his tenure as a director of Applicon shall keep such information or documents confidential and shall not disclose (including to other GE officers or employees) or make use of such information or documents for five years from the final date of the director's term in office.

4. GE and each of its officers and employees shall keep confidential and not disclose (including to other GE officers or employees) any trade secret or proprietary or other confidential business information obtained from Applicon during the course of discussions with Applicon regarding a possible joint venture and shall make no use of such information for a period of five years from the date of receipt of the information.

5. Paragraphs IV.3 and IV.4 shall not apply to information which appears in issued patents or printed publications independently available to GE, or which GE can show by written records is in GE's possession through channels independent of Applicon or was independently developed by GE officers or employees without use of information subject to paragraph IV of this order.

6. GE shall forthwith distribute a copy of this order to each of its operating divisions, and to present or future personnel, agents, or representatives having responsibilities relating to the subject matter of paragraphs IV. 1 through IV.6, and shall secure from each such person a signed statement acknowledging receipt of such a copy. GE employees subject to paragraphs IV.2, IV.3 and IV.4 shall execute affidavits acknowledging receipt of this order.

It is further ordered that:

1. For a period of two years following the issuance of this order, GE shall not adopt, promote, foster, permit, or condone, either formally or informally, any policy with regard to the purchase of any CAD/CAM product which discriminates against Applicon on any basis other than the relative merits of any such product in the application for which it is being purchased, and GE shall, in connection with the purchase of any CAD/CAM product, make its purchase decision based solely on sound business practice which requires using the best sources of supply of products that will provide the greatest total value; that is the best evaluated combination of quality, price, delivery, service, and other elements of value.

2. GE shall not enforce its statement of Policy No. 20.11, issued December 7, 1966, entitled "Company Use of General Electric Products," or any amendments to such policy, to the extent that such policy or amendments thereto conflict with the mandate set out in paragraph V.1 of this order.

3. GE shall forthwith and semiannually during the 2-year period following issuance of this order, distribute a copy of this order to each of its officers and employees who are

responsible for the purchase of any CAD/CAM product.

VI

It is further ordered that periodically as the Commission shall required during the five years subsequent to the issuance of this order, GE shall submit in writing to the Commission a verified report setting forth in detail the manner and form in which GE intends to comply or has complied with this order.

VII

It is further ordered that GE notify the Commission at least thirty (30) days prior to any proposed change in GE such as dissolution, assignment, or sale resulting in the emergency of a succesor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

VIII

It is further ordered that, for a period of ten years from the date of issuance of this order, GE, its parents, divisions, subsidiaries, affiliates, succesors, or assigns shall not, directly or indirectly, acquire any stock, share capital or equity interest in, or assets used in the manufacture or sale in or to the U.S. of any CAD/CAM products by, any concern, corporate or non-corporate, engaged in the manufacture or sale of any CAD/CAM products without the prior approval of the Commission.

General Electric Company; Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission has entered into an agreement to a proposed consent order with General Electric Company ("GE") concerning the acquisition by GE of the Calma Company ("Calma"), a major producer of stand-alone, turnkey, interactive graphics computer aided design/computer aided manufacturing ("CAD/CAM") systems. The proposed order requires that GE divest its interest in Applicon, Inc. ("Applicon"), another major producer of CAD/CAM systems, and further requires that GE hold separate its interest in Applicon pending the divestiture and return or make no use of documents and information obtained from Applicon.

The proposed consent order is being placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of this public record. After sixty (60) days, the Commission will again review the agreement and the comments received and will decide whether it should withdraw from the agreement or make final the agreement's proposed order.

GE is a diversified industrial company with operations in consumer products and services, industrial products and components, technical systems and materials, power systems, coal mining, and industrial electronics.

GE is the largest single holder of common stock in Applicon and has had substantial opportunities to influence the business operations of Applicon. Applicon is the second largest U.S. producer of CAD/CAM systems.

Calma, prior to its acquisition by GE, was a subsidiary of United Telecommunications Inc. ("UT") and is the third largest U.S. producer of CAD/CAM systems.

On December 5, 1980, GE and UT entered into an agreement for the purchase by GE of all of the outstanding shares of Calma for $100 million plus additional incentive payments of not to exceed $70 million, contingent on Calma's cumulative sales through 1984.

The complaint underlying the proposed consent order alleges that GE's acquisition of Calma violates Section 5 of the Federal Trade Commission Act and Section 7 of the Clayton Act in that the effects of the acquisition may be substantially to lessen competition or to tend to create a monopoly in the CAD/CAM systems market. The proposed consent order discussed here is designed to maintain or restore competition in that market.

The first paragraph of the proposed order is nonsubstantitive and supplies the necessary definitions for interpretation of the subsequent provisions. The second paragraph of the order provides that GE shall divest at least two-thirds of its interest in Applicon by December 31, 1981 (the "Initial Divestiture Period") to a person who either acquires the Applicon stock on an established stock or will not hold more than 250,000 shares of Applicon as a result of the acquisition (an "Eligible Person"). This initial divestiture is to be by secondary public offering, private placement, or according to the provisions of the Securities and Exchange Commission's Rule 144, 17 CFR 230.144 (1980). The second paragraph further provides that GE shall divest its remaining interest in Applicon by March 31, 1982 (the "Final Divestiture Period") to an Eligible Person, either by private placement or under the provisions of the Securities and Exchange Commission's Rule 144.

In order to prevent GE from influencing Applicon's operations or obtaining confidential information from Applicon to the benefit of Calma and detriment of Applicon, the third paragraph prohibits GE and its employees form exerting any influence on Applicon or serving its stock in Applicon other than in the manner in which all other shares are voted or from obtaining confidential information from Applicon.

Under the terms of the fourth paragraph of the order GE is required to return to Applicon documents containing confidential information obtained as a result of its interest in Applicon and to destroy any other documents containing such confidential information. The second part of Paragraph IV is further designed to isolate GE employees who served as Applicon directors from contact with Calma. The remaining provisions of Paragraph IV are intended to prevent GE employees from making use of knowledge gained from access to Applicon confidential information or documents and to make those employees aware of the requirements of the order by providing them with copies of the order.

The fifth paragraph of the order is designed to maintain Applicon's competitive position in the CAD/CAM systems market, following GE's acquisition of Calma and divestiture of its interest in Applicon, by prohibiting GE for two years following issuance of the order from requiring the purchase of CAD/CAM systems from Calma rather than Applicon, thereby depriving Applicon of a customer. Provision is also made for apprising GE employees of the provisions of Paragraph V by periodically providing them with copies of the order.

Paragraphs VI and VII of the order require GE to make reports to the Commission detailing its compliance with the order, and to notify the Commission prior to any change in GE which would effect compliance.

Finally, under Paragraph VIII of the order, GE may not, without prior approval of the Commission, purchase any concerns engaged in the manufacture or sale of CAD/CAM systems in the U.S. This ban lasts ten years from the date the order becomes final.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of

the agreement and proposed order or to modify in any way their terms.

Carol M. Thomas,

Secretary.

[FR Doc. 81-30062 Filed 10-15-81; 8:45 am]

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DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

Labor Certification Process for the Temporary Employment of Aliens on Guam in Occupations Other Than Agriculture or Logging: Adverse Effect Wage rates; Advance Notice of Proposed Rulemaking

AGENCY: Employment and Training Administration, Labor.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor (DOL) is requesting advice and comments from interested members of the public on the "adverse effect wage rates" for occupations other than agriculture or logging in the Territory of Guam, that is, the minimum wage rates which DOL has determined must be offered and paid by the employers proposing to employ nonimmigrant alien workers in that Territory.

DATE: Interested persons are invited to submit written comments on or before December 15, 1981.

ADDRESS: Send comments to: Mr. David O. Williams, Administrator, United States Employment Service, Employment and Training Administration, United States Department of Labor, Suite 8000—Patrick Henry Building, 601 D Street, N.W., Washington, D.C. 20213.

FOR FURTHER INFORMATION CONTACT: Mr. Aaron Bodin, Chief, Division of Labor Certifications, Telephone: (202) 376-6295.

SUPPLEMENTARY INFORMATION:

Introduction

The Employment and Training Administration (ETA) of the Department of Labor (DOL) is announcing its intention to go into rulemaking to consider amending the regulation at 20 CFR § 655.107, which contains the adverse effect wage rates (AEWR) for the temporary employment of nonimmigrant aliens on Guam in occupations other than agriculture or logging. DOL's regulations for the certification of temporary employment of nonimmigrant aliens are issued pursuant to the Immigration and Naturalization Service (INS) regulation at 8 CFR § 214.2(h)(3)(i), set forth below:

> Either a certification from the Secretary of Labor or his designated representatives stating that qualified persons in the United States are not available and that the employment of the beneficiary will not adversely affect the wages and working conditions of workers in the United States similarly employed, or a notice that such certification cannot be made shall be attached to every nonimmigrant visa petition to accord an alien a classification under Section 101(a)(15)(ii) of the (Immigration and Nationality) Act (8 U.S.C. 1101(a)(15)(H)(ii)). . . .

Temporary Alien Employment Certification Process

Whether to grant or deny a nonimmigrant worker visa petition under Section 101(a)(15)(H)(ii) and 214 of the Immigration and Nationality Act (Act) (8 U.S.C. 1101(a)(15)(H)(ii) and 1184) is solely the decision of INS. It is INS policy, however, as expressed in its above-quoted regulations, that, before INS will grant or deny such a visa, it first requests DOL to advise INS with respect to two issues:

(a) Whether there are a sufficient number of qualified U.S. workers available to do the work proposed to be done by the alien; and

(b) Whether the employment of the alien will adversely affect the wages and working conditions of similarly employed U.S. workers.

If DOL determines that there are not qualified, and available U.S. workers, and that the employment of the alien will not adversely affect similarly employed U.S. workers, DOL advises INS of these findings, by issuing a temporary labor certification. The employer proposing to use the alien for temporary work then attaches the certification as part of the alien's visa petition, pursuant to 8 CFR § 214.2(h)(3)(i).

If DOL cannot make one or both of the above findings, DOL so advises INS. DOL may be unable to make the two required findings for any of one or more reasons, including, but not limited to:

(a) The employer seeking the temporary labor certification on behalf of the alien has not submitted a proper temporary labor certification application, of has not followed the proper procedural steps.

(b) The employer has not submitted sufficient evidence of attempts to obtain available U.S. workers; and/or the employer has not submitted sufficient evidence that the wages and working conditions which the employer is offering will not adversely affect the wages and working conditions of similarly employed U.S. workers; and thus the employer has not met its burden of proof under section 291 of the Immigration and Nationality Act (INA) (8 U.S.C. 1361):

> Whenever any person makes application for a visa or any other document required for entry, or makes application for admission, or otherwise attempts to enter the United States, the burden of proof shall be upon such person to establish that he is eligible to receive such visa or such document, or is not subject to exclusion under any provision of this Act. * * *

(c) DOL through its own knowledge and experience, has found that U.S. workers are available and/or that an adverse effect on similarly employed U.S. workers will result, and the employer has not met the burden of rebutting DOL's finding or findings.

Department of Labor Regulations

DOL has published regulations at 20 CFR part 655, Subpart B, governing the labor certification process for the temporary employment of nonimmigrant aliens on Guam in occupations other than agriculture or logging. Part 655 was promulgated pursuant to the INS regulation at 8 CFR § 214.2(h)(3)(i), quoted above.

The regulations in 20 CFR Part 655, Subpart B, set forth the factfinding process resulting in the granting of denial of a temporary labor certification on Guam. They describe the potential of the Federal-State system of public employment offices (established pursuant to the Wagner-Peyser Act, 29 U.S.C. 49 *et seq.*) for assisting employers in finding available U.S. workers, and how this process is utilized by DOL as a basis of information for the certification determination. See also 20 CFR Parts 602, 621, 651-654, and 656-658.

Part 655 also sets forth the responsibilities of employers who desire to employ nonimmigrant aliens in temporary jobs. Such employers are required to demonstrate that they have attempted to recruit U.S. workers through advertising, through the Federal-State public employment service system, and by other specified means. 20 CFR §§ 655.102-655.105. The purpose is to assure an adequate test of the availability of U.S. workers to perform the work, and to insure that aliens are not employed under conditions adversely affecting the wages and working conditions of similarly employed U.S. workers.

Adverse Effect Wage Rates

So that the importation of temporary nonimmigrant alien workers on Guam will not adversely affect the wages of similarly employed U.S. workers, DOL has since 1977 computed and published adverse effect wage rates (AEWRs) for construction industry jobs in that Territory. 42 FR 45898 (September 13, 1977). DOL has determined that the construction workforce on Guam had been dominated by low-paid nonimmigrant alien workers, which discouraged U.S. workers from entering those jobs or entering training for those jobs. 42 FR 45898–45899. The AEWR is the minimum wage rate that employers seeking temporary nonimmigrant alien workers are required to offer to and pay their U.S. and alien workers.

The AEWRs apply only to those employers who are seeking to import temporary foreign labor into the United States. Employers applying for temporary labor certifications must agree to comply with all employment-related laws, however. 20 CFR § 655.104(a); see also 8 CFR § 214.1(h)(3)(i). If the employment is covered by a higher standard applicable under any Federal, State, or local minimum wage law, the employer must comply with the law. See, *e.g.*, 29 U.S.C. 206(a). Thus, a worker in employment under the temporary alien labor certification program must be compensated at the highest of the applicable wage rates, whether that highest rate is the AEWR, the prevailing wage, or the Federal, State, or local statutory minimum wage.

The current AEWR methodology for the Guam construction industry is published at 20 CFR § 655.107(c). The methodology sets AEWRs "based upon the then-current Wage Board rates." The Wage Board referenced in the regulation is now the Department of Defense Wage Fixing Authority, and the rates for federal wage employees on Guam, set pursuant to 5 CFR Part 532. However, the AEWRs for Guam construction industry, set pursuant to 20 CFR § 655.107(c), have been frozen at the levels set on September 1, 1979, by order of the United States District Court for the Northern District of California in the case of *Guam Contractors' Association* v. *United States Department of Labor, et al.*, Civil No. C-79-3464-SW (N.D. Calif.). Recently, the court modified its order, in part to increase the level at which the rates would be frozen.

DOL has determined that an Advanced Notice of Proposed Rulemaking will assist it in either establishing an AEWR methodology for the Territory of Guam or determining that no AEWR be set for the island. DOL is particularly interested in the comments of workers, employers, and other interested parties in Guam construction industry, including the Guam home building industry.

Therefore, DOL is announcing its intention to go into rulemaking to revise or to rescind the regulation at 20 CFR § 655.107, which now provides for an AEWR methodology for the certification of temporary employment on Guam of nonimmigrant aliens in occupations other than agriculture and logging.

Comments are invited from all interested parties, including individual employers, workers, government agencies, and their associations and representatives. Within the context of this rulemaking, comments should be restricted either to the type and form of an AEWR methodology for Guam, or to whether an AEWR should be set for Guam.

Regulatory Impact

Since this document is not a notice of proposed rulemaking, it is not necessary to make a determination of whether it is a major rule or requires the analysis described in Executive Order 12291 (46 FR 13193; February 19, 1981). Nevertheless, this document was submitted to the Director, Office of Management and Budget, prior to its publication.

Signed at Washington, D.C. this 8th day of October, 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-29777 Filed 10-13-81; 8:45 am]

BILLING CODE 4510-30-M

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20 CFR Part 655

Labor Certification Process for the Temporary Employment of Aliens on Guam in Occupations Other Than Agriculture or Logging: Apprenticeship; Notice of Proposed Rulemaking

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Employment and Training Administration (ETA) of the Department of Labor (DOL) is proposing to permit employers of certain nonimmigrant alien workers on Guam to pay United States workers who are apprentices in Bureau of Apprenticeship and Training (BAT) approved programs according to the apprenticeship wage schedule(s) approved by BAT. It is expected that the operation of apprenticeship programs under wage structures approved by BAT will increase employment and training opportunities for U.S. workers on Guam, and at the same time would reduce the affected employers' cost of operation.

DATE: Interested persons are invited to submit written comments on this proposed rulemaking on or before November 16, 1981.

ADDRESS: Send written comments to: Mr. David O. Williams, Administrator, United States Employment Service, Employment and Training Administration, United States Department of Labor, Suite 8000—Patrick Henry Building, 601 "D" Street, NW., Washington, D.C. 20213.

FOR FURTHER INFORMATION CONTACT: Mr. Aaron Bodin, Chief, Division of Labor Certifications. Telephone: 202-376-6295.

SUPPLEMENTARY INFORMATION: The Employment and Training Administration (ETA) of the Department of Labor (DOL) is proposing to amend the DOL regulations at 20 CFR Part 655, Subpart B, regarding the labor certification process for the temporary employment of nonimmigrant aliens on Guam in occupations other than agriculture or logging.

DOL's regulations for the certification of temporary employment of nonimmigrant aliens are issued pursuant to the Immigration and Naturalization Service (INS) regulation at 8 CFR § 214.2(h)(3)(i), set forth in pertinent part below:

> Either a certification from the Secretary of Labor or his designated representative stating that qualified persons in the United States are not available and that the employment of the beneficiary will not adversely affect the wages and working conditions of workers in the United States similarly employed, or a notice that such certification cannot be made, shall be attached to every nonimmigrant visa petition to accord an alien a classification under Section 101(a)(15)(H)(ii) of the Act * * *.

Temporary Alien Employment Certification Process

Whether to grant or deny an employer's nonimmigrant worker visa petition under 8 U.S.C. 1101(a)(15)(H)(ii) and 1184 is solely the decision of INS. It is INS policy, however, as expressed in its above-quoted regulations, that,

before INS will grant or deny such an "H-2" visa petition, it first requests DOL to advise INS with respect to two issues:

(a) Whether there are a sufficient number of qualified U.S. workers available to do the work proposed to be done by the alien; and

(b) Whether the employment of the alien will adversely affect the wages and working conditions of similarly employed U.S. workers.

If DOL determines that there are not qualified, and available U.S. workers, and that the employment of the alien will not adversely affect similarly employed U.S. workers, DOL advises INS of these findings, by issuing a temporary labor certification. The employer proposing to use the alien for temporary work attaches the certification as part of the alien's visa petition. INS then considers the "H-2" visa petition submitted by the employer on behalf of the alien(s).

DOL has published regulations at 20 CFR Part 655, Subpart B, governing the labor certification process for the temporary employment of nonimmigrant aliens on Guam in occupations other than agriculture and logging. Part 655 was promulgated pursuant to the INS regulations at 8 CFR § 214.2(h)(3)(i), quoted above.

The regulations in 20 CFR Part 655, Subpart B, set forth the factfinding process resulting in the granting or denial of a temporary alien labor certification for nonagricultural, nonlogging, employment on Guam.

Part 655, Subpart B, also sets forth the responsibilities of employers who desire to employ nonimmigrant aliens in such temporary jobs on Guam. These employers are required to demonstrate that they have attempted to recruit U.S. workers through advertising, through the Federal-State job service system, and by other specified means. The purpose is to assure an adequate test of the availability of U.S. workers to perform the work, and to insure that aliens are not admitted for employment under conditions adversely affecting the wages and working conditions of similarly employed U.S. workers.

Rationale for Proposed Rule

The proposed rule would permit employers of nonimmigrant aliens to offer and pay to United States workers, who are apprentices or trainees in Bureau of Apprenticeship and Training (BAT) registered programs, wages at rates approved by BAT. See 29 CFR Part 29. It is anticipated that the BAT-approved wage rates would be set at various percentages of the wage rates for journeypersons, based upon the completion of a set number of hours in apprenticeship.

It is expected that the operation of apprenticeship programs under wage structures approved by BAT will increase employment and training opportunities for U.S. workers on Guam, and at the same time would reduce the affected employers' costs of operation.

Since a major purpose of the proposed rule is to increase the employment and training opportunities for U.S. workers on Guam, it would be inappropriate, and would constitute an adverse effect against similarly employed U.S. workers, for aliens to be employed at wages below the journeyperson rate(s). Therefore, the proposed rule would not permit nonimmigrant aliens to be employed as apprentices at less than the journeyperson wage rate. It is expected that this will result in apprenticeship programs on Guam made up entirely of U.S. workers.[1]

Development of Final Rule

The final rule was prepared under the direction and control of Mr. David O. Williams, Administrator, United States Employment Service, Employment and Training Administration, United States Department of Labor, Washington, D.C.

Regulatory Impact

The rule affects only those construction industry employers on Guam who request certification to employ nonimmigrant alien workers, so that the effect of the proposed regulation is not so major as to require the preparation of a regulatory impact analysis. See Executive Order No. 12291.

This shall certify also, pursuant to 5 U.S.C. 605(b), that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. It is expected to reduce the labor costs for affected employers on Guam. The rule would apply only to employers on Guam, primarily in the construction industry, and only to those employers in that Territory who employ or seek to employ temporary nonimmigrant alien workers.

Catalog of Federal Domestic Assistance Number

This program is listed in the *Catalog of Federal Domestic Assistance* at Number 17.203.

[1] This proposed rule deals solely with wage rates for covered apprentices in the Territory of Guam. It does *not* apply to the separate subject of wage rates for journeypersons in the Territory. Wage rates for journeypersons on Guam covered by this program currently are the subject of litigation in *Guam Contractors' Association* v. *United States Department of Labor, et al.*, Civil No. C-79-3446-SW (N.D. Calif.).

PART 655—LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN THE UNITED STATES

Proposed Rule

Accordingly, it is proposed to amend 20 CFR § 655.107, by redesignating paragraph (b) as paragraph (b)(1); by deleting the first three sentences in redesignated paragraph (b)(1) and substituting therefor one new sentence; and by adding a new paragraph (b)(2); to read as follows:

§ 655.107 Adverse effect rates.

* * * * *

(b) (1) The following hourly adverse effect wage rates shall be paid to journeypersons for jobs in the Guam construction industry * * *

* * * * *

(2) U.S. workers on Guam may be employed at less than the adverse effect wage rate if the worker is:

(i) A person employed and individually registered in a bona fide apprenticeship program registered with the U.S. Department of Labor, Employment and Training Administration, Bureau of Apprenticeship and Training (referred to in this paragraph (b) as BAT), or with a recognized State Apprenticeship Agency (which, when referred to in this paragraph (b), shall be as defined at 29 CFR § 29.2(o) of BAT's regulations); or

(ii) A person in his or her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been individually certified by BAT or a recognized State Apprenticeship Agency (where appropriate) to be eligible for probationary employment as an apprentice; or

(iii) A person registered and receiving on-the-job training in a construction occupation under a program which has been approved in advance by BAT, as meeting its standards for on-the-job training and which has been so certified by BAT.

* * * * *

(**Authority:** 8 CFR § 214.2(h)(3)(i); Wagner-Peyser Act of 1933, as amended, 29 U.S.C. §§ 49 *et seq.*; 5 U.S.C. 301.)

Signed in Washington, D.C., this 8th day of October, 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-29782 Filed 10-15-81; 8:45 am]

BILLING CODE 4510-30-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 926

Public Comment Period on Conditions of Montana's Permanent Regulatory Program Under the Surface Mining Control and Reclamation Act of 1977 and a Proposed Amendment Thereto

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

ACTION: Proposed rule: Notice of receipt of permanent program modifications: Public comment period and opportunity for public hearing.

SUMMARY: The Office of Surface Mining (OSM) is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of program amendments submitted to satisfy conditions imposed by the Secretary of the Interior on the approval of the Montana permanent regulatory program (hereinafter referred to as the Montana program) under the surface Mining Control and Reclamation Act of 1977 (SMCRA). This notice sets forth the times and locations that the Montana program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program elements, and the procedures that will be followed at the public hearing.

DATES: Written comments from members of the public must be received by 4:00 p.m. MST on November 17, 1981, to be considered in the Secretary's decision on the satisfaction of the conditions of program approval and the proposed amendment to the program.

A public hearing on the proposed amendments has been scheduled for November 10, 1981, at 1:00 p.m. Any person interested in making an oral or written presentation at the hearing should contact Mr. Robert Hagen at the address listed below or by phone at (303) 837-5421 by October 30, 1981. If no person has contacted Mr. Hagen to express an interest in participating in the hearing by the above date, the hearing will be cancelled. A notice announcing any cancellation will be published in the **Federal Register.**

ADDRESS: Written comments and requests for public hearing should be sent to: Mr. Robert Hagen, Deputy Regional Director, Office of Surface Mining, Reclamation and Enforcement—Region V, Department of the Interior, 1020 15th Street, Brooks Tower, Denver, Colorado 80202.

Written comments will be available for public review at the OSM Region V Office above, on Monday through Friday, 8:00 a.m.-4:30 p.m., excluding holidays.

The public hearing will be held at the Montana Department of State Lands, 1625 11th Avenue, Helena, Montana 59620.

Copies of the Montana program, together with copies of the letter of the Montana Department of State Lands agreeing to the conditions in 30 CFR 926.11 and the modifications fulfilling this agreement are also available at the above address and at the following locations:

Montana Department of State Lands, 1625 11th Avenue, Capitol Station, Helena, Montana 59601, Telephone: (406) 449-2074

Montana Department of State Lands, Field Office, 1245 North 29th Street, Billings, Montana 59101, Telephone: (406) 657-2217

Office of Surface Mining, Interior South Building, Room 135, 1951 Constitution Avenue, NW., Washington, D.C. 20240, Telephone: (202) 343-4728

FOR FURTHER INFORMATION CONTACT: Mr. Robert Hagen, Deputy Regional Director, Office of Surface Mining, Reclamation and Enforcement—Region V; Department of the Interior, 1020 15th Street, Brooks Tower, Denver, Colorado 80202, Telephone (303) 837-5421

SUPPLEMENTARY INFORMATION: On August 3, 1979, the State of Montana submitted to the Department of the Interior its proposed permanent regulatory program under SMCRA. The purpose of the submission was to demonstrate the State's intent and capability to administer and enforce the provisions of SMCRA and the permanent regulatory program regulations, 30 CFR Chapter VII.

After providing opportunities for public comment and a thorough review of the program submission, the Secretary of the Interior determined that the Montana program met all of the minimum requirements of SMCRA and the Federal permanent program regulations, except for six deficiencies as listed in the Secretary's notice of Conditional Approval published in the **Federal Register** on April 1, 1980 (45 FR 21560-21580).

On November 3, 1980, the State of Montana submitted to OSM adopted amendments to the Administrative Rules of Montana. On August 26, 1981, Montana submitted a single statutory change to the Montana Strip and Underground Mine Reclamation Act (SURA). These submissions were in response to the Secretary's notice of conditional approval, which provided that certain provisions of Montana's Rules and its statute must be changed before final approval can be granted to Montana's permanent regulatory program under SMCRA. The State also, on November 3, 1980, submitted an additional amendment to its program which was not required by the Secretary's conditional approval.

The deficiencies contained in the Secretary's notice of April 1, 1980, and Montana's amendments of November 3, 1980, and August 26, 1981, are as follows. It should be noted that while the State was in the process of developing its rules, the Montana Secretary of State was developing a new simplified system of codification of rules. On July 1, 1980, when this new system was completed, the Administrative Rules of Montana concerning surface mine reclamation were re-numbered according to the new system. This accounts for the difference in the numbering system referred to in the Secretary's Notice of Conditional Approval and that in the State's amendments.

1. Montana Rule XX(13)(b)(ii) contained provisions that mirrored the suspended Federal regulations in 44 FR 67943 (November 27, 1979): 30 CFR 805.13(d), 806.12(e)(6)(iii), 806.12(g)(7)(iii), and 808.12(c), and 45 FR 51544 (August 4, 1980): 30 CFR 807.11(e) and 808.14(b). As such, Montana Rule XX(13)(b)(ii) was determined to be inconsistent with SMCRA.

Montana has amended Section 26.4 1118 of its Regulations to reflect the revised OSM bonding rules issued August 6, 1980 (45 FR 52306-52324).

26.4.1118 Bonding: Effect of Forfeiture

(1) The written determination to forfeit all or part of the bond, including the reasons for forfeiture and the amount to be forfeited, shall be a final decision by the department.

(2) The department may forfeit any or all bonds deposited for an entire permit area. Liability under any bond, including separate bond increments or indemnity agreements applicable to a single operation shall extend to the entire permit area.

2. 30 CFR 843.11(a)(2) provides that if a cessation order will not completely abate the imminent danger or harm in the "most expeditious manner physically possible," affirmative obligations shall be imposed by the authorized representative of the regulatory authority. Furthermore, the affirmative obligation may require the use of existing or additional personnel and equipment without consideration of

cost (44 FR 15301). SURA and the regulations did not explicitly contain these provisions. Montana maintained that it had the necessary authority and as a manner of policy would require abatement in accordance with 30 CFR 843.11(a)(2). The Secretary conditioned his approval of the program on Montana's submitting to the Secretary copies of fully enacted regulations containing provisions which are the same or similar to those in 30 CFR 843.11(a)(2). Montana has amended Section 26.4.1210 of its regulations to add this provision:

26.4.1210 Cessation Orders: Additional Affirmative Obligations

If a cessation order will not completely abate the imminent danger or harm in the most expeditious manner physically possible, the commissioner or his authorized representative shall impose affirmative obligations on the person to whom it is issued to abate the condition, practice, or violation. The order shall specify the time by which abatement shall be accomplished and may require, among other things, the use of existing or additional personnel and equipment.

3. The Montana program did not provide for award of costs in administrative proceedings, including attorney's fees, in accordance with Sections 520 and 525 of SMCRA and 43 CFR 4.1290 *et seq.* Although Montana had enacted the basic authority for the award of costs and expenses, SMCRA and 30 CFR Chapter VII require that a State program include the regulations which detail such matters as who may file, contents of a petition, and who may receive an award.

Accordingly, the Secretary conditioned the approval of Montana's program on the State's submitting copies of fully enacted regulations containing provisions which are the same or similar to those in 43 CFR 4.1290–4.1296.

Montana has adopted three rules in response to this condition, 26.4.1307, 26.4.1308 and 26.4.1309

26.4.1307 Litigation Expenses: When Department May Award

(1) Whenever any final order is issued at the request of any person other than the permittee, permit applicant, or the department as a result of any administrative proceeding under the act, appropriate and reasonable costs, expenses, and attorney fees incurred for or in connection with that person's participation in those proceedings may be assessed against either party.

(2) Whenever any final order is issued in any administrative proceeding under the act at the request of the permittee, permit applicant, or the department, appropriate and reasonable costs, expenses and attorney fees incurred by the permittee, permit applicant, or the department for or in connection with participation in the proceeding may be assessed against any party if it is demonstrated that the party participated in the proceeding in bad faith and for purpose of harassing or embarrasing the permittee, permit applicant, or the department.

(3) For the purposes of subsections (1) and (2), a final order is considered to have been issued at a person's request if the person made a substantial contribution to the issuance of that order.

(4) Attorney fees, costs and expenses recoverable under subsections (1) and (2) include attorney fees, costs and expenses reasonably and necessarily incurred in seeking an award under this rule.

26.4.1308 Litigation Expenses: Filing of Petition

The petition for an award of costs, expenses, and attorney fees must be filed within 45 days of receipt of such order. Failure to make a timely filing of the petition may constitute a waiver of the right to such an award.

26.4.1309 Litigation Expenses: Contents of Petition and Answers

(1) A petition for costs, expenses, or attorney fees shall include the name of the person from whom costs and expenses are sought and the following shall be submitted in support of the petition.

(a) An affidavit setting forth in detail all costs and expenses including attorney fees reasonably incurred for or in connection with, the person's participation in the proceedings;

(b) Receipts or other evidence of such costs and expenses; and

(c) Where attorney fees are claimed, evidence concerning the hours expended on the case, the customary commercial rate of payment for such services in the area, and the experience, reputation and ability of the individual or individuals performing the services.

(2) Any person served with a copy of the petition shall have 30 days from service of the petition within which to file an answer to such petition.

4. Section 524 of SMCRA, 30 USC 1274, provides that political subdivisions which engage in surface coal mining operations are subject to the full requirements of SMCRA. Montana SURA 82–4–223 gives the Department of State Lands discretion in requiring a bond from a political subdivision.

In order to comply with Section 524 of SMCRA, Montana was required to revise its regulations to specify that a political subdivision must obtain a bond if it is directly conducting a coal mining operation. Montana has amended its program by adding a new regulation: Section 26.4.1121 to cover this issue.

26.4.1121 Bonding: Exemption for State Agencies and Political Subdivisions

(1) The department may require agencies and political subdivisions of the State to file bonds for non-test pit prospecting operations.

(2) Agencies and political subdivisions of the State must file a bond that meets the requirements of section 82–4–223 and Rules 26.4.1101 through 1120 before the department may issue a mining permit or test pit prospecting permit.

5. Montana Rule XXIV(1) required that the Montana Department of State Lands inspect to ensure "substantial" compliance with Montana law and regulations. The Secretary expressed concern that "substantial" compliance might be interpreted to mean something less than complete compliance, as provided by 30 CFR Part 840. Therefore, the Secretary conditioned the approval of Montana's program on the State's submitting copies of fully enacted regulations removing from Rule XXIV(1) the word "substantial" in reference to ensuring compliance with Montana law and regulations. Montana has amended Section 26.4.1201 of its regulations to comply with this condition.

26.4.1201 Frequency of Inspections

(1) The department shall conduct an average of at least one partial inspection of each mining operation per month and at least one complete inspection of each mining operation per calendar quarter and such periodic partial or complete inspections of prospecting operations as are necessary to *enforce* the act, the rules adopted pursuant thereto, and the respective permit.

6. The Montana Department of State Lands has the authority under Montana laws and the Montana program contains provisions in Rule XXVI to provide small operator assistance. However, Montana 82–4–222 implements the small operator assistance program only to the extent that the State has received Federal funds for this purpose. Such limitation is not consistent with Section 705(c) of the SMCRA and the Secretary required that Montana submit copies of fully enacted legislation removing the limitation in Montana 82–4–222(3). Montana amended its program by

submitting the following statutory change:

82-4-222(3) If the department finds that the probable total annual production at all locations of any strip or underground coal mining operation applied for will not exceed 100,000 tons, any determination of probable hydrologic consequences that the department requires and the statement of result of test borings or core samplings shall, upon written request of the operator, be performed by a qualified public or private laboratory designated by the department. The department shall assume the cost of the determination and statement to the extent that it has received funds for this purpose.

If the Secretary determines that these regulatory changes meet the conditions in accordance with 30 CFR 926.11, OSM proposes to amend that section by deleting those subsections which contain conditions that are met. In addition, 30 CFR 926.10 would be amended by deleting the existing language of that section as § 926.10(a) and adding a new § 926.10(b), *State program amendments*, specifying their amendments which are deemed parts of this approved program.

In addition to the above five regulatory changes and one statutory change which were required by the Secretary, Montana also is seeking approval of an additional regulatory amendment.

30 CFR 786.23(f) requires the regulatory authority to notify local government officials in the local political subdivisions in which the area of land to be affected is located when a permit has been issued. Montana's regulations in the State's conditionally approved program did not contain this provision. The Secretary expressed in his findings of April 1, 1980, that Montana's regulation for notice to local officials was consistent with SMCRA and 30 CFR 786.23(f). The Secretary based his decision on the premise that since mining is conducted only in six counties and because the issuance of a permit entitles the county to share in the severence tax, local officials are well informed regarding mining activities. Additionally, the Secretary noted that Montana has stated that as a matter of policy the Montana Department of State Lands will notify the local government officials in the local political subdivision within ten days after granting a mining or test pit prospecting permit. However, Montana has now elected to amend Section 26.4.405 of its regulations to specifically require notification of local government officials.

26.4.405 Findings and Notice of Decision

(1) If an informal conference is held, the department shall give its written findings to the permit applicant and to each person who is a party to the conference, approving, modifying or denying the application in whole, or in part, and stating the specific reasons therefor in the decision.

(2) If no informal conference has been held, the department shall give its written findings to the permit applicant, approving, modifying or denying the application in whole, or in part, and stating the specific reasons in the decision.

(3) Simultaneously with distribution of the written findings under (2) and (3) above, the department shall:

(a) Give a copy of its decision to each person or government official who filed a written objection or comment with respect to the application, and

(b) Publish a summary of the decision in a newspaper of general circulation in the general area of the proposed project.

Since the above amendment was not required by the Secretary in his conditional approval, it is considered to be a program amendment under 30 CFR 732.17. A hearing on this amendment will be held if requested, and notice of such hearing will be published in the **Federal Register.**

All of the above regulatory amendments were published by the State for public review and comment on August 18, 1980, and were adopted by the Montana Board of Land Commissioners and the Department of State Lands on October 31, 1980.

The single statutory change was introduced into the 1981 Legislative Session as a part of Senate Bill 244. Senate Bill 244 was signed by the Governor of Montana on April 20, 1981, and became effective October 1, 1981.

Dated: October 9, 1981.

J. Steven Griles,

Acting Director.

[FR Doc. 81-30131 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 228

[WH-FRL 1945-5]

Ocean Dumping; Proposed Redesignation of Site

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA today proposed to redesignate an ocean disposal site in the Gulf of Mexico for incineration at sea of liquid organohalogen wastes. This action provides continuing availability of an ocean dumping site for high temperature incineration of these kinds of wastes. The Gulf Incineration Site has been used in the past for the successful incineration of liquid organohalogens, and no significant adverse impacts were detected during these burns. Redesignation will enable the site to continue to be used for the at-sea incineration of wastes.

DATE: Comments must be received on or before December 15, 1981.

ADDRESS: Send comments to Mr. T. A. Wastler, Chief, Marine Protection Branch (WH-585), EPA, Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Mr. T. A. Wastler, 202/755-0356.

SUPPLEMENTARY INFORMATION: Section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. (hereafter "the Act"), gives the Administrator of EPA the authority to designate sites where ocean dumping may be permitted. The EPA Ocean Dumping Regulations (40 CFR Chapter I, Subchapter H, § 228.4) state that ocean dumping sites will be designated by publication in this Part 228. On September 19, 1980, the Administrator delegated the authority to designate ocean dumping sites to the Assistant Administrator for Water.

The location of the Gulf Incineration Site is 355 kilometers (191 nautical miles) east northeast of the Texas-Mexico border, 315 km (170 n mi) south southeast of Galveston, Texas, and 350 km (189 n mi) south of Cameron, Louisiana. The site is a rectangle described by the following coordinates: 26'20'00'' N. to 27'00'00'' N.; 93'20'00'' W. to 94'00'00'' W. The site occupies approximately 4,900 square kilometers (1,892 square nautical miles). Water depths range from 600 fathoms (1,100 meters) to more than 1,000 fathoms (1,835 meters). The sea floor gradient for this portion of the outer continental slope is uniform and gradual.

On April 30, 1976, the designation of the Gulf Incineration Site was proposed for incineration at sea of liquid organohalogen wastes. This site received final designation on September 15, 1976 (41 FR 39319). For site designation, EPA prepared an Environmental Impact Statement (EIS) on the site entitled "Designation of a

Site in the Gulf of Mexico for Incineration of Chemical Wastes." The Final EIS was made available on July 14, 1976. Thus, the Gulf Incineration Site became the first ocean disposal site designation supported by an EIS. This EIS was based on historical information gathered from pre-existing records and data for that part of the Gulf of Mexico.

Subsequent to final designation of the Gulf Incineration Site, EPA published a list of "Approved Interim and Final Ocean Dumping Sites" as a part of the Ocean Dumping Regulations (42 FR 2461 et seq., January 11, 1977). The Gulf Incineration Site was approved for continuing use until September 15, 1981. The purpose of this proposed rule is to redesignate this site for continuing use.

The general location of the site was selected according to the following general criteria: (1) The site should be far enough away from other disposal sites that any impacts which may occur would be readily identifiable; (2) it should possess favorable oceanographic and meteorological features that will facilitate dispersal of incineration products; (3) the site should be situated far enough offshore to minimize the possibility that the incineration products could reach the land; (4) the site should be located in an area acceptable both to the Coast Guard and the Corps of Engineers; (5) it should be removed from areas of commercial or recreational activity or biological significance. In addition, the site was chosen because it was located off the continental shelf and on the slope. These criteria are still being met by the site.

The prevailing winds and currents at the site are normally sufficient to promote effective transport and dispersal of incineration products. The site is of a size that assures that the combustion products in the plume will touch down within the boundaries of the site or will be so diluted by the time they exit the site that they will be undetectable.

Data from the literature and monitoring during previous burns at the site reveal that the water quality at the site is typical of oceanic gulf waters, both biologically and chemically, and the surface mixed layer at the proposed site is sufficient to allow effective dilution of plume fallout.

The waters at the site appear to be low in nutrient levels and phytoplankton standing crops. Few larvae of commercially important shrimp species are known to be abundant at the site, and it does not support a shellfishery or finfishery. It is 90 km or more from the 180-meter bottom contour which inshore supports numerous submarine banks of scientific interest, such as the East and West Flower Garden Banks. Development or recruitment of nuisance species is unlikely because the incineration products are sterile and the water quality is not affected.

The site is beyond commercial shipping fairways and the normal reach of recreational boats; it is distant from beach and amenity areas, and it is unlikely that detectable combustion products could reach the shore.

The location of the site posed no special monitoring difficulties during the 1974–1977 burns at the site. The LORAN C lines for the site are given here to facilitate navigation and surveillance: 27°06'12" N., 93°24'15" W.; 26°32'24" N., 93°15'30" W.; 26°19'00" N., 93°56'00" W.; 26°52'40" N., 94°04'40" W.

Previous use of the site occurred between October 1974 and April 1977. Approximately 29,100 metric tons of mixed organohalogens from the Shell Chemical Company in Deer Park, Texas, were burned onboard the M/T *Vulcanus* under research or special permits. The results of previous burns at the site yielded combustion efficiencies greater than 99.9 percent. The principal products of combustion were HCL and carbon dioxide.

Because of the small numbers of life forms normally in the vicinity of the site and the high combustion efficiency, there were no measureable effects on pelagic life from the 1974–1977 incineration. It is unlikely that effects on bottom life will occur within the boundaries of the site because of the depth of the water. There has been no known dumping previous to these burns at the site, and adverse effects from incineration during these burns were nonexistent or negligible. The results of studies on the incineration method, the vessel, and the site are reported in "Disposal of Organochlorine Wastes by Incineration at Sea" (EPA–340–9–75–014) and "At-sea Incineration of Organochlorine Wastes Onboard the M/T *Vulcanus*" (EPA–600–2–77–196).

The proposed use of the site will be restricted to wastes for which the incineration vessel is certified. Use of the site would be limited to one ship at a time because of the possiblity that a plume from one ship may impact another ship in the disposal site. This may be modified only under extreme emergency conditions.

On July 11, 1981, EPA published a notice of tentative determination to grant a research permit to Chemical Waste Management, Inc., of Illinois, and Ocean Combustion Service BV of Rotterdam for incineration of PCB waste at the Gulf Incineration Site. From the same applicants, EPA has also received two other permit applications, one for liquid Silvex and the other for mixed halogenated organic compounds. The permit period for the three permits would be from six to 36 months and would require use of a site for that period of time.

Based on information in the final EIS and the fact that there has been no environmental impact from previous burns at the site, it is concluded that this site is suitable for use as an ocean incineration site.

The site meets the site selection criteria in the Ocean Dumping Regulations and Criteria, 40 CFR Part 228, and the results of previous burns at the site indicated that no unacceptable adverse impacts have resulted from use of the site.

We are therefore proposing to amend § 228.12 to redesignate the Gulf Incineration site for continuing use and to transfer management of the site to EPA Headquarters pursuant to § 228.3 to facilitate the efficient and timely processing of permit applications.

Interested persons may participate in this proposed rulemaking by submitting written comments within 60 days of the date of this publication to the address given above.

Under the Regulatory Flexibility Act, EPA is required to perform a Regulatory Flexibility Analysis for all rules which may have a significant impact on a substantial number of small entities. Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis.

EPA has determined that this proposal will not have a significant impact on small entities. The site designation will only have the effect of providing a disposal option for incineration at sea of toxic chemical wastes. Furthermore, this proposal will not result in an annual effect on the economy of $100 million or more or cause any of the other effects which would result in its being classified as "major." Consequently, this proposal does not necessitate preparation of a Regulatory Flexibility Analysis or Regulatory Impact Analysis.

This proposal was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in Room 2709 Waterside Mall, 401 M Street Southwest, Washington, D.C. Authority: 33 U.S.C. Sections 1412 and 1418.

Dated: October 9, 1981.

Bruce R. Barrett,

Acting Assistant Administrator for Water.

PART 228—CRITERIA FOR THE MANAGEMENT OF DISPOSAL SITES FOR OCEAN DUMPING

In consideration of the foregoing, Subchapter H of Chapter I of Title 40 is proposed to be amended by revising the heading and the period of use in paragraph (b)(1) of § 228.12 as follows:

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

* * * * *

(b) * * *

(1) Gulf Ocean Incineration Site—Headquarters.

* * * * *

Period of Use: Continuing use.

* * * * *

[FR Doc. 81-30042 Filed 10-15-81; 8:45 am]

BILLING CODE 6560-29-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 81-715; RM-3812]

TV Broadcast Station in Cape Coral, Fla.; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign UHF television Channel 36 to Cape Coral, Florida, in response to a petition filed by Broadcast Production and Management Corporation of Florida. The assignment could provide Cape Coral with its first local television service.

DATES: Comments must be filed on or before December 8, 1981, and reply comments must be filed on or before December 28, 1981.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, Area 202; 632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: October 5, 1981.

Released: October 13, 1981.

By the Acting Chief, Policy and Rules Division:

1. A petition for rulemaking [1] was filed by Broadcast Production and Management Corporation of Florida ("petitioner") proposing the assignment of UHF television Channel 36 to Cape Coral, Florida, as the community's first television assignment. No opposition to the proposal was filed and the assignment could be made in compliance with the minimum distance separation requirements of § 73.610 of the Commission's Rules. Petitioner states that it will apply for a construction permit if a UHF television channel is allocated as proposed.

2. Cape Coral (population 32,103),[2] in Lee County (population 205,266), is located on the southwest coast of Florida, approximately 190 kilometers (120 miles) northwest of Miami. It currently has no local television channel assignment.

3. Petitioner states that in area, Cape Coral is Florida's second largest city, and that its population increased 108% during the years 1970–1978. It adds that the city has a flourishing tourist trade and an economic base derived from such major components as construction, agriculture, fishing and manufacturing. In conclusion, petitioner has made a sufficient showing to demonstrate a need for the proposed assignment.

4. In view of the foregoing, and the fact that the proposed television channel assignment would provide a first local television broadcast service to Cape Coral, the Commission believes it appropriate to propose amending the Television Table of Assignments, § 73.606(b) of the Commission's Rules, as follows:

City	Channel No.	
	Present	Proposed
Cape Coral, Fla		** 36

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before December 8, 1981, and reply comments on or before December 28, 1981.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules. *See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules,* 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Nancy Joyner, Broadcast Bureau, (202) 632-/792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division Broadcast Bureau.

Appendix

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the TV Table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered

[1] Public Notice of the petition was given December 31, 1980, Report No. 1264.

[2] Population figures are extracted from the 1980 U.S. Census.

if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-30084 Filed 10-15-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 73

[BC Docket No. 81-714; RM-3930]

FM Broadcast Station in Williams, Arizona; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This action proposes to assign FM Channel 244A to Williams, Arizona, in response to a petition filed by Soho Broadcasting. The assignment could provide Williams with a first local FM service.

DATES: Comments must be filed on or before December 8, 1981, and reply comments must be filed on or before December 28, 1981.

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

FOR FURTHER INFORMATION CONTACT: Nancy V. Joyner, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.202(b), *Table of Assignments*, FM Broadcast Stations. (Williams, Arizona), BC Docket No. 81-714, RM-3930.

Adopted: October 5, 1981.

Released: October 9, 1981.

1. Soho Broadcasting ("petitioner") has filed a petition for rule making [1] seeking assignment of FM Channel 244A at Williams, Arizona, as that community's first assignment. The channel could be assigned in compliance with the minimum distance separation requirements of § 73.207 of the Commission's rules, and petitioner states that it will apply for the channel, if assigned.

2. Williams (population 2,266),[2] in Conconino County (population 74,947), is located approximately 48 kilometers (30 miles) west of Flagstaff, Arizona. It is currently served by full-time AM Station KBWA.

3. Petitioner states that Williams has its own governmental structure, municipal services, educational facilities, a library, bank, motels and churches. Additionally, it alleges that its economic base is derived from tourism and related retail and service activities, as well as from lumbering, agriculture, mining, railroading, and the manufacture of Indian jewelry. In sum, petitioner has set forth an adequate showing to demonstrate a need for the proposed service to Williams, Arizona.

4. Petitioner has submitted a study indicating that the proposed assignment of Channel 244A to Williams, Arizona, would created no unacceptable preclusion. However, we need not consider the preclusive impact with respect to a request for a first Class A channel allocation to a community. *See, Policy Statement to Govern Requests for Additional Assignments*, 8 FCC 2d 79 (1967).

[1] Public Notice of the petition was given July 17, 1981, Report No. 1299.

[2] Population figures are extracted from the 1980 U.S. Census.

5. In view of the foregoing, the Commission proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules as follows:

City	Channel No.	
	Present	Proposed
Williams, Arizona		244A

6. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix below and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

7. Interested parties may file comments on or before December 8, 1981, and reply comments on or before December 28, 1981.

8. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the FM Table of Assignments, § 73.202(b) of the Commission's Rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's rules, 46 FR 11549, published February 9, 1981.

For further information concerning this proceeding, contact Nancy Joyner, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

BC Docket No. 81-714 RM-3930

Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend, the PM Table of

Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the *Notice of Proposed Rule Making* to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this *Notice*, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the *Notice of Proposed Rule Making* to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b) and (c) of the Commission's rules.)

5. *Number of Copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-30082 Filed 10-15-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 81-713; RM-3851]

TV Broadcast Station in Pittsburg, Kansas; Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Proposed Rule.

SUMMARY: This action proposes the assignment of UHF Television Channel 14 to Pittsburg, Kansas, in response to a petition filed by C.B. International, Inc. The proposed assignment could provide for a second commercial television station.

DATE: Comments must be filed on or before December 8, 1981, and reply comments on or before December 28, 1981.

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

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

SUPPLEMENTARY INFORMATION:

In the matter of amendment of § 73.606(b), *Table of Assignments*, Television Broadcast Stations. (Pittsburg, Kansas), BC Docket No. 81-713, RM-3851.

Adopted: October 5, 1981.

Released: October 9, 1981.

1. A petition for rule making [1] was filed by C.B. International, Inc. ("petitioner"), requesting the assignment of UHF Television Channel 14 to Pittsburg, Kansas, as that community's second commercial television channel. Petitioner stated its intent to apply for the channel, if assigned. No oppositions to the proposal were received.

2. Pittsburg (population 18,770),[2] In Crawford County (population 37,916) is located in southeastern Kansas, approximately 180 kilometers (115 miles) south of Kansas City. It currently has one television assignment, KOAM-TV (Channel 7).

3. According to the petitioner, the community of Pittsburg welcomes an additional television facility that could address its local needs and problems and at the same time provide independent programming. C.B. contends that Pittsburg's population growth is matched by an expansion in its economic base, thus warranting a second television assignment. Petitioner submitted sufficient information to justify the need for a second television assignment to Pittsburg.

4. In view of the foregoing, the Commission finds that it would be in the public interest to seek comments on the proposal to amend the Television Table of Assignments (§ 73.606(b) of the rules) with regard to the city of Pittsburg, Kansas, as follows:

City	Channel No.	
	Present	Proposed
Pittsburg, Kansas	7+	7+, 14

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein.

Note.—A showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

6. Interested parties may file comments on or before December 8, 1981, and reply comments on or before December 28, 1981.

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Assignments, § 73.606(b) of the Commission's Rules. See, Certification that Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend §§ 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, published February 9, 1981.

8. For further information concerning this proceeding, contact Montrose Tyree, Broadcast Bureau, (202) 632-7792. However, members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel assignments. An *ex parte* contact is a message (spoken or written) concerning the merits of a pending rule making other than comments officially filed at the Commission or oral presentation required by the Commission.

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

[1] Public Notice of the petition was given on March 27, 1981, Report No. 1277.

[2] Population figures are taken from the 1980 U.S. Census.

Federal Communications Commission.

Martin Blumenthal,

Acting Chief, Policy and Rules Division, Broadcast Bureau.

Appendix

[BC Docket No. 81-713 RM-3851]

1. Pursuant to authority found in Sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Section 0.281(b)(6) of the Commission's rules, it is proposed to amend the TV table of Assignments, § 73.606(b) of the Commission's rules and regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. *Showings Required.* Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it ony resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. *Cut-off Procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of the Commission's rules.)

(b) With respect to petitions for rule making which conflict with the proposal(s) in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed lated than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to assign a different channel than was requested for any of the communities involved.

4. *Comments and Reply Comments; Service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420(a), (b) and (c) of the Commission's rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public Inspection of Filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

[FR Doc. 81-30077 Filed 10-15-81; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 97

[PR Docket No. 81-697; RM-2419; FCC 81-436]

Effective Radiated Power (ERP) Limitations for Amateur Radio Stations in Repeater Operation

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposed to relax effective radiated power (ERP) restrictions for amateur radio stations in repeater operation on frequencies between 52 and 54 MHz. A study indicates that the range of operations in this band (particularly mobile operations) is curtailed due to ambient electrical noise. The proposed revision would increase ERP limits and thus provide greater range. It is also proposed to extend the ERP limitations to repeater operations on frequencies between 29.5 and 29.7 MHz. Currently there are no such limitations in this band. The proposed revision would help prevent co-channel interference between stations engaging in such operation.

DATES: Comments are due by January 15, 1982 and replies February 15, 1982.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Steve Lett, Private Radio Bureau, (202) 632-7597.

SUPPLEMENTARY INFORMATION:

In the matter of amending the ERP Limitations for Amateur Radio Stations in Repeater Operation, PR Docket No. 81-697, RM-2419.

Adopted: September 30, 1981.

Released: October 9, 1981.

Introduction

1. Notice of Proposed Rulemaking in the above-entitled matter is hereby given.

2. The Commission has before it at this time a petition for rulemaking, RM-2419, submitted by Gordon Schlesinger and received by the Commission on July 22, 1974. This petition seeks amendment of § 97.67(c) of the Amateur Radio Service Rules (Part 97) to relax effective radiated power (ERP) output limitations for amateur radio stations in repeater operation on frequencies between 52 and 54 MHz (in the 6 meter band). Currently, such operation is limited, as a function of antenna height, to between 25 and 100 watts. The petition requests raising the limits to a range of 250 to 1000 watts. The Commission finds it appropriate to propose rules relaxing this ERP limitation.

3. The Commission is also proposing, on its own initiative, to place ERP limitations on stations in repeater operation between 29.5 and 29.7 MHz (in the 10 meter band). The present rules permit the use of any power up to the 1000 watts DC input maximum authorized for most other types of operation. The proposed limitations would restrict the ERP of repeater operations on these frequencies to a range of 100 to 800 watts.

Background

4. On February 26, 1970 the Commission adopted a Notice of Proposed Rulemaking [1] in Docket Number 18803 proposing rules to govern the licensing and operation of "repeater stations" [2] in the Amateur Radio Service. In that Notice, it was proposed that repeater stations (repeaters) be limited to 600 watts of power input.[3] It was felt that this power would be "sufficient to provide reliable communications within the range of mobile units" while not interferring needlessly with stations beyond the range of the repeater's reception capability. This balance between mobile transmitter range and repeater transmitter range is generally referred to as the "reciprocity principle."

5. In its Report and Order in Docket Number 18803,[4] adopted August 29, 1972, the Commission decided against using a 600 watt power limit as a means of ensuring reciprocity. Instead, a decision was made to "incorporate into § 97.67 (of the rules) the provisions of Section 324 of the Communications Act of 1934, as amended, to emphasize its particular

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[1] 35 FR 4138, March 5, 1970.

[2] At the time of the proceeding in Docket 18803, repeater stations had separate station authorizations. Currently, such use is authorized under an amateur's primary station license and is referred to as "repeater operation" (see § 97.85 of the rules).

[3] Power input is the sum of the total DC power supplied to the last amplifying stage of a transmitter added to any power from previous stages which appears at the output of the last stage. This is an indication of the capability of the transmitter, but does not consider other system components such as antenna or transmission line.

[4] 37 FCC 2d 225.

applicability to amateur terrestrial repeater stations."[5] It was concluded "that a repeater station which transmits a signal at many times the range over which it is capable of receiving would be in violation of the Act." However, the Commission also decided that "(w)ith limited channels available, the possibility of interference between repeater stations in adjacent communities desiring to use the same frequencies (would have to) to considered." For that reason, "limits (were) established for effective radiated power from a repeater station antenna, based upon the power normally required for reception by a typical vehicular mobile station over a nominal community coverage area."[6] A result of that Order is, today, Rule § 97.67(c) which specifies limits on ERP of amateur radio stations in repeater operation. These limits were derived analytically by the Commission, compensating for factors unique to the amateur radio operating environment.

6. On January 27, 1976, the Commission adopted another Order [7] deleting a requirement "that specific authorization, based upon a special showing of need, * * * be granted prior to commencing repeater operation on the Amateur 10 meter band." This Order brought repeater operations in this band under the regulatory framework applicable to all other repeater operations. However, in the Order, 10 meter ERP restrictions were not addressed.

The Proposal

7. RM-2419 claims "that the Commission has been unduly restrictive in adopting the present effective radiated power limits for amateur repeater stations operating in the 52-54 MHz band." It further claims that the Commission in promulgating these limits, "intended to promote the concept of 'reciprocity' in the operation of amateur repeater stations" and that "this goal is not presently being achieved" because "in many instances the users of a 52 MHz repeater employ more effective radiated power than the repeater itself" and because "in many instances the peak power emissions of (man-made electrical noise) occur near the amateur 50 MHz ban." The petition contends that the man-made electrical noise is far more prevalent in the mobile environment than at a repeater site and that there is "a very real degradation of the (signal to noise) ratio at the (mobile) receiver antennae terminals." Four to sixteen decibels is the range of degradation that the petition suggests mobile stations encounter.

8. Since effective radiated power calculations do not, by themselves, provide any quantitative indication of the extent to which a repeater operation is reciprocal [8] and since the Commission never intended to promote reciprocity with its ERP limitations, we find these arguments in the petition to be without merit. However, after studying the issue of electrical noise effects in the 6 meter mobile environment, we find that some adjustment is necessary in the ERP limitations in order to provide a reasonable community coverage area during mobile station operations. This is particularly true of operations in urban areas. We have also considered the issue of whether raising the ERP limits to provide more adequate coverage would result in increased instances of interference (TVI) to the reception of television channel 2. The Commission is satisfied with the record to date of amateur repeater operations with respect to preventing TVI and finds little reason for concern in this area. We would, however, expect for amateur operators to continue to choose repeater operating frequencies judiciously and to cooperate in resolving TVI complaints. We would also expect the voluntary amateur frequency coordination programs to resolve any problems arising from co-channel interference to repeater operations in adjacent communities.

9. As a separate issue, the Commission is also proposing to limit the ERP of repeater operations between 29.5 and 29.7 MHz. When the Commission adopted its Order authorizing 10 meter repeater operation commensurate with other repeater operations, amendment of the ERP table to include 10 meter operations was not considered. At the time, the number of such repeaters was relatively small and co-channel interference was non-existent. Today, the increasing popularity of 10 meter repeaters has created the potential for serious co-channel interference problems. The present ERP limitations have apparently been instrumental in avoiding such interference among other repeater operations and we believe that this benefit would be realized at 10 meters as well.

10. The ERP limits we propose are a compromise between the competing objectives of providing reasonable community coverage, avoiding co-channel interference between adjacent communities and eliminating unnecessary complexity in the rules. The proposed revision in the table will consolidate many existing entries to accommodate this, and both the 6 meter and 10 meter proposals are set forth together in the Appendix. However, in the adoption of any final rules, the Commission will consider the 6 meter and 10 meter ERP issues separately, therefore we request those commenting on this Notice to address each of these issues separately in their comments.

11. We intend to promulgate any final amendments to the affected rule section (97.67) by simplifying the table in paragraph (c) of that section. We also plan, in accordance with the Commission's metric conversion program, to translate the antenna heights specified in the table to metric units. Consequently, other minor alterations in the table will be required for the sake of avoiding unnecessary confusion and complexity. As part of this, we plan to eliminate the 50 foot antenna height specification since it is superfluous to distinguish between this and the 100 foot specification in view of the magnitude of the other heights specified in the table. In all cases, alterations in the table to accommodate these incidental matters will be made in such a way as to relax existing requirements.

Conclusion

12. Notice is hereby given that it is proposed to amend 47 CFR Part 97 in accordance with the proposal set forth in the attached Appendix.

13. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rulemaking until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier.

[5] Section 324 of the Act states that, "In all circumstances, except in case of radio communications or signals relating to vessels in distress, all radio stations, including those owned and operated by the United States, shall use the minimum amount of power necessary to carry out the communication desired." See also § 97.67 paragraph (b) of the rules.

[6] Effective radiated power is the product of the transmitter output power delivered to the antenna multiplied by the power gain of the antenna relative to that of a half-wave dipole antenna. This measure is an indication of the overall transmitting system performance in some preferred direction.

[7] 57 FCC 2d 1151.

[8] This is because antenna gain is reciprocal in that the gain improvement is realized while receiving as well as while transmitting. Consequently, a repeater with an ERP of 25 watts could achieve reciprocity of operation with a 5 watt (transmitter output) hand-held station provided the transmitter output power of the repeater was only 5 watts and that the higher ERP figure was a result of antenna gain.

In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, § 1.1231 of the Commission's rules, 47 CFR 1.1231. A summary of the Commission's procedures governing *ex parte* contacts in informal rulemakings is available from the Commission's Consumer Assistance Office, FCC Washington, DC 20554, (202) 632-7000.

14. Authority for issuance of this Notice is contained in Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before January 15, 1982, and reply comments on or before February 15, 1982. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

15. In accordance with § 1.419 of the Commission's rules, 47 CFR 1.419, formal participants must file an original and five copies of their comments and other materials. Participants who wish each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, DC.

16. The Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) do not apply to this rule making proceeding since the proposed rules would only change the limits of operating specifications for certain station uses. These changes would not compel amateur operators to purchase any new equipment, nor would they be likely to have a significant adverse impact upon current operating practices. Consequently, there would be no economic impact on small businesses, small organizations or small governmental jurisdictions.

17. It is ordered that the Secretary shall cause a copy of this Notice to be served upon the Chief Counsel for Advocacy of the Small Business Administration and that the Secretary shall also cause a copy of this Notice to be published in the **Federal Register.**

18. For further information on this proceeding contact Steve Lett, Federal Communications Commission, Private Radio Bureau, Washington, D.C. 20554, (202) 632-7597.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 97—AMATEUR RADIO SERVICE

It is proposed that paragraph (c) of § 97.67 of the Commission's Rules and Regulations, 47 CFR 97.67, be revised to read as follows:

§ 97.67 Maximum authorized power.

* * * * *

(c) Within the limitations of paragraphs (a) and (b) of this section, the effective radiated power of an amateur radio station in repeater operation shall not exceed the power specified for the antenna heights above average terrain given in the following table:

Antenna height above average terrain in meters	Maximum effective radiated power for frequency bands above—		
	29.5 MHz	420 MHz	1215 MHz
Below 32 (105 feet)	800 watts	Paragraphs (a) and (b)	Paragraphs (a) and (b)
32-160 (105-525 feet)	400 watts	800 watts	Do.
160-320 (525-1,050 feet)	200 watts	800 watts	Do.
Above 320 (1,050 feet)	100 watts	400 watts	Do.

* * * * * * *

[FR Doc. 81-30089 Filed 10-15-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 97

[PR Docket No. 81-699; RM-3788; FCC 81-459]

Use of Additional Digital Codes in the Amateur Radio Service.

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission proposes to authorize the use of digital codes, other than those specified in the rules, for the transmission of communications and signals in the Amateur Radio Service. Such operations would be limited to frequencies above 50 MHz. Amateur radio operators have been hampered for many years by rules which prohibit their use of state of the art digital communication processes. The proposed revision would further one of the purposes of the Amateur Radio Service, that of "continuation and extension of the amateur's proven ability to contribute to the advancement of the radio art."

DATES: Comments are due by January 15, 1982 and replies by February 15, 1982.

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

FOR FURTHER INFORMATION CONTACT: Steve Lett, Private Radio Bureau, (202) 632-7597.

SUPPLEMENTARY INFORMATION:

Adopted: October 1, 1981.

Released: October 9, 1981.

By the Commission:

1. Notice of Proposed Rulemaking in the above-captioned matter is hereby given.

2. The Commission has before it a petition for rulemaking, RM-3788, submitted by the American Radio Relay League (ARRL) and received by the Commission on October 21, 1980. The petition seeks amendment of the Amateur Radio Service Rules (Part 97) to provide for the use of any digital encoding technique in the amateur radio frequency bands above 50 MHz. Currently the Rules only permit the use of the International Telegraphic Alphabet Number 2 (Baudot code) and the American Standard Code for Information Interchange (ASCII code). Finding merit in the petition, the Commission is proposing rules permitting other digital encoding techniques.

Background

3. In April 1976, the Commission opened Docket 20777 to address the issue of expanding the emission types to be authorized in the Amateur Radio Service. At that time, Baudot was the only digital type emission permitted for use by amateur radio stations. After considering the comments in the matter, the Commission, in its Third Report and Order,[1] decided to limit its action to permitting only one additional digital code, the ASCII code. However, at the same time the Commission pointed out that "amateur operators expressed interest in using radioteleprinter codes other than Baudot or ASCII"[2] and that it was "not necessarily opposed to such extensive deregulation." With the closing of Docket 20777, the issue of other digital codes is the subject of this proceeding.

4. The primary reservation the Commission stated in the Third Report and Order in Docket 20777 to providing for other additional digital code types was concern over whether "such an action would be consistent with Article 41 of the International Telecommunication Union (ITU) Regulations." Section 2(1) of that article states, in part, that "transmissions between amateur stations of different countries . . . shall be made in plain language." Citing this concern, the ARRL petition seeks a rule amendment specifically "to allow use of new, additional digital techniques in the VHF and UHF amateur bands, for domestic communications" only. Use of the frequencies above 50 MHz is proposed as a means of naturally limiting international propagation of non-standard emissions.

5. We have also been concerned over possible impact upon our ability to monitor transmissions of non-standard digital codes for the purpose of enforcing our rules and regulations. The ARRL petition contends that "the largely local characteristics of (the) expected digital transmissions under (the) proposed rules on the VHF and UHF bands, and the continued open identification procedures" should help satisfy Commission monitoring requirements. They also point to the permitted use of foreign languages by amateur radio operators despite the Commission's inability to monitor them for content and the generally high degree of operator compliance with the rules relating to permissible communications. While our concern is mitigated by the petition's proposal, we still have some reservations about thwarting our ability to monitor coded transmissions for content, as well as the ability of the amateur community to monitor transmissions from individual stations for the purpose of self-enforcement.[3]

6. The ARRL petition also recommends two other changes in the Commission's Rules regarding digital transmissions. It requests that A1 (on-off keying) ASCII emissions be permitted where F1 (frequency shift keying) emissions are permitted below 28 MHz, and that maximum ASCII speeds on amateur frequencies between 50 MHz and 225 MHz be raised from 1200 baud to 4800 baud.

The Proposal

7. The Commission proposes to permit the transmission of digital codes other than those now specifically designated in the rules. This would be permitted domestically on Amateur Radio Service frequencies above 50 MHz with the exception of those frequencies designated for A1 telegraphy emissions only (50.0–50.1, 144.0–144.1 MHz). The rules currently permit the transmission of digital codes "for such purposes as (but not restricted to) radio teleprinter communications, control of amateur radio stations, models and other objects, transfer of computer programs or direct computer-to-computer communications, and communications in various types of data networks (including so-called 'packet switching' systems)." We believe that other unspecified digital coding techniques may also lend themselves to digital voice, facsimile and television communications, as such uses are not currently prohibited by the rules, the Commission does not see a need to restrict these uses for the unspecified digital codes.[4] However, the emission bandwidth of such transmissions, we believe, should be approximately limited to that of an ASCII type coded transmission in the same band. This should avoid causing any more interference to existing operations than would result from the transmission of the digital codes already authorized.

8. In order to provide for enforcement and monitoring functions, we propose that certain requirements be placed on stations transmitting these unspecified digital codes. We would require the station licensee to include a description of the unspecified coding techniques in their station records and for them to supply this information to the Commission on request. We also propose to grant the Engineers-in-Charge (EICs) of the various Commission field offices authority to restrict or bar the transmission of unspecified codes by specific amateur radio stations. The EIC would also be authorized to require station licensees to maintain a record, convertible to plain language, of all unspecified code transmissions from his/her station and the stations being communicated with. Station identification requirements would remain unchanged from those currently application to digital (radio teleprinter) transmissions. Identification would be made by telegraphy using the international Morse code, or by telephone (A3 of F3) using the English language.

9. The Commission further proposes to permit the use of A1 emissions for the transmission of ASCII coded communications on those Amateur Radio Service frequencies below 28 MHz where F1 emissions are permitted. This should provide greater operating flexibility with no adverse impact on existing operations.

[1] 45 FR 8990.

[2] Frequently cited examples were the Binary Coded Decimal (BCD), Extended Binary Coded Decimal Interchange Code (EBCDIC), Moore and Correspondence (IBM Selectric) codes, various computer or "machine" languages, and "packet switching" techniques.

[3] Related questions addressing the Commission's monitoring responsibilities are presented in a Notice of Inquiry and Proposed Rulemaking adopted by the Commission on June 30, 1981 in a proceeding dealing with authorization of spread spectrum modulation in the Amateur Radio Service, General Docket 81-414.

[4] The 1979 World Administrative Radio Conference specified new emission designators in order to more accurately account for sophisticated modulation techniques. These changes are pending treaty ratification and are currently a subject in the proceeding dealing with implementation of the Final Acts of the World Administrative Radio Conference, General Docket No. 80-739. Accordingly, no emission designators are specified in the text for operation using nonstandard digital codes in conjunction with the various authorized modulation modes. Furthermore, it should be noted that the designators for conventional modes of operation are likely to change in the future.

10. The ARRL petition's request that maximum ASCII sending speeds on Amateur Radio Service frequencies between 50 MHz and 225 MHz be raised to 4800 baud is supported by its contention that "(u)nder *some* techniques, is should be possible for amateurs to transmit ASCII at 4800 baud, with a shift of 5440 Hertz, and produce a bandwidth well within the accepted norm (on VHF frequencies) of 16 kHz." [5] While the Commission agrees with the petition that this would encourage experimentation, we must be cautious to avoid allowing excessive interference to existing operations. Consequently, we propose to only limit sending speeds in those bands to approximately 19.6 kilobaud, provided that such use shall produce a bandwidth no greater than 16 kHz.[6] A maximum speed limitation equivalent to the highest speed permitted in any other bands is proposed in addition to the bandwidth limitation in order to help ensure our monitoring capabilities. Sixteen kilohertz would also be the maximum bandwidth of unspecified digital transmissions in the frequency bands between 50 MHz and 225 MHz by inference from paragraph 7 of this proposal.

11. Finally, the Commission proposes to replace the term "baud" in the rule section dealing with digital transmissions with the term "bits per second" or "bps." This is proposed in the interest of eliminating a somewhat ambiguous quantitative description currently used in the Rules. The "bits per second" description more accurately fulfills the Commission's intentions behind the rate limitation rules and aids in clarifying the regulatory requirements. This substitution should not have any adverse effect upon amateur operations.

Conclusion

12. Notice is hereby given that it is proposed to amend 47 CFR Part 97 in accordance with the proposal set forth in the attached Appendix.

Procedural Matters

13. For purposes of this non-restricted notice and comment rulemaking proceeding, members of the public are advised that *ex parte* contacts are permitted from the time the Commission adopts a notice of proposed rule making until the time a public notice is issued stating that a substantive disposition of the matter is to be considered at a forthcoming meeting or until a final order disposing of the matter is adopted by the Commission, whichever is earlier. In general, an *ex parte* presentation is any written or oral communication (other than formal written comments/pleadings and formal oral arguments) between a person outside the Commission and a Commissioner or a member of the Commission's staff which addresses the merits of the proceeding. Any person who submits a written *ex parte* presentation must serve a copy of that presentation on the Commission's Secretary for inclusion in the public file. Any person who makes an oral *ex parte* presentation addressing matters not fully covered in any previously-filed written comments for the proceeding must prepare a written summary of that presentation; on the day of oral presentation, that written summary must be served on the Commission's Secretary for inclusion in the public file, with a copy to the Commission official receiving the oral presentation. Each *ex parte* presentation described above must state on its face that the Secretary has been served, and must also state by docket number the proceeding to which it relates. See generally, Section 1.1231 of the Commission's rules, 47 CFR Section 1.1231. A summary of the Commission's procedures governing *ex parte* contacts in informal rulemakings is available from the Commission's Consumer Assistance Office, FCC Washington, DC 20554, (202) 632-7000.

14. Authority for issuance of this Notice is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before January 15, 1982, and reply comments on or before February 15, 1982. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may take into consideration information and ideas not contained in the comments, provided that such information or a writing indicating the nature and source of such information is placed in the public file, and provided that the fact of the Commission's reliance on such information is noted in the Report and Order.

15. In accordance with § 1.419 of the Commission's rules, 47 CFR 1.419, formal participants must file an original and five copies of their comments and other materials. Participants who wish each Commissioner to have a personal copy of their comments should file an original and eleven copies. Members of the general public who wish to express their interest by participating informally may do so by submitting one copy. All comments are given the same consideration, regardless of the number of copies submitted. All documents will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, DC.

16. The Commission has determined that Sections 603 and 604 of the Regulatory Flexibility Act of 1980 (Pub. L. 96-354) do not apply to this rulemaking proceeding since this action is deregulatory in nature and since we would anticipate only a slight, insignificant impact on small businesses. This impact would be beneficial and would result from some amateur radio operators purchasing computer, radio, and related electronic equipment for experimentation authorized under this proposal. There would be no impact on small organizations or small governmental jurisdictions since the proposed rules in no way pertain to any such groups.

17. It is ordered That the Secretary shall cause a copy of this Notice to be served upon the Chief Counsel for Advocacy of the Small Business Administration and that the Secretary shall also cause a copy of this Notice to be published in the **Federal Register.**

18. For further information on this proceeding contact Steve Lett, Federal Communications Commission, Private Radio Bureau, Washington, DC 20554, (202) 632-7597.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 97—AMATEUR RADIO SERVICE

It is proposed that § 97.69 of the Commission's rules and regulations, 47 CFR 97.69, be revised to read as follows:

§ 97.69 Digital transmissions.

Subject to the special conditions contained in paragraphs (a), (b) and (c) below, the use of the International Telegraphic Alphabet No. 2 (also known as the Baudot Code), the American Standard Code for Information

[5] Emphasis added.

[6] This bandwidth would be defined as those frequencies, outside of which each sideband emission has a power level which is 26 decibels below the power level of the total emission. This definition is consistent with that which was proposed in the proceeding dealing with revision of the Amateur Radio Service Rules into "plain language," PR Docket 90-729. It should be noted that this definition is not that given in the international Radio Regulations for either occupied bandwidth or necessary bandwith and only applies to this proposal.

Interchange (ASCII) and other digital codes may be used for such purposes as (but not restricted to) radio teleprinter communications, control of amateur radio stations, models and other objects, transfer of computer programs or direct computer-to-computer communications, and communications in various types of data networks (including so-called "packet switching" systems); provided that such operation is carried out in accordance with the other regulations set forth in this Part.

(a) Use of the International Telegraphic Alphabet No. 2 (Baudot Code) is subject to the following requirements:

(1) Transmission shall consist of a single channel, five-unit (start-stop) teleprinter code conforming to the International Telegraphic Alphabet No. 2 with respect to all letters and numerals (including the slant sign or fraction bar); however, in "figures" positions not utilized for numerals, special signals may be employed for the remote control of receiving printers, or for other purposes indicated in this section.

(2) The transmitting speed shall be maintained within five words per minute of one of the following standard speeds: 60, 67, 75, or 100 words per minute (45, 50, 56 or 75 bits per second, respectively).

(3) When frequency shift keying (type F1 emission) is utilized, the deviation in frequency from the mark signal to the space signal, or from the space signal to the mark signal, shall be less than 900 hertz.

(b) Use of the American Standard Code for Information Interchange (ASCII) is subject to the following requirements:

(1) The code shall conform to the American Standard Code for Information Interchange as defined in American National Standards Institute (ANSI) Standard X3.4–1968.

(2) F1 emission shall be utilized on those frequencies between 3.5 and 28 MHz where its use is permissible; and the sending speed shall not exceed 300 bps (bits per second). A1 emission may also be used for ASCII where F1 is permitted; and the sending speed shall not exceed 300 bps.

(3) F1, F2 and A2 emissions may be utilized on those frequencies between 28 and 225 MHz where their use is permissible; and the sending speed shall not exceed 1200 bps.

(4) Sending speeds as great as 19.6 kbps (kilobits per second) may be utilized on those frequencies between 50 and 225 MHz provided that the bandwidth of such emissions does not exceed 16 kHz. (The bandwidth is defined as those frequencies, outside of which each sideband emission has a power level which is at least 26 decibels below the power level of the total emission.)

(5) F1, F2 and A2 emissions may be utilized on those frequencies above 225 MHz where their use is permissible; and the sending speed shall not exceed 19.6 kbps.

(c) Domestic use (communications between points within areas regulated by the FCC) of digital codes in addition to international Morse, Baudot or ASCII is permitted on all amateur frequencies above 50 MHz except those on which only A1 emission is permitted, subject to the following requirements:

(1) The bandwidth of an emission from a station using such digital codes shall not exceed 16 kHz on amateur frequencies between 50 and 225 MHz, and shall not exceed 40 kHz on amateur frequencies above 225 MHz. (The bandwidth is defined as those frequencies, outside of which each sideband emission has a power level which is at least 26 decibels below the power level of the total emission.)

(2) A description of the digital code shall be entered into the station log and provided to the Commission on request.

(3) Upon direction of the Commission or any Engineer-in-Charge of a Commission field facility, a station licensee shall:

(i) Cease the transmission of codes authorized under this paragraph.

(ii) Restrict the transmission of codes authorized under this paragraph to the extent instructed.

(iii) Maintain a record, convertible to plain language, of all coded transmissions authorized under this paragraph and the transmissions of the stations being communicated with.

[FR Doc. 81-30090 Filed 10-15-81; 8:45 am]
BILLING CODE 6712-01-M

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47 CFR Part 97

[Docket No. 20777; RM-3272; FCC 81-458]

Deregulation of the Commission's Rules Regarding Emissions Authorized in the Amateur Radio Service

AGENCY: Federal Communications Commission.

ACTION: Termination of rulemaking proceeding.

SUMMARY: The Commission, by Report and Order, is terminating its proceeding in Docket 20777. This proceeding dealt with deregulation of the Commission's Rules regarding emissions authorized in the Amateur Radio Service. Each of the issues involved in the docket have been considered and the public comments are now outdated. Consequently, there is no further purpose served by the proceeding and terminating it is administratively expedient. The Commission, in the same action, is denying a petition for rulemaking, RM-3272, as it relates to an approach already considered in the proceeding. Other related issues are being associated with a new proceeding concerned with additional digital codes in the Amateur Radio Service.

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

FOR FURTHER INFORMATION CONTACT: Steve Lett, Private Radio Bureau, (202) 632-7595.

SUPPLEMENTARY INFORMATION:

In the matter of deregulation of Part 97 of the Commission's Rules regarding emissions authorized in the Amateur Radio Service; petition for rulemaking to amend emission type requirements in the Amateur Radio Service.

Fourth Report and Order

Proceeding Terminated

Adopted: October 1, 1981.

Released: October 8, 1981.

By the Commission:

1. On April 14, 1976, the Commission issued a Notice of Proposed Rulemaking in the above-captioned matter.[1] The intention of this proceeding was to deregulate the Amateur Radio Service Rules (Part 97) by replacing the emission table (amplitude, frequency and pulse mode designators) of § 97.61(a) with a table of emission bandwidths. This would eliminate the need for a separate Commission proceeding for each new emission mode of interest to the amateur community. In addition, the Notice proposed new emission purity standards.

2. On March 2, 1977, the Commission addressed the issue of emission purity in a First Report and Order.[2] This Order set forth standards for the suppression of harmonic and spurious emissions of transmitting equipment in the Amateur Radio Service in conformity with the requirements of the International Telecommunication Union (ITU).

3. The Commission adopted a Second Report and Order on August 8, 1978, which dealt with the remaining major issue, that of emission requirements.[3] Due to the large number of comments expressing interest in simply having another radio teleprinter code authorized, namely the ASCII (American Standard Code for Information

[1] 41 FR 17789.

[2] 63 FCC2D361.

[3] 68 FCC2D1287.

Interchange) code format, the Commission issued a Notice of Inquiry and Further Notice of Proposed Rulemaking proposing only to authorize the ASCII code and requesting comments on the type of standards needed to regulate such operations.[4]

4. On January 30, 1980, the Commission adopted a Third Report and Order authorizing the use of ASCII in the Amateur Radio Service and setting forth rules to govern this type of operation.[5] During consideration of the ASCII issue, the Commission addressed its responsibilities for monitoring amateur communications to insure compliance with the rules. The standards adopted were selected to facilitate this monitoring.

5. We now have before us a petition for rulemaking, RM-3788, submitted by the American Radio Relay League and received by the Commission on October 24, 1980. This petition specifically requests the authorization of additional digital comunication codes in the Amateur Radio Service and revisits important issues raised in Docket 20777. We believe this petition merits further attention. We are today, in a separate proceeding, adopting a Notice of Proposed Rulemaking concerned with the use of additional digital codes in the Amateur Radio Service.

6. We are adopting the Notice of Proposed Rulemaking in a new Docket because of the passage of time (five years) since comments were filed in Docket 20777. Since there have been significant advancements in technology during this period we find it appropriate to terminate Docket 20777 and continue the matter of digital communications in the new proceeding. The Commission also has before it another petiton, RM-3272, submitted by John A. Carroll and received by the Commission on November 17, 1978. This petition requests rule amendments related to those proposed by the first Commission Notice in Docket 20777. However, since the petition's request is inconsistent with the Commission's findings in the Docket it is appropriate to dismiss RM-3272.

7. Accordingly, pursuant to the authority contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended, it is ordered that petition RM-3272 is denied. It is further ordered that this proceeding is terminated. Further information may be obtained by contacting Steve Lett, (202) 632-7597, Private Radio Bureau, Federal Communications Commission, Washington, DC 20554.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-30091 Filed 10-15-81; 8:45 am]

BILLING CODE 6712-01-M

[4] 68 FCC2D1290.

[5] 45 FR 8990.

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Parts 15, 17, and 37

Audit Clause, Interagency Acquisitions Under the Economy Act, and Service Contracting

AGENCY: Office of Federal Procurement Policy, Office of Management and Budget.

ACTION: Notice of availability and request for comment on draft Federal acquisition regulations.

SUMMARY: The Office of Federal Procurement Policy is making available for public and Government agency review and comment a segment of the draft Federal Acquisition Regulation (FAR).[1] Availability of additional segments for comment will be announced on later dates. The FAR is being developed to replace the current system of procurement regulations.

DATE: Comments must be received on or before December 2, 1981.

ADDRESS: Obtain copies of the draft regulation from and submit comments to William Maraist, Assistant Administrator for Regulations, Office of Federal Procurement Policy, 726 Jackson Place, NW., Room 9025, Washington, D.C. 20503. Federal agency requests must be directed to the FAR Agency Contact Point (see **Federal Register**, Vol. 46, No. 50, March 16, 1981, p. 16818 for list).

FOR FURTHER INFORMATION CONTACT: William Maraist, (202) 395-3300.

SUPPLEMENTARY INFORMATION: The fundamental purposes of the FAR are to reduce proliferation of regulations; to eliminate conflicts and redundancies; and to provide an acquisition regulation that is simple, clear and understandable. The intent is not to create new policy. However, because new policies may arise concurrently with the FAR project, the notice of availability of draft regulations will summarize the section or part available for review and describe any new policies therein.

The following parts of the draft Federal Acquisition Regulation are available upon request for public and Government agency review and comment.

Part 15—Contracting by Negotiation

Subsection 15.106-2—Audit Clause

This Subsection implements the statutory rights of the Government to audit books and records of contractors and subcontractors performing cost-type contracts and of contractors who have submitted cost or pricing data in connection with negotiations. The FAR follows the DAR approach of requiring the clause in all negotiated contracts in excess of $10,000 whereas the FPR had linked this clause requirement to the requirement for inserting defective pricing clauses which made the threshold $100,000.

Part 17—Special Contracting Methods

Subpart 17.5—Interagency Acquisitions Under the Economy Act

This subpart prescribes policies and procedures by which an agency needing supplies or services obtains them from another agency under the Economy Act (31 U.S.C. 686). This subpart also provides procedures for the required determinations under OMB Circular A-76 if the acquisition involves the use of a commercial or industrial activity operated by the servicing agency.

Part 37—Service Contracting

Subparts 37.1 and 37.2 Service Contracts—General, and Services of Experts and Consultants

These subparts prescribe general policy and procedures for acquiring services by contract. It distinguishes between contracts for personal services and those for nonpersonal services and includes special conditions to be observed in acquiring the services of experts and consultants reflecting the requirements of OMB Circular A-120. It does not regulate obtaining services by direct appointment under normal civil service employment procedures, by grant, or by cooperative agreement.

Dated: October 6, 1981.

LeRoy J. Haugh,

Associate Administrator for Regulatory Policies and Practices.

[FR Doc. 81-30054 Filed 10-15-81; 8:45 am]

BILLING CODE 3110-01-M

[1] Filed as a part of original document.

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1125

[Ex Parte No. 293 (Sub-2)]

Standards for Determining Rail Service Continuation Subsidies in the Northeast-Midwest Region of the United States

AGENCY: Interstate Commerce Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Rail Services Planning Office (RSPO) is reopening Ex Parte No. 293 (Sub-No. 2), Standards for Determining Rail Service Continuation Subsidies in the Northeast-Midwest Region of the United States (Regional Subsidy Standards) for comments regarding a petition by New York Department of Transportation (NYDOT) to adopt a new method to apportion train supplies and expenses. RSPO has proposed to amend the regulations by allocating Train Supplies and Expenses on a loaded freight train car basis. RSPO requests that interested parties submit comments on the proposed amendment or on any other methodologies that would be appropriate.

DATE: Comments are due November 16, 1981.

ADDRESS: An original and six copies of any comments should be mailed to: Interstate Commerce Commission, Section of Rail Services Planning, Room 5355, Washington, D.C. 20423, Attn: RSPO Regional Standards.

FOR FURTHER INFORMATION CONTACT: Winston L. Warner, (202) 275-0841.

SUPPLEMENTARY INFORMATION: On July 2, 1981, New York State Department of Transportation (NYDOT) petitioned the Commission to apportion train supplies and expenses on a mileage rather than a time basis; or explore other reasonable alternatives. In addition, NYDOT has requested that any change in the basis of apportionment be retroactive to all subsidy in periods beginning subsequent to April 1, 1977. The request was prompted by the results of audit findings by NYDOT. The proposed methodology would amend § 1125.8(c)(1)(i) of the regional subsidy regulations. Any changes in methodology would also amend these same accounts in the national subsidy standards under § 1121.43(c)(1)(i). This will be addressed in another proceeding.

As currently provided in the regulations, § 1125.8(c)(1)(i) reads as follows:

(C) Transportation—(1) Train Operations: (i) Engine Crews—Materials, Account 21-31-56; Train Crews—Materials; Account 21-31-57; Train Inspection and Lubrication—Salaries and Wages, Account 11-31-62. If the branch is served by a local/way or through train crew, the costs in these accounts shall be assigned to the branch on the ratio of train hours on the branch to total system train hours.

NYDOT contends that branch line operations are atypical of system-wide operations because of the condition of the track, the size and speed of the trains and the hours required to perform the work. Therefore, NYDOT's position is that the costs of train supplies and expenses are not related to the amount of time involved in serving the branch line and; therefore, the assignment of costs on the basis of train hours is inequitable. They state that mileage has a more direct relationship on train supplies and expenses.

NYDOT illustrates this inequity by comparing a branch line operation to a main line train operation. The branch operation illustrated by NYDOT was from Emeryville to Edwards, New York, an 11.8 mile round trip. The example of the main line operation was a Conrail freight train consisting of 100 cars travelling between yards at Selkirk (near Albany) and Dewitt (near Syracuse), a trip of about 150 miles. The branch line train operation during 1976-1977 showed 102 trips were made that handled 185 loaded cars at an average speed of 4 mph, which includes switching time. For the purpose of this example, NYDOT used a cost of $13.28767 per train hour as the cost attributable for train supplies and expenses. Using the present basis, train hours, the branch line train travelling about twelve miles in approximately 3 hours is assessed $40.51 for train supplies and expenses per trip. In contrast, the 100 car main line train covering 150 miles in 4 hours would be charged $53.15. NYDOT illustrated this example in the following table.

COMPARISON OF COSTS FOR FORMER ACCOUNT 402 [1]

	Branchline	Selkirk-Dewitt
Cost per Train hour	$13.28767	$13.28767
Total train hours	311	4
Hours per trip	3.05	4
Total cost	$4,132	$53.15
Total trips	102	1
Cost per trip	$40.51	$53.15
Total cars (loaded)	185	100
Cars per trip (loaded)	1.8	100
Cost per car	$22.34	$0.53
Total miles	1200	150
Cost per mile	$3.44	$0.35
Total car miles	2,183	15,000
Cost per car mile	$1.89	$0.0035

[1] Effective January 1, 1978, this account was revised under the new Uniform System of Accounts into 27 subaccounts.

NYDOT also acknowledges that former account 402 Train Supplies and Expenses has been converted to multiple categories under the new revised Uniform System of Accounts (USOA), effective January 1, 1978. They realize that this may cause some complications in initiating their proposal of assignment on a mileage basis or some other reasonable alternative.

Since account 402 (Train Supplies and Expenses) has been subdivided into 27 subaccounts, RSPO believes that NYDOT's proposal is not appropriate and the nature of the expenses is revealed to be related to the number of freight cars. For this reason, RSPO performed an analysis of these accounts from Conrail's 1980 Annual Report Form R-1. Under the revised USOA only sixty percent of the total amount are presently allocated on a train hour basis. The remaining portion, 40 percent, are on an actual basis. Those accounts that were allocated on a train hour basis were Engine Crews-Materials Train Crew-Materials, Train Inspection and Lubrication-Salaries and Wages, and Train Inspection and Lubrication-Materials. In reviewing these accounts, it has been determined that they are primarily related to the inspection and cleaning of freight cars. As a result, RSPO believes that these expenses should be allocated on a per freight car basis rather than the present train-hour basis or NYDOT's suggested train-mileage basis.

Therefore, RSPO proposes to allocate Engine Crews-Materials, Train Crew-Materials, Train Inspection and Lubrication-Salaries and Wages, and Train Inspection and Lubrication-Salaries and Wages, and Train Inspection and Lubrication-Materials on the basis of loaded freight cars.

RSPO has determined that revision of the regional subsidy standards will not be retroactive to subsidy years prior to January 1, 1981, because those contracts entered during that period were based on the current methodology for calculating train supplies and expenses. We invite comments on the proposed amendment, on any alternative bases for assigning these accounts, and the issue of retroactivity.

This is not a major Federal action significantly affecting the quality of the human environment, or the conservation of energy resources.

Regulatory Flexibility Analysis as Required by 5 U.S.C. 553

This notice will alter the basis for the assignment of train supplies and expenses for those lines of a railroad operated under a subsidy agreement.

This change will result in a basis that more closely relates to the train operations conducted on a branch line. This notice is published under the authority of 49 U.S.C. 10362.

Any change would affect all shippers, both large and small, on lines being operated under a subsidy contract. There will, however, be no increase or changes to the present requirements of businesses located on the branch line. Amending the basis could reduce the overall subsidy amount that is paid to the operating railroad; but, any changes would be minimal because this category accounts for a very small portion of the total expenses associated with the operation of a branch line.

Copies of this analysis are available from the Section of Rail Services Planning, Room 5355, Interstate Commerce Commission, Washington, D.C. 20423.

Issued October 9, 1981, by William R. Southard, Director, Rail Services Planning Office.

By the Commission.

James H. Bayne,

Acting Secretary.

PART 1125—STANDARDS FOR DETERMINING RAIL SERVICES CONTINUATION SUBSIDIES

Section 1125.8(c)(1)(i) would be revised as follows:

§ 1125.8 Apportionment rules for the assignment of expenses to on-branch costs.

* * * * *

(c) *Transportation*—(1) *Train Operations:* (i) *Engine Crews-Materials Account 21–31–56; Train Crews-Materials 21–31–57; Train Inspection and Lubrication-Salaries and Wages, Account 11–31–62 and Train Inspection and Lubrication-Materials-Account 21–31–62.* If the branch is served by a local/way or through train, the costs in these accounts shall be assigned to the branch on the ratio of the loaded freight cars on the branch to the total system loaded freight cars.

* * * * *

(49 U.S.C. 10362)

[FR Doc. 81-29676 Filed 10-15-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Ch. VI

North Pacific Fishery Management Council; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of public hearings.

SUMMARY: The North Pacific Fishery Management Council (Council) will hold public hearings on (a) proposed amendments to the Gulf of Alaska Groundfish Fishery Management Plan (FMP), and (b) other Gulf of Alaska and Bering Sea fisheries.

DATES: Written comments on the proposed amendments and FMPs from members of the public are invited until December 9, 1981. Public hearings will be held as follows: October 24, 1981—Seattle, Washington, November 2, 1981—Sitka, Alaska.

ADDRESS: Send comments to: Chairman, North Pacific Fishery Management Council, P.O. 3136DT, Anchorage, Alaska 99510.

PUBLIC HEARING LOCATIONS:

October 24, 1981, 9:30 a.m.–4:00 p.m.—University Tower Hotel, College Room, 4507 Brooklyn Avenue, N.E., Seattle, Washington

November 2, 1981, 9:30 a.m.–4:00 p.m.—Centennial Building, Sitka, Alaska

FOR FURTHER INFORMATION CONTACT: Jim Branson, Executive Director, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, (907) 274–4563.

SUPPLEMENTARY INFORMATION: The primary purpose of both hearings will be to consider possible amendments to the Gulf of Alaska groundfish FMP. Among the proposals being considered is one from the Plan Maintenance Team proposing a reduction in optimum yield for sablefish. The Alaska Longline Fishermen's Association has proposed (a) allowing only hook-and-line gear for sablefish east of 140° W., and (b) a winter, gulf-wide closure of the sablefish fishery from November 15 to March 15 each year. The North Pacific Longline-Gillnet Association has proposed opening the Davidson Bank area to foreign longlining. The Gulf Groundfish Plan Maintenance Team has also proposed two options to amend the reporting requirements for domestic fishing vessels that land their catches outside of Alaska. One requires domestic fishing vessels to report their catch and advise the management agencies of their departure by radio before leaving Alaskan waters. The other requires them to report their catch by making a port call before leaving Alaskan waters. The public comment period on possible amendments to the Gulf of Alaska groundfish FMP will end with the Council meeting of December 7–9, 1981.

The hearing in Seattle will also accept public testimony on other fisheries, including the Bering Sea-Aleutian Islands groundfish, Bering Sea-Aleutian Islands king crab, Bering-Chukchi Seas herring, Tanner crab, and high seas salmon.

At the hearing in Sitka, the Council is particularly interested in testimony about the 1981 troll salmon fishery and whether regulations for that fishery should remain the same for 1982 as they were in 1981.

The hearings will be tape recorded and the tapes will be filed as an official transcript of the proceedings. A written summary will be prepared on each hearing.

Dated: October 9, 1981.

E. Craig Felber,

Acting Executive Director, National Marine Fisheries Service.

[FR Doc. 81-29911 Filed 10-15-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 200
Friday, October 16, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Bridger-Teton National Forest Grazing Advisory Board; Meeting

The Bridger-Teton National Forest Grazing Advisory Board will meet at 1:00 p.m., November 18, 1981, in the Conference Room of the Sublette County Library, Pinedale, Wyoming. The purpose of this meeting is to discuss utilization of range betterment funds and the development of allotment management plans.

The meeting will be open to the public. Persons who wish to attend should notify Forest Supervisor Reid Jackson, Box 1888, Jackson, Wyoming 83001, telephone (307) 733-2752. Written statements may be filed with the board before or after the meeting.

The board has established the following rules for public participation:

1. If a group wishes to be heard at the meeting, they are required to select a chairman to voice their ideas.
2. Persons or groups may send written statements to the Forest Supervisor for presentation at the meeting.
3. The Chairman of the Forest Grazing Advisory Board will set aside a time period on the agenda for public comment.

Reid Jackson,
Forest Supervisor.
October 5, 1981.
[FR Doc. 81-29666 Filed 10-15-81; 8:45 am]
BILLING CODE 3410-11-M

Rural Electrification Administration

Brazos Electric Power Cooperative, Inc.; Finding Of No Significant Impact

Notice is hereby given that the Rural Electrification Administration (REA) has made a Finding of No Significant Impact (FONSI) in connection with proposed financing assistance by REA to Brazos Electric Power Cooperative, Inc., (Brazos) of Waco, Texas. Consequently, no Environmental Impact Statement will be prepared.

Brazos proposes to convert approximately 91.68 km (57.3 mi) of 69 kilovolt (kV) transmission line to 138 kV, three substations to 138/12.5-24.9 kV, two substations to 138/13.2 kV, and a 69 kV switching station to 138 kV. Brazos also proposes to construct 19.52 km (12.2 mi) of 138 kV transmission line, add a 138 kV oil circuit breaker to an existing substation, and add a 138 kV oil circuit breaker to another substation. The entire project will be located in Bosque, McLennan and Bell Counties, Texas, extending from an existing substation near Whitney Dam to the existing Windsor Substation and to the existing Seaton Substation.

REA has reviewed a Borrower's Environmental Report (BER) prepared by Brazos and determined that it represents an accurate assessment of the environmental impacts of the proposed project. Based upon the BER and information from other sources, REA prepared an Environmental Assessment (EA) concerning the proposed project and has concluded that the project will not represent a major Federal action significantly affecting the quality of the human environment.

REA has determined that the proposed project will have no effect on wetlands, threatened and endangered species, or known historical and archaeological sites, will have no adverse effect on floodplains and will have a negligible effect on important farmlands.

REA has determined that transmission structures will be located within the 100-year floodplain of two rivers and three streams. However, there are no practicable alternatives to siting structures within these floodplains. More detailed information concerning the effects of the proposed project on floodplains and other environmental parameters can be found in REA's FONSI and EA, and Brazos' BER.

The alternatives evaluated by REA included no action, conservation, local power generation, an interconnection with Texas Power and Light, construction of a 138 kV transmission line from Whitney to Bosque with a 138/69 kV autotransformer at Bosque, and construction of a 138 kV transmission line from Perry Substation to Windsor Substation with a 138/69 kV autotransformer at Windsor. After reviewing these alternatives, REA has determined that construction of the project, as proposed, represents the preferred alternative when environmental, economic and technical factors are balanced.

Copies of the FONSI, EA and BER may be reviewed at REA in the office of the Director, Power Supply Division, Room 0230, South Agriculture Building, Washington, D.C. 20250, telephone: (202) 382-1400 or FTS 382-1400, and at the office of Brazos Electric Power Cooperative, Inc., 2404 LaSalle Avenue, P.O. Box 6296, Waco, Texas 76706, telephone: (817) 752-2501. A limited number of copies of these documents are available upon request and can be obtained from REA, office of the Director, Power Supply Division at the address given above.

(Catalog of Federal Domestic Assistance 10.850—Rural Electrification Loans and Loan Guarantees)

Dated at Washington, D.C., this 6th day of October, 1981.

Jack Van Mark,
Acting Administrator.
[FR Doc. 81-29663 Filed 10-15-81; 8:45 am]
BILLING CODE 3410-15-M

Raft River Rural Electric Cooperative, Inc.; Finding of No Significant Impact

Notice is herby given that the Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact which concludes that there is no need for REA to prepare an environmental impact statement in connection with the proposed financing assistance by REA for Raft River Rural Electric Cooperative, Inc., (Raft River) of Malta, Idaho. The proposed financing will assist Raft River in constructing 51.5 km (32 miles) of 138 kV transmission line.

The 138 kV transmission line will be built between the Grouse Creek Substation located near Grouse Creek and a distribution tap point located north of Lucin. The entire project will be located in Box Elder County, Utah. Raft River has prepared a Borrower's Environmental Report concerning the proposed project. An Environmental Assessment was prepared by REA.

Threatened and endangered species, important farmland, cultural resources, wetlands, floodplains and other

potential impacts of the project are adequately considered in Raft River's Borrower's Environmental Report and REA's Environmental Assessment.

Various alternatives to the proposed transmission line were reviewed by Raft River and REA. The alternatives included no action, energy conservation and load management, underground construction and alternate routes. The proposed project is the most viable alternative to deliver power to all existing and projected loads of Raft River in Box Elder County, Utah.

REA's independent evaluation of the proposed project leads to the conclusion that its proposed financing assistance for this project does not represent a major Federal action that will significantly affect the quality of the human environment.

Based on this independent evaluation, REA's Environmental Assessment and Raft River's Borrower's Environmental Report, a Finding of No Significant Impact was reached in accordance with REA Bulletin 20-21:320-21, Part I.

Copies of REA's Finding of No Significant Impact and supporting documents may be reviewed at or obtained from the Office of the Director, Distribution Systems Division, Room 3304, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, and at the office of Raft River Rural Electric Cooperative, Inc., Highway 81, Malta, Idaho 83342.

(Catalog of Federal Domestic Assistance 10.850—Rural Electrification Loans and Loan Guarantees.)

Dated at Washington, D.C. this 6th day of October, 1981.

Jack Van Mark,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-29662 Filed 10-15-81; 8:45 am]

BILLING CODE 3410-15-M

Soil Conservation Service

Mingo County Board of Education Critical Area Treatment R.C. & D. Measure, W. Va.

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Craig M. Right, State Conservationist, Soil Conservation Service, Room 301, 75 High Street, Morgantown, West Virginia 26505, telephone, 304-599-7151.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Mingo County Board of Education Critical Area Treatment R.C. & D. Measure, Mingo County, West Virginia.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Craig M. Right, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment at the Chafin Grade School at Ragland, West Virginia. The planned works of improvement include paving the playground area, foot traffic barriers, and establishment of vegetation on a critically eroding area between the school building and West Virginia Route 65/5.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contracting Mr. Craig M. Right. The FNSI has been set to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 16, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 29, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-30029 Filed 10-15-81; 8:45 am]

BILLING CODE 3410-16-M

Summit Township Road R.C. & D. Measure, Ohio

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Robert R. Shaw, State Conservationist, Soil Conservation Service, 200 North High Street, Room 522, Columbus, Ohio 43215, telephone 614-469-6962.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Summit Township Road RC&D Measure, Monroe County, Ohio.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Robert R. Shaw, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment to solve a landslip problem that has closed a township road. The planned works of improvement include draining the slipping area by installing subsurface drains, regrading the slip, rebuilding the road base, and relocating an intermittent stream. All areas disturbed by construction will be seeded.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert T. Shaw. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 16, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 29, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-30030 Filed 10-15-81; 8:45 am]

BILLING CODE 3410-16-M

Wyoming County Critical Area Treatment R.C. & D. Measure, W. Va.

AGENCY: Soil Conservation Service, Department of Agriculture.

ACTION: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Craig M. Right, State Conservationist, Soil Conservation Service, 75 High Street, Room 301, Morgantown, West Virginia 26505, telephone 304-599-7151.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Wyoming County Critical Area Treatment RC&D Measure, Wyoming County, West Virginia.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Craig M. Right, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment on three schools and a youth camp in Wyoming County, West Virginia. The planned works of improvement will consist of establishing vegetation on the critically eroding areas. This will reduce erosion, improve water quality by reducing the amount of sediment entering the streams, and improve visual resources.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Craig M. Right. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 16, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 29, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-30031 Filed 10-15-81; 8:45 am]

BILLING CODE 3410-16-M

Yonker Valley R.C. & D. Measure, Ohio

AGENCY: Soil Conservation Service, Department of Agriculture.

AGENCY: Notice of a Finding of No Significant Impact.

FOR FURTHER INFORMATION CONTACT: Mr. Robert R. Shaw, State Conservationist, Soil Conservation Service, 200 North High Street, Room 522, Columbus, Ohio 43215, telephone 614-469-6962.

Notice: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Yoker Valley R.C. & D. Measure, Noble County, Ohio.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impact on the environment. As a result of these findings, Mr. Robert R. Shaw, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for critical area treatment along Noble County Road 5. The planned works of improvement include the installation of reinforced concrete walls to prevent undercutting the roadway along an intermittent stream. All areas disturbed by construction will be seeded.

The Notice of a Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Robert R. Shaw. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A linited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until September 16, 1981.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects is applicable)

Dated: September 29, 1981.

Joseph W. Haas,

Deputy Chief for Natural Resource Projects.

[FR Doc. 81-30032 Filed 10-15-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

America West Airlines, Inc.; Application for a Certificate of Public Convenience and Necessity

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause, 81-10-55, Docket 40083 and Fitness Investigation of America West Airlines, Inc. Docket 40113.

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 America West Airlines, Inc., for a certificate authorizing the air transportation of persons, property and mail between and among 40 points. Certification is subject to a favorable determination of the applicant's fitness in the America West Fitness Investigation (Docket 40113), instituted concurrently.

DATES: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file by October 26, 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 America West Fitness Investigation shall file their petitions in Docket 40113 by October 19, 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 40083, Application of America West Airlines, Inc. for a certificate of public convenience and necessity.

In addition, copies of such filings should be served on America West Airlines, Inc.; the Mayors of Phoenix and Tucson, Arizona; Albuquerque, New Mexico; El Paso, Midland-Odessa, San Antonio, Dallas/Ft. Worth, and Houston, Texas; New Orleans, Louisiana; Oklahoma City and Tulsa, Oklahoma; Wichita, Kansas; St. Louis and Kansas City, Missouri; Omaha,

Nebraska; Des Moines, Iowa; Minneapolis/St. Paul, Minnesota; Colorado Springs and Denver, Colorado; Salt Lake City, Utah; Billings, Montana; Boise, Idaho; Spokane and Seattle/Takoma, Washington; Portland, Oregon; Reno and Las Vegas, Nevada; Sacramento, Oakland, San Francisco, San Jose, Monterey, Fresno, Santa Barbara, Burbank, Los Angeles, Long Beach, Ontario, Orange County and San Diego, California; the managers of these cities' airports; the State Department of Transportation or Aeronautics Commission of Arizona, New Mexico, Texas, Louisiana, Oklahoma, Kansas, Missouri, Nebraska, Iowa, Minnesota, Colorado, Utah, Montana, Idaho, Washington, Oregon, Nevada and California; and the Federal Aviation Administration.

Service will also be required on any other person filing objections.

FOR FURTHER INFORMATION CONTACT: John F. Brennan, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428; (202) 673-5340.

SUPPLEMENTARY INFORMATION: The complete text of Order 81-10-55 is available from our Distribution Section, Room 100, 1835 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 81-10-55 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: October 8, 1981.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-29985 Filed 10-15-81; 8:45 am]

BILLING CODE 6320-01-M

[Docket 37584; Order 81-10-59]

Green Hills Aviation, Ltd.; Petition For Advance Compensation for Losses; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 9th day of October, 1981.

On December 27, 1979, Green Hills Aviation, Ltd., filed a 30-day notice under section 419(a)(3)(B) of the Act announcing its intent to suspend operations at Kirksville, Missouri, effective February 1, 1980. By Order 80-1-155, January 24, 1980, and subsequent orders we prohibited Green Hills' suspension through November 27, 1980.

On February 4, 1980, Green Hills petitioned for advance compensation for losses pursuant to section 324.9 of our Economic Regulations. On February 11, 1980, we adopted Order 80-2-66 which set an interim level of advance compensation. This interim compensation was paid for a period of nearly ten months (from February 2, 1980, through November 27, 1980, inclusive), and amounted to a total of $238,444.

On February 9, 1981, Green Hills filed a petition requesting a final rate of compensation for the period during which the carrier was required to continue serving Kirksville pending selection of a replacement carrier. The petitition asks that the final rate be set at the amount previously paid to Green Hills as interim compensation plus an additional $22,855, for total compensation during the hold-in period of $261,299.

We have reviewed the petition of Green Hills for a final rate of compensation and tentatively find that the carrier's request is reasonable. Our tentative findings are based on our staff's audits of Green Hills which though done for other purposes, proved adequate for determining the carrier's rate of compensation. In addition, our subsidy staff reviewed Green Hills' requested rate of compensation to ascertain the reasonableness of the rate, both in light of the carrier's level of operations and in comparison with the costs and subsidy requirements of carriers operating similar service elsewhere in the nation. Therefore, we propose to finalize Green Hills' interim rate of compensation at $261,299 for the hold-in period.[1]

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 102, 204(a), 419, and 1002(b) thereof, and the regulations promulgated in 14 CFR 302 and 324:

1. We direct Green Hills Aviation, Ltd., to show cause why we should not adopt the tentative findings and conclusions set forth above;[2]

2. All further procedures herein shall be in accordance with the Rules of Practice, particularly Rules 302 *et seq.*, and if there is any objection to the rate proposed in this order, notice thereof shall be filed within 7 days, and, if notice is filed, written answer and supporting documents shall be filed within 14 days after the date of service of this order;

3. If notice of objection is not filed within 7 days, or if notice is filed and answer if not filed within 14 days after service of this order, we shall deem all parties to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and we may enter an order fixing the final rate of compensation specified herein; and

4. We shall serve this order on Green Hills Aviation, Ltd.

We shall publish this order in the **Federal Register.**

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 81-29984 Filed 10-15-81; 8:45 am]

BILLING CODE 6320-01-M

[1] This includes $22,855 to be paid to Green Hills when a final order is issued in this proceeding.

[2] Section 324.3(b)1 of our Procedural Regulations enables us to proceed directly to an order to show cause where, as is the case here, there is no disagreement about the amount of compensation to be paid.

CIVIL RIGHTS COMMISSION

Urban Minority Economic Development; Baltimore Hearing

Notice is hereby given pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that public hearings of the U.S. Commission on Civil Rights will begin on November 17, 1981 at 8:30 a.m. in the Constellation Room on the 21st floor of the World Trade Center, Baltimore, at 401 E. Pratt Street, Baltimore, Maryland. An executive session not open to the public may be convened at any appropriate time before or during the hearings.

The purpose of the hearings is to collect information within the jurisdiction of the Commission, particularly concerning urban minority economic development.

The Commission is an independent bipartisan factfinding agency authorized to study, collect, and disseminate information and to appraise the laws and policies of the Federal Government with respect to discrimination or denials of equal protection of the laws under the Constitution because of race, color, religion, sex, age, handicap, or national origin, or in the administration of justice.

Dated at Washington, D.C., October 14, 1981.

Arthur S. Flemming,

Chairman.

[FR Doc. 81-30153 Filed 10-15-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

[Order No. 41-4; Amdt. 3]

Organization and Function Order; Assistant Secretary for Trade Administration

This order further amends ITA Organization and Function Order 41-4

of August 26, 1980 (45 FR 65003, 46 FR 31911) to reflect the transfer of short supply commodity controls from the Office of Export Administration to the Office of Industrial Mobilization, now designated the Office of Industrial Resource Administration.

1. The first sentence of Part V, Section 1.02a is revised to read:

"a. The Export Administration Act of 1979 (50 U.S.C. App. 2401 *et seq.*) and the authority under that Act conferred on the Secretary under Executive Order 12214 of May 2, 1980, except as it relates to foreign boycotts and short supply commodity controls and except that the following power, authority, and discretion shall be reserved to the Secretary:"

2. Part V, Section 1.02b is revised to read:

"b. Executive Order 12002 of July 7, 1977, except as it relates to short supply commodity control matters, before the Export Administration Review Board."

3. Part V, Section 1.02f is removed and the succeeding subparagraphs are relettered as f, g, and h.

4. References to "industrial mobilization" and "Office of Industrial Mobilization" are revised to read "industrial mobilization and resource administration" and "Office of Industrial Resource Administration", respectively, in Part V, Sections 1.04, 2.03, 2.04, 2.05e, 2.05f, 2.05g, and 3.04c.

5. New subparagraphs h, i, and j are added to Part V, Section 1.04 to read:

"h. The Export Administration Act of 1979 (50 U.S.C. App. 2401 *et seq.*) and the authority under that Act conferred on the Secretary under Executive Order 12214 of May 2, 1980, as it relates to short supply commodity controls, except that the following power, authority, and discretion shall be reserved to the Secretary:

"1. The determination required by Section 12(c) with respect to the publication or disclosure of confidential information obtained under the Act, and

"2. The submission of reports to the Congress required by Section 14 of the Act;

"i. Executive Order 12002 of July 7, 1977, relating to short supply commodity control matters before the Export Administration Review Board;

"j. Sections 103 and 251 of the Energy Policy and Conservation Act (42 U.S.C. 6201 *et seq.*) conferred on the Secretary under Executive Order 11912 of April 13, 1976, relating to: (1) export restrictions of coal, petroleum products, natural gas, or petrochemical feedstocks and supplies of material or equipment necessary to maintain or further exploration, production, refining, or transportation of energy supplies or for the construction or maintenance of energy facilities within the United States; and (2) rules to authorize the export of petroleum and petroleum products as may be necessary for implementation of the obligations of the United States under the International Energy Program."

6. The first paragraph of Part V, Section 4.04 is revised to read:

".04 The *Compliance Division*, in consultation with the Department's Office of General Counsel, shall enforce the Export Administration Regulations, except those relating to short supply commodity controls and foreign boycotts against countries friendly to the United States. The division shall perform its assigned functions through the following subordinate elements:"

7. Part V, Section 4.05 is removed and the succeeding paragraphs are renumbered as .05 and .06.

8. Part V, Section 6 is revised to read:

"Section 6. Office of Industrial Resource Administration

".01 The *Office of the Director* includes the *Director* who shall plan and direct the execution of policies and programs of the Office. The Director serves as U.S. Representative to the NATO Industrial Planning Committee and co-chairs the U.S./Canadian Emergency Planning Committee for Industrial Production and Materials. The Director shall supervise and direct the following organizational components:

".02 The *Priorities and Allocations Division* shall support current national defense requirements, the program to maximize domestic energy supplies, and other high national priority programs as may be authorized, by administering the Defense Materials System, including management of the set-aside program of controlled materials, and the Defense Priorities System under Title I of the Defense Production Act of 1950, as amended, including the findings of scarcity and necessity for exercising these authorities required by Section 101(c)(3) of the Act; administer materials allocation of chemicals or substances necessary for the treatment of water; conduct training seminars for Government and industry executives, contractors, and other company officials in the administrative procedures of DMS and DPS and the special priorities system as they relate both to defense and energy requirements; provide for assisting defense contractors adversely affected by natural disasters; in consultation with the Department's Office of General Counsel, enforce delegated authority under the Defense Production Act of 1950, as amended; and, in consultation with the Department's Office of Export General Counsel and the Compliance Division of the Office of Administration, enforce the Export Administration Regulations relating to short supply commodity controls.

".03 The *Resource Assessment Division* shall administer short supply commodity controls; monitor exports and contracts for exports when commodities are in present or potential short supply or likely to have an inflationary impact; coordinate the preparation of periodic reports of monitoring results; coordinate within the Department all short supply activities provided for under the Export Administration Act of 1979; provide advice to the Federal Emergency Management Agency (FEMA) in the management of the National Defense Stockpile Program; represent the Department on interdepartmental stockpile committees; identfy industrial facilities of exceptional importance to the national security, mobilization readiness, and post-attack survival and recovery; supervise the preparation of analyses of critically important industrial products and services; conduct feasibility studies to determine industrial capabilities to meet national emergencies; prepare studies and analyses on critical materials and industries as required to support NATO and U.S./Canadian emergency planning committees; investigate and prepare reports on the impact of imports on national security; and support the Industry Evaluation Board. The Director of the division chairs the Industry Evaluation Board.

".04 The *Emergency Preparedness Division* shall develop and test plans and procedures for response to a nuclear attack or other national emergency, so that the Office of Industrial Resource Administration, with support from the Department's field installations, can ensure continuity of its essential functions, including provisions for an Emergency Production Agency capability at selected alternate sites throughout the U.S.; prepare and maintain emergency measures for regulating industrial production and distribution during emergency situations, including developing emergency set-aside criteria and procedures and related emergency regulations and delegations for steel, copper, aluminum, and nickel alloys; recruit, assign, and provide annual training programs based on current national emergency response concepts and international conditions for cadres of National Defense Executive Reservists from industry throughout the

U.S. to assume major responsibilities in a national emergency; maintain Industrial Mobilization Data Centers at selected national and regional relocation sites; plan and coordinate the International Trade Admilnistration's emergency readiness functions; provide for the physicial security of facilities important to the national defense and the essential civilian economy; identity industrial mobilization machine tool requirements and machine tool manufacturers for expediting procurement in an emergency under the Machine Tool Trigger Order Program; provide such other assistance as necessary to support Federal, State, and local emergency response plans and interagency coordination for such plans; and provide emergency planning support to the Director, Office of Industrial Resource Administration, for participation in the NATO Industrial Planning Committee and the U.S/Canadian Emergency Planning Committee for Industrial Production and Materials."

9. The attached organization chart [1] supersedes the chart attached to ITA Organization and Function Order 41-4 of August 26, 1980.

Effective date: September 17, 1981.

Lionel H. Olmer,

Under Secretary for International Trade.

Lawrence Brady,

Assistant Secretary for Trade Administration.

Bo Denysyk,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 81-29274 Filed 10-15-81; 8:45 am]

BILLING CODE 3510-25-M

[Order No. 41-5 (Amendment 2)]

Organization and Function Order; Assistant Secretary for Trade Development

ITA Organization and Function Order 41-5 of January 16, 1981, as amended (46 FR 19956), is further amended to expand and change the name of the Field Operations Management Council reporting to the Deputy Assistant Secretary for the U.S. Commercial Service.

1. Part IV, Section 2.02 is amended to read:

".02 The DAS shall direct the following elements:

"a. Office of the DAS

"b. District Offices"

2. Part IV, Section 3 is amended to read:

"Section 3. Office of the Deputy Assistant Secretary

".01 The Deputy Assistant Secretary for the U.S. Commercial Service shall direct the U.S. Commercial Service and shall develop, implement and evaluate the business assistance programs of the Department assigned to the U.S. Commercial Service for field implementation, and shall determine the objectives of the U.S. Commercial Service, formulate related policies and procedures and direct the implementation of programs for contact with the U.S. business community at local levels throughout the United States. The DAS shall direct the program planning and resources activity of the U.S. Commercial Service including financial management, program analysis and policy review, and publication of the Commerce Business Daily; and shall also direct the Federal procurement, Business Development Conferences, Federal/State relations, and the Associate Office programs.

".02 The Deputy Director for the U.S. Commercial Service shall assist in the direction of the U.S. Commercial Service, perform the functions of the DAS in the latter's absence, and supervise headquarters personnel performing the following functions:

"a. Industry program liaison is the direction of field activities in order to coordinate those activities with the export programs of ITA. This function includes establishing and communicating USCS policy to the field; interpreting for field personnel non-USCS policy statements which affect District Office program implementation; and participating in intradepartmental, interagency, and private sector meetings dealing with program policy issues.

"b. Multiplier coordination involves working with both government and non-government entities which provide business assistance like the District Offices. Specific activities include the Federal/State/Local Government Relations program, which establishes cooperative relationships with state and local governments and national organizations of those governments; the District Export Council program; the Associate Office program; and special cooperative efforts with other Federal Government agencies.

"c. Business development includes developing and maintaining the Federal Procurement Conference and Business Development Conference programs and maintaining liaison with the *Commerce Business Daily* staff.

"d. Resources management includes both programming and monitoring fiscal and personnel resources throughout the field network and Washington headquarters; preparing USCS budget requests, personnel actions and training requests; facilitating administrative matters on behalf of the District Offices; and coordinating USCS emergency preparedness activities with ITA's Office of Industrial Mobilization.

".03 The DAS also shall be assisted by Regional Managing Directors composed of selected Directors of District Offices, who shall act in an advisory and management capacity. Regional Managing Directors shall direct and coordinate operational systems, procedures and resources within their designated regions; consult with and advise District Directors in the resolution of field administrative and operational concerns within their area; coordinate regional field task groups as necessary; and perform other special; assignments at the direction of the DAS in furtherance of the mission, objectives and goals of the U.S. Commercial Service.

".04 The headquarters staff shall be assisted by Field Advisory Groups established for each functional area. Each group shall be directed by a Field Advisory Chairperson who shall serve in an advisory capacity to the headquarters staff and as liaison between the District Offices and the headquarters staff. The group shall formulate recommendations related to policy matters and operational systems affecting program implementation and consult with District Office Directors and Regional Managing Directors in developing and recommending field policy and program alternatives and enhancements. Each Field Advisory Chairperson will direct and develop relevant task forces to assist in the above endeavors."

3. Part IV, Section 4 is deleted and Section 5 is renumbered as Section 4.

Effective date: September 22, 1981.

Raymond J. Waldmann,

Acting Under Secretary for International Trade.

W. H. Morris, Jr.,

Assistant Secretary for Trade Development.

[FR Doc. 81-29975 Filed 10-15-81; 8:45 am]

BILLING CODE 3510-25-M

Electronic Instrumentation Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Electronic Instrumentation Technical Advisory

[1] Filed as part of the original document.

Committee was initially established on October 23, 1973, and rechartered on September 17, 1981 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to electronic instrumentation, or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: December 1, 1981, at 9:30 a.m. The meeting will take place at the Main Commerce Building, Room 5611, 14th Street and Constitution Ave., NW., Washington, D.C.

AGENDA:

General Session:

(1) Opening remarks by the Chairman.

(2) Presentation of papers or comments by the public.

(3) Review assignments for the 1982 International List Review.

(4) New Business.

Executive Session:

(5) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

PUBLIC PARTICIPATION: The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 29, 1981, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government In The Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, telephone: 202-377-4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1609, U.S. Department of Commerce, Washington, D.C. 20230, Telephone: 202-377-2583.

Dated: October 9, 1981.

Saul Padwo,

Director of Licensing.

[FR Doc. 81-29930 Filed 10-15-81; 8:45 am]

BILLING CODE 3510-25-M

National Bureau of Standards

Revised Review Schedule for Government Commercial or Industrial Activities

Pursuant to OMB Circular No. A-76 and Department of Commerce Department Administrative Order 201-41, the National Bureau of Standards announces a further revision of the review of its Government Commercial or Industrial Type Activities which was initially published in the **Federal Register** on July 21, 1980 (45 FR 48680). The review schedule was later revised and the notice of that revision was published in the **Federal Register** on July 30, 1981 (46 FR 38949). Two further changes in the schedule as explained below are made by this notice.

Employee Development has been deleted from the schedule because it was determined to be a governmental function, as defined by OMB Circular No. A-76. The review of the NBS Gaithersburg Shops Management and Support Services has also been deleted because this function is now programmatically part of the NBS in-house core research and development capabilities. As of January 1981, the Gaithersburg Shops Management and Support Services, now the Fabrication Technology Division (FTD), has been organizationally transferred to the Center for Manufacturing Engineering. The Center's major initiative is improvement of the productivity of the discrete parts manufacturing industry. The FTD's major role in the program is to demonstrate high precision manufacturing through automation and demonstrate capabilities of material handling robots to perform measurements and inspections. These activities are fundamentally research and development, and as such are exempt from A-76 review.

The changes have been incorporated in the following schedule:

Activity	Location	Estimated start date	Estimated completion date
Medical Treatment/Health Protection	Gaithersburg, Md	Dec. 9, 1980	Oct. 9, 1981
Audio Visual and Conference Facilities.	Gaithersburg, Md	do	Do.
Mail Preparation and Distribution	Gaithersburg, Md	Apr. 1, 1981	Feb. 1, 1982
Central Computing Facility Operation	Gaithersburg, Md	May 27, 1981	Mar. 1, 1982
Grounds Maintenance	Gaithersburg, Md. and Boulder, Colo	Aug. 1, 1981	June 1, 1982
Physical Security	Gaithersburg, Md. and Boulder, Colo	Sept. 1, 1981	July 1, 1982
Janitorial Services	Gaithersburg, Md. and Boulder, Colo	Oct. 1, 1981	Aug. 1, 1982
Shops Management and Support Services.	Boulder, Colo	do	Do.

A contract or contracts may or may not result from the review of each activity. Results of the review of an activity will be made available to responding bidders or offerors, and other interested parties.

For further information, contact Robert S. Johnson, A-76 Coordinator, Office of the Director of Administration, National Bureau of Standards, Washington, D.C. 20234, telephone: 301-921-2557.

Dated: October 13, 1981.

Ernest Ambler,

Director.

[FR Doc. 81-30043 Filed 10-15-81; 8:45 am]

BILLING CODE 3510-13-M

National Technical Information Service

Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), Department of Commerce, intends to grant to Adria Laboratories, having a place of business at Columbus, Ohio, an exclusive right in the United States to manufacture, use and sell products embodied in the invention "(N-Phosphonyl-L-Asparato) (1,2-diaminocyclohexane) Platinum (II)", U.S. Patent Application Numbers 58,287 and 155,531 (dated July 17, 1979 and June 9, 1980). The availability of this invention for licensing was announced in the **Federal Register** (44 FR 77231,

December 31, 1979). Copies of the patent applications may be obtained from the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Health and Human Services. Custody of the entire right, title and interest to this invention has been transferred to the Secretary of Commerce.

The proposed license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101–4.1. The proposed license may be granted unless, within sixty days from the date of this notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, at the address above. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this Notice and a record of all decisions made in this matter.

Dated: October 6, 1981.

Douglas J. Campion,

Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 81-30033 Filed 10-15-81; 8:45 am]

BILLING CODE 3510-04-M

Intent To Grant Exclusive Patent License

The National Technical Information Service (NTIS), Department of Commerce, intends to grant to Liposome Technology, Inc., having a place of business at Menlo Park, California, an exclusive right in the United States to manufacture, use and sell products embodied in the invention "Large Unilamellar Vesicles", U.S. Patent No. 4,078,052 (dated March 7, 1978). The availability of this invention for licensing was announced in the **Federal Register** on August 4, 1978. Copies of the patent may be obtained from the Office of Government Inventions and Patents, NTIS, Box 1423, Springfield, VA 22151. The patent rights in this invention have been assigned to the United States of America, as represented by the Secretary of Health and Human Services. Custody of the entire right, title and interest to this invention has been transferred to the Secretary of Commerce.

The proposed license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 41 CFR 101–4.1. The proposed license may be granted unless, within sixty days from the date of this notice, NTIS receives written evidence and argument which establishes that the grant of the proposed license would not serve the public interest.

Inquiries, comments and other materials relating to the proposed license must be submitted to the Office of Government Inventions and Patents, NTIS, at the address above. NTIS will maintain and make available for public inspection a file containing all inquiries, comments and other written materials received in response to this notice and a record of all decisions made in this matter.

Dated: October 7, 1981.

Douglas J. Campion,

Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

[FR Doc. 81-30034 Filed 10-15-81; 8:45 am]

BILLING CODE 3510-04-M

Patent and Trademark Office

Automation Study

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Request for automation technology information.

SUMMARY: The Patent and Trademark Office requests information from firms which can provide applicable state-of-the-art technology to support automation in the areas of Patent Automation, Trademark Automation, Internal Operations, Public/Office Communications, and Printing. Such firms should provide sufficient information to allow the Patent and Trademark Office to assess the capability of the technology to meet the requirements which will be established. Such automation efforts are intended to modernize the PTO's patent, trademark, information dissemination, printing, and administrative management programs. This information should be limited to fifteen (15) pages or less and specifically address the type of support (hardware or software) offered, the programs to be supported, and how the support would be applied. If deemed appropriate, the information provided will be included in the final report of the study required by Section 9 of Pub. L. 96–517, which study must be submitted to the Congress on or before December 12, 1982. Proprietary information should not be submitted.

DATE: Information must be submitted on or before November 6, 1981.

ADDRESS INFORMATION TO: Commissioner of Patents and Trademarks, Washington, D.C. 20231, Attn: James A. Green.

FOR FURTHER INFORMATION CONTACT: James A. Green by telephone at (703) 557–1610 or by mail marked to his attention and addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

SUPPLEMENTARY INFORMATION: Section 9 of Pub. L. 96–517, which is the basis for the development of the automation plan, states:

> Sec. 9. The Commissioner of Patents and Trademarks shall report to Congress, within two years after the effective date of this Act (December 12, 1980), a plan to identify and if necessary develop or have developed computerized data and retrieval systems equivalent to the latest state of the art which can be applied to all aspects of the operation of the Patent nd Trademark Office, and particularly to the patent search file, the patent classification system and the trademark search file. The report shall specify the cost of implementing the plan, how rapidly the plan can be implemented by the Patent and Trademark Office, without regard to funding which is or which may be available for this purpose in the future.

During the development of the automation plan, analyses of the current state-of-the-art in a wide variety of technological areas will be conducted. The technology which will be addressed includes all types of software for search, retrieval and processing large text data bases, and hardware for mass data storage, text retrieval systems, image enhancement and retrieval, engineering graphics, optical character recognition, automated photocomposition, electronic facsimile transfer, and source data automation.

Dated: October 7, 1981.

Gerald J. Mossinghoff,

Commissioner of Patents and Trademarks.

Dated: October 8, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

[FR Doc. 81-29828 Filed 10-15-81; 8:45 am]

BILLING CODE 3510-16-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Level of Restraint for Certain Wool Apparel From Thailand

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Restoring 2,579 dozen in 1980 overshipments currently charged to the level of restraint established for wool sweaters in Category 445/446, produced or manufactured in Thailand and exported during the agreement year which began on January 1, 1981.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) December 24, 1980 (45 FR 85142) and May 5, 1981 (46 FR 25121)).

SUMMARY: Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the Governments of the United States and Thailand, the United States Government has agreed to restore 2,579 dozen in 1980 overshipments currently charged to the level of restraint for wool textile products in Category 445/446, produced or manufactured in Thailand, effectively raising the level to 12,876 dozen for the agreement year that began on January 1, 1981. The two governments have agreed that the 2,579 dozen will be charged to the 1982 level for Category 445/446.

EFFECTIVE DATE: October 19, 1981.

FOR FURTHER INFORMATION CONTACT: Gordana Slijepcevic, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-2184).

SUPPLEMENTARY INFORMATION: On December 24, 1980, there was published in the **Federal Register** (45 FR 85141) a letter dated December 19, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements establishing levels of restraint for certain categories of cotton, wool, and man-made fiber textile products, including Category 445/446, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981. The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amends the letter of December 19, 1980 to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of cotton textile products in Category 445/446, produced or manufactured in Thailand and exported during the twelve-month period which began on January 1, 1981 and extended through December 31, 1981, in excess of 12,876 dozen.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

October 13, 1981.

October 13, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,

Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of December 19, 1980, from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in Thailand, in excess of designated levels of restraint.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of October 4, 1978, as amended, between the Governments of the United States and Thailand; 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 October 19, 1981, and for the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981, entry into the United States for consumption and withdrawal from warehouse for consumption of wool textile products in Category 445/446, produced or manufactured in Thailand, in excess of 12,876 dozen.[1]

The action taken with respect to the Government of Thailand and with respect to imports of wool textile products from Thailand has 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. 81-29967 Filed 10-15-81; 8:45 am]

BILLING CODE 3510-25-M

[1] The level of restraint has not been adjusted to reflect any imports after December 31, 1980.

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board Task Force on Application of High Technology to Ground Forces; Change in Meeting Date

The Defense Science Board Task Force on Application of High Technology to Ground Forces meeting scheduled for 17 October 1981 at Fort Lewis, Washington, as published in the **Federal Register** (Vol. 46, No. 181, dated September 18, 1981, FR Doc. 81-27300) has been changed to 6 November 1981. In all other respects, the original notice remains the same.

M. S. Healy,

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

October 13, 1981.

[FR Doc. 81-30053 Filed 10-15-81; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Forward Area Laser Weapons; Advisory Committee Meeting

The Defense Science Board Task Force on Forward Area Laser Weapons will meet in closed session on 18-19 November 1981 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meeting on 18-19 November 1981, the Task Force will continue its review of the status of our understanding of the potential effectiveness of such forward area laser weapons on the battlefield, from the perspective of both U.S. and enemy nation deployment.

In accordance with 5 U.S.C. App 1 Section 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

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

October 13, 1981.

[FR Doc. 81-30052 Filed 10-15-81; 8:45 am]

BILLING CODE 3810-01-M

Department of the Air Force

Scientific Advisory Board; Meeting

October 1, 1981.

The USAF Scientific Advisory Board will hold its Fall General meeting on November 4 and 5, 1981 at Eglin Air Force Base, Florida. The meeting will convene at 9:00 a.m. and adjourn at 4:00 p.m. on November 4 and convene at 8:30 a.m. and adjourn at 3:00 p.m. on November 5.

The Board will receive classified briefings on its 1981 Summer Study on Non-nuclear Armaments and will receive classified briefings from Headquarters Military Airlift Command on their mission, responsibilities and requirements. The meeting concerns matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph (1) thereof and will be closed to the public.

For further information contact the Scientific Advisory Board Secretariat at (202) 697-4811.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-29992 Filed 10-15-81; 8:45 am]

BILLING CODE 3910-01-M

Scientific Advisory Board; Meeting

October 2, 1981.

The USAF Scientific Advisory Board Space Division Advisory Group will meet at Los Angeles Air Force Station, California on November 9 and 10, 1981. The meeting will convene at 8:30 a.m. and adjourn at 5 p.m. each day.

The Group will review selected Air Force space programs. The briefings and discussions will be closed to the public in accordance with Section 552b(c) of Title 5, United States Code, specifically subparagraph (1).

For further information, contact the Scientific Advisory Board Secretariat at (202) 697-8845.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 81-29993 Filed 10-15-81; 8:45 am]

BILLING CODE 3910-01-M

Department of the Navy

Privacy Act of 1974; Amendment to System of Records

AGENCY: Department of the Navy, Defense.

ACTION: Amendment of two systems notices.

SUMMARY: The Department of the Navy proposes to amend the notices for two systems of records in its inventory of systems of records subject to the Privacy Act of 1974. The proposed changes to these systems notices are set forth below followed by the notices as amended.

DATE: The proposed actions will be effective without further notice on November 16, 1981, unless comments are received which would result in a contrary determination.

ADDRESSES: Any comments should be addressed to the systems managers identified in the systems notices.

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Aitken, Privacy Act Coordinator, Office of the Chief of Naval Operations (OP-09B1P), Department of the Navy, The Pentagon, Washington, D.C. 20350. Telephone: (202) 694-2004.

SUPPLEMENTARY INFORMATION: The Department of the Navy inventory of systems of records notices as prescribed by the Privacy Act of 1974, Title 5, United States Code, Section 552a (Pub. L. 93-579, 88 Stat. 1896 *et seq.*) has been published in the **Federal Register at:**

FR Doc. 81-897 (46 FR 6696) January 21, 1981
FR Doc. 81-3277 (46 FR 9693) January 29, 1981
FR Doc. 81-10892 (46 FR 21226) April 9, 1981
FR Doc. 81-13603 (46 FR 25337) May 6, 1981
FR Doc. 81-14976 (46 FR 27370) May 19, 1981
FR Doc. 81-16065 (46 FR 28893) May 29, 1981
FR Doc. 81-17204 (46 FR 30680) June 10, 1981
FR Doc. 81-19041 (46 FR 33070) June 26, 1981
FR Doc. 81-20655 (46 FR 36730) July 15, 1981
FR Doc. 81-22903 (46 FR 40067) August 6, 1981
FR Doc. 81-23257 (46 FR 40557) August 10, 1981
FR Doc. 81-26458 (46 FR 45408) September 11, 1981

These changes do not require an altered system report as prescribed by 5 U.S.C. 552a(o).

M. S. Healy,

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

October 13, 1981.

CHANGES

MMN00006

System name:

Marine Corps Military Personnel Records (OQR/SRB)

* * * * *

Routine uses of records maintained in the system, including categories of users and the purposes of the uses:

Add: "By officials and employees of the Office of the Sergeant at Arms of the U.S. House of Representatives in the performance of official duties related to the verification of Marine Corps service of Members of Congress. Access will be limited to those portions of the Member's record required to verify service time, active and reserve."

N00022PERSRECSYS

System name:

Navy Personnel Records System

* * * * *

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

Paragraph 7 change "Department of Health, Education, and Welfare" to "Department of Health and Human Services."

After the last paragraph add: "Officials and employees of the Office of the Sergeant of Arms of the United States House of Representatives in the performance of official duties related to verification of the active duty naval service of Members of Congress."

MMN00006

SYSTEM NAME:

Marine Corps Military personnel Records (OQR/SRB)

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Marine Corps and Marine Corps Reserve in the performance of their official duties relating to management of personnel resources; screening and selection for promotion, training and educational programs; administration of appeals, grievances, discipline, litigations and investigations, adjudication of claims, benefits and entitlements; administration and management of retirement and veterans affairs programs; and, the providing of requested information from the records to the Veterans Administration, Social Security Administration, Selective Service System, National Guard, Public Health Service, U.S. Coast Guard, Immigration and Naturalization Service, Treasury Department, Department of Labor, Department of State, General Accounting Office and State Bonus Bureaus in connection with such functions as processing and adjudication of claims, updating of

records, administration of work programs, processing naturalization proceedings and verification of eligibility and entitlement to various benefits and programs.

Officials and employees of other components of DoD in the performance of their official duties relating to screening and selection of members for interservice transfer; procedures for appeals for correction of service records; reviews of discharges from the service; physical evaluations; research analyses; litigations and investigations; clemency and awards reviews and evaluations.

By representatives of the Office of Personnel Management in connection with evaluation of prospective federal employees.

By court order in connection with matters before a federal, state or municipal court.

By the Comptroller General or his representatives in the course of the performance of duties relating to decisions or procedures by the General Accounting Office on manpower management programs.

By agents of the Federal Bureau of Investigation, Secret Service and Office of Naval Intelligence in connection with matters under the jurisdiction of these investigative bodies upon presentation of credentials.

By private organizations under government contract to perform random analytical research into specific aspects of military personnel management and administrative procedures.

By investigative, security and law enforcement agents of federal agencies who have submitted written requests for access to Marine Corps military personnel records with justification thereof as pertaining to the conduct of government business under their respective jurisdictions and providing the names of specified agents by need for such access.

By state and county law enforcement bodies processing applications for employment, when applicants have given written authorization for access to respective military personnel records.

By officials and employees of the National Personnel Records Center, 9700 Page Boulevard, St. Louis, Missouri 63132 acting as agent for headquarters, U.S. Marine Corps in storage and processing of Marrine Corps maintained by that center.

By a Marine or former Marine or such individual(s) designated by him/her in writing for whatever purpose access to or release of their respective records is desired.

By the White House, Secretary of Defense, Secretary of the Navy, and members of Congress in response to inquiries regarding individual Marines.

To provide information to another agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States which has been authorized by law to conduct law enforcement activities pursuant to a request that the agency or instrumentality initiate criminal or civil action against an individual on behalf of the U.S. Marine Corps, the Department of the Navy, or the Department of Defense.

To provide information to individuals pursuant to a request for assistance in a criminal or civil action against a member of the U.S. Marine Corps, by the U.S. Marine Corps, the Department of the Navy, or the Department of Defense.

By officials and employees of the American Red Cross and Navy Relief Society in the performance of their duties. Access will be limited to those portions of the member's record required to effectively assist the member.

By officials and employees of the Office of the Sergeant at Arms of the U.S. House of Representatives in the performance of official duties related to the verification of Marine Corps service of Members of Congress. Access will be limited to those portions of the member's record required to verify service time, active and reserve.

* * * * *

N00022PERSRECSYS

SYSTEM NAME:

Navy Personnel Records System

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Officials and employees of the Department of the Navy in the performance of their official duties related to the management, supervision, and administration of Navy military personnel and the operation of personnel affairs and functions; the design, development, maintenance and operation of the manual and automated system of records.

The Comptroller General or any of his authorized representatives, upon request, in the course of the performance of duties of the General Accounting Office relating to the Navy's military manpower management program.

The Attorney General of the United States or his authorized representatives in connection with litigation, law enforcement, or other matters under the direct jurisdiction of the Department of Justice or carried out as the legal representative of the Executive Branch agencies. State, local, and foreign (within Status of Forces agreements) law enforcement agencies or their authorized representatives in connection with litigation, law enforcement, or other matters under the jurisdiction of such agencies.

Officials and employees of other components of the Department of Defense in the performance of their official duties related to the management, supervision and administration of military personnel and the operation of personnel affairs and functions.

Officials and employees of other Departments and Agencies of the Executive Branch of government, upon request, in the performance of their official duties related to the management, supervision and administration of military personnel and the operation of personnel affairs and functions.

Officials and employees of the National Research Council in Cooperative Studies of the National History of Disease; of Prognosis and of Epidemology. Each study in which the records of members and former members of the Naval Service are used must be approved by the Chief of Naval Personnel.

Officials and employees of the Department of Health and Human Services, Veterans' Administration, and Selective Service Administration in the performance of their official duties related to eligibility, notification and assistance in obtaining benefits by members and former members of the Navy. The Senate of the House of Representatives of the United States or any Committee or subcommittee thereof, any joint committee of Congress or any subcommittee of joint committees on matters within their jurisdiction requiring disclosure of files or records of Navy military personnel. Officials and employees of Navy Relief and the American Red Cross in the performance of their duties related to assistance of the members and their dependents and relatives.

Duly appointed Family Ombudsmen in the performance of their duties related to the assistance of the members and their families.

State and local agencies in performance of their duties related to verification of status for determination of eligibility for Veterans' Bonuses and other benefits and entitlements.

Such Civilian Contractors and their employees as are or may be operating in accordance with an approved, official

contract with the U.S. Government. When required by Federal statute, by Executive Order, or by treaty, personnel record information will be disclosed to the individual, organization, or governmental agency as necessary.

Officials and employees of the Office of the Sergeant at Arms of the United States House of Representatives in the performance of official duties related to the verification of the active duty naval service of Members of Congress.

* * * * *

[FR Doc. 81-30026 Filed 10-15-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

Guaranteed Student Loan Program; Family Contribution Schedule

Corrections

In FR Doc. 81-26432 appearing on page 45486 in the issue of Friday, September 11, 1981, make the following corrections:

In Table A on page 45487:

The column marked Adjusted gross income now reads: Less than $20,001. It should read: Less than $30,001.

The column marked Adjusted gross income reads: $30,001 to $30,174. It should read: $30,001 to $30,124.

The column marked Adjusted gross income reads: $30,125 to $30,343. It should read: $30,125 to $30,374.

The column marked Adjusted gross income reads: $37,125 to $32,374. It should read: $32,125 to $32,374.

The column marked Adjusted gross income reads: $40,625 to 40,874. It should read: $40,625 to $40,874.

The column marked Adjusted gross income reads: $43,125 to $43,274. It should read: $43,125 to $43,374.

Column 3 corresponding to the income of $36,875 to $37,124 reads: 4,850. It should read: 4,950.

Column 4 corresponding to the income of $31,625 to $31,874 reads: 2,855. It should read: 2,850.

Column 4 corresponding to the income of $50,125 to $50,374 reads: 7,200. It should read: 7,260.

Column 6 corresponding to the income of $35,875 to $36,124 reads: 2,520. It should read: 2,530.

BILLING CODE: 1505-01-M

National Advisory Council on the Education of Disadvantaged Children; Meeting

AGENCY: National Advisory Council on the Education of Disadvantaged Children.

ACTION: Notice of Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on the Education of Disadvantaged Children. This notice describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend.

DATES: November 4, 1981 and November 5, 1981 (specific times to be announced).

ADDRESS: Specific location(s) of meeting to be announced at a later date.

FOR FURTHER INFORMATION CONTACT: Ms. Lisa Haywood, (202) 724-0114, National Advisory Council on the Education of Disadvantaged Children, 425-13th St., NW., Suite 1012, Washington, D.C. 20004.

SUPPLEMENTARY INFORMATION: The National Advisory Council on the Education of Disadvantaged Children is established under Section 148 of the Elementary and Secondary Education Act (20 U.S.C. 2852) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The meeting of the Council is open to the public.

The proposed agenda includes:

Council planning for fiscal year 1982;

NACEDC plans to analyze the impacts of the Education Consolidation and Improvement Act as it pertains to Title I, ESEA. (A detailed agenda will be available shortly from the Council office.)

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on the Education of Disadvantaged Children, 425-13th Street, NW., Suite 1012, Washington, D.C. 20004 from the hours of 9:00 a.m. to 5:00 p.m.

Dated: October 13, 1981.

Alice S. Baum,

Executive Director, National Advisory Council on the Education of Disadvantaged Children.

[FR Doc. 81-30048 Filed 10-15-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Privacy Act of 1974; Proposal of New System

AGENCY: Department of Energy.

ACTION: Proposal of a new system of records.

SUMMARY: The Department of Energy (DOE), Savannah River Operations Office (SR), is establishing a new system of records entitled, "Savannah River Plant Telephone Call Account System (Call Account System)," which will record telephone calling traffic data (the system does not have the capability to record voice conversation). The resulting data will provide the means to identify areas for achieving economies, help maintain a quality telephone system, assist in the certification of toll charges, and will provide data to help satisfy reporting requirements of DOE and other government agencies.

This report on a new system is submitted by DOE as required by the Privacy Act of 1974, 5 U.S.C. 552a(o) and paragraph 2a(2) of Transmittal Memorandum No. 1 to the Office of Management and Budget (OMB) Circular A-108.

DATE: November 16, 1981.

ADDRESSES: Written comments should be directed to the following address: U.S. Department of Energy, L. D. Eggenberger, Chief, Telecommunications and Emergency Planning Branch, Savannah River Operations Office, P.O. Box A, Aiken, SC 29801, (803) 725-3057.

FOR FURTHER INFORMATION CONTACT:

U.S. Department of Energy, Milton Jordan, Director, Division of FOI and Privacy Acts Activities, Forrestal Building, Room 1G-051, Washington, DC 20585, (202) 252-5955

U.S. Department of Energy, Leslie A. L. Borden, Office of the General Counsel, Forrestal Building Building, Room 6A-211, Washington, DC 20585, (202) 252-8618

SUPPLEMENTARY INFORMATION:

I. Report on a New System of Records.

II. Comment Procedure.

III. System Notice DOE—Savannah River Plant Telephone Call Account System.

I. Report on a New System of Records

1. *Background:* The Savannah River Operations Office of the Department of Energy proposes to establish a system of records entitled, "Savannah River Plant Telephone Call Account System (Call Account System)." The information provided by the system (and which constitutes our proposed record system) is (a) calling station number, (b) Julian date, (c) time call originated, (d) duration of call, (e) called number, and (f) name. Names are imputed from the telephone number, as telephone numbers are assigned virtually on a one-to-one basis at the Savannah River Plant (SRP). Although the system will not include large amounts of personal data, it is our view that the system as a whole is sufficiently sensitive that it should be reported under the Privacy Act. Similar

information is provided on income calls, except that the number of rings is recorded since there is no way to determined the telephone number of a call coming into the system.

2. DOE-75, Savannah River Plant Telephone Call Account System (Call Account System):

(a) *Purpose:* Telephone usage information can be collected on a 24-hour-a-day basis, 7 days a week. (The hardware does not have the capability of recording the conversation portion of a call.) The resultant information from the Call Account System is placed on magnetic tape for further processing and retention. The magnetic tapes are read and stored on larger, denser type reels by the ADP Section and monthly reports (printouts) are developed. The reports that will be utilized primarily are the Station Summary Report and the Trunk Report. The Station Summary Report contains summary station activity for the previous month by location called. The called number is not shown on the Station Summary Report. The Trunk Report shows the total volume on the trunks in each trunk group. By use of the Trunk Report, it is possible to determine if the number of trunks are adequate for system efficiency. Through the Call Account System, we can compare the toll bill received on magnetic tape from Southern Bell Telephone against the station activity record and identify those stations that placed the toll calls (long distance) and produce a report for certification/justification by management. This procedure places the responsibilitity for monitoring telephone usage directly on the supervisor in the work area.

(b) *Authority:* This system is established under the authority vested in the Secretary contained in 5 U.S.C. 301 and Section 644 of the Department of Energy Organization Act, Public Law 95-91, to prescribe such procedural and administrative rules as he may deem necessary or appropriate to manage functions vested in him.

(c) Potential consequences on individual privacy, and;

(d) Safeguards against unauthorized access.

There will be only two complete copies of each report produced; one copy will be retained by DOE, SR, Telecommunications and Emergency Planning Branch, and one by Du Pont Procurement and General Services Department. The report will also be placed on microfilm for long-term storage. Magnetic tape records will be secured in the computer storage area. The printed reports will be retained for 3 months and destroyed. The reports will be stored in locked file cabinets under the control of a custodian. The information will be broken down by the two custodians for use by the various managers of the Du Pont onsite organization and managers of the SR/DOE organization. Should analyses of the data indicate the development of a trend which reflects the need for action by management, the matter will be discussed and appropriate action taken. Individual managers will have access only to that information of direct concern to their areas of responsibility.

It is the view of this agency that this alternative to collecting telephone use information on a site covering approximately 200,000 acres and with widely separated facilities and 4,100 telephone instruments would provide an adequate management tool to assess our telephone system's effectiveness from a cost and service standpoint. Other alternatives included foregoing the collecting of any information but total calls under various categories (local, long distance, etc.), to sampling collection procedures. However, we are convinced that the data being collected is not only relevant and necessary but is essential for the management of our SR program to meet the purposes of DOE in the most economically sound manner possible. We also consider that this is the minimal amount of information required to make sound management decisions regarding our telephone system.

II. Comments Procedure

As provided by Section 3(e)(11) of the Privacy Act of 1974 (5 U.S.C. 552a(e)(11)), interested persons are invited to submit written data, views or arguments related to these proposals to: U.S. Department of Energy, L. D. Eggenberger, Chief, Telecommunications and Emergency Planning Branch, Savannah River Operations Office, P.O. Box A, Aiken, SC 29801, (803) 725-3057.

Comments should be identified on the outside of the envelope and on the documents submitted to the DOE with the designation "*Department of Energy Privacy Act Systems Proposal*". These comments and all other relevant information will be considered by DOE before the various proposals are adopted in their final form.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. DOE reserves the right to determine the confidential status of the information or data and to treat it according to that determination.

If no comments to the contrary are received with respect to the proposed system, it is the intent of DOE to operate the system as proposed at the expiration of the 60-day advance notice period for informing Congress and the Office of Management and Budget or proposed new systems, as defined in OMB Circular A-108.

DOE is submitting the Report on New System required by OMB Circular A-108 concurrently with the publication of this Federal Register notice.

DOE has determined that this document does not contain a proposal requiring preparation of a regulatory analysis under Executive Order 12291.

(Privacy Act of 1974, Pub. L. 93-579; Department of Energy Organization Act, Public Law 95-91; Executive Order 12009, 42 FR 46267; and those authorities vested in the Department's predecessor agencies which are incorporated by reference in Title III of the Department of Energy Organization Act.)

In consideration of the foregoing, the measures described above are proposed. Set forth below as Section III of SUPPLEMENTARY INFORMATION, is a listing of the Department of Energy System as proposed.

Issued in Washington, DC., October 5, 1981.

William S. Heffelfinger,

Assistant Secretary, Management and Administration.

DOE 75

SYSTEM NAME:

Savannah River Plant Telephone Call Account System (Call Account System).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

U.S. Department of Energy, Savannah River Operations Office, P.O. Box A, Aiken, SC 29801.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of Department of Energy (DOE), other federal agencies and contractors who are assigned telephone station numbers under the Savannah River Plant telephone system.

CATEGORIES OF RECORDS IN THE SYSTEM:

Calling station number and Julian date, time call originated, duration of call and called number. Similar information is recorded on incoming calls except the number of rings are recorded rather than calling station number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; Section 644 of the Department of Energy Organization Act (Pub. L. 95-91), including authorities incorporated by reference in Title III of

the Department of Energy Organization Act; Executive Order 12009.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

1. To maintain an adequate grade of service on the trunk groups.

2. To certify toll charges.

3. To improve system usage by correcting misuse and by management to monitor system usage.

4. Additional routine uses, 1, 2, 3, 4, 5, 8, 9 as listed in Appendix B to DOE publication of systems of records, 45 FR 51125, 8/30/79.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained (1) on paper, (2) magnetic tapes and (3) microfilm.

RETRIEVABILITY:

By telephone numbers, which are assigned to staff members on a nearly one-to-one basis.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access. All records are maintained in locked files.

RETENTION AND DISPOSAL:

Records retention and disposal authorities are contained in DOE Order 1324.1, "Records Disposition." Records are destroyed by shredding, burning, or burial in a sanitary landfill, as appropriate.

SYSTEMS MANAGER AND ADDRESSES:

L. D. Eggenberger, Chief, Telecommunications and Emergency Planning Branch, Savannah River Operations Office, U.S. Department of Energy, Aiken, SC 29801, (803) 725-3057.

NOTIFICATION PROCEDURE:

a. Requests by an individual to determine if this system of records contains information about him/her should be directed to the Manager, U.S. Department of Energy, Savannah River Operations Office, Aiken, SC 29801, in accordance with DOE's Privacy Act Regulations (10 CFR Part 1008, September 16, 1980, 45 FR 61576).

b. Requests should include the individual's full name, telephone number, employer, place of employment and time period involved.

RECORD ACCESS PROCEDURES:

a. Requests by an individual for access to records in the system that contain information about him/her should be directed to the Manager, U.S. Department of Energy, Savannah River Operations Office, Aiken, SC 29801, in accordance with DOE's Privacy Act Regulations (10 CFR 1008, September 16, 1980, 45 FR 61576).

b. Requests should include the individual's full name, telephone number, employer, place of employment and time period involved.

CONTESTING RECORD PROCEDURES:

a. Requests by an individual to correct or amend the content of a record in this system containing information about him/her should be directed to the Manager, U.S. Department of Energy, Savannah River Operations Office, Aiken, SC 29801, in accordance with DOE's Privacy Act Regulations (10 CFR 1008, September 16, 1980, 45 FR 61576).

b. Request should include the individual's full name, telephone number, employer, place of employment and time period involved.

RECORD SOURCE CATEGORIES:

The information contained in this system of records is derived from use of the Savannah River Telephone System.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 81-29929 Filed 10-15-81; 8:45 am]
BILLING CODE 6450-01-M

Office of Assistant Secretary for International Affairs

Proposed Subsequent Arrangements

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of proposed "subsequent arrangements" under the Agreement for Cooperation Between the Government of the United States of America and the International Atomic Energy Agency (IAEA) Concerning the Peaceful Application of Atomic Energy, as amended, the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangements to be carried out under the above mentioned agreements involve approval for supply of the following materials:

Contract Number WC-IA-122, to the IAEA, Vienna, Austria, 6.75 grams of plutonium and 4.39 grams of natural uranium in the form of mixed oxide.

Contract Number WC-JA-36, to the Nuclear Material Control Center, Japan, 6.75 grams of plutonium and 4.39 grams of natural uranium in the form of mixed oxide.

Contract Number WC-JA-37, to the Power Reactor and Nuclear Fuel Development Corp., Japan, 6.75 grams of plutonium and 4.39 grams of natural uranium in the form of mixed oxide.

Contract Number WC-EU-218, to the Institute fur Radiochemie, Karlsruhe, Federal Republic of Germany, 1.47 grams of plutonium and 4.39 grams of natural uranium in the form of mixed oxide.

Contract Number WC-EU-219, to ALKEN, Gmbh. Hanau, Federal Republic of Germany, 5.28 grams of plutonium oxide.

Contract Number WC-EU-220, to CEN/BN, Mol, Belgium, 6.75 grams of plutonium and 4.39 grams of natural uranium in the form of mixed oxide.

Contract Number WC-EU-221, to CEN/Grenoble, Grenoble, France, 6.75 grams of plutonium and 4.39 grams of natural uranium in the form of mixed oxide.

Contract Number WC-EU-222, to the Netherlands Energy Research Institute, 6.75 grams of plutonium and 4.39 grams of natural uranium in the form of mixed oxide.

The above materials are to be utilized in the Safeguards Analytical Laboratory Evaluation (SALE) Program. This program is designed to evaluate the capability of participating laboratories to analyze materials to be safeguarded in the nuclear fuel cycle, and to provide means by which measurement capability may be improved through the interchange of measurement technology.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of these nuclear materials will not be inimical to the common defense and security.

These subsequent arrangements will take effect no sooner than November 2, 1981.

For the Department of Energy.

Dated: October 13, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-29968 Filed 10-15-81; 8:45 am]
BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42

U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Spain Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the sale of 32.2 grams of natural uranium and 4.2 grams of thorium for use as standard reference material.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of this nuclear material under Contract Number S-SP-17 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than November 21, 1981.

For the Department of Energy.

Dated: October 13, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Programs.

[FR Doc. 81-29989 Filed 10-15-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended, and the Agreement for Cooperation Between the Government of United States of America and the Government of Sweden Concerning Civil Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreements involves approval for the retransfer from Denmark to Sweden of 1,722 grams of uranium containing 27 grams of U-235 (1.57% enrichment) and 10 grams of plutonium, in the form of seven fuel rods for irradiation in the R-2 reactor at Studsvik.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that approval of this retransfer, designated as RTD/SW(EU)-121 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than November 2, 1981.

For the Department of Energy.

Dated: October 13, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Programs.

[FR Doc. 81-29990 Filed 10-15-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement

Pursuant to section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Additional Agreement for Cooperation between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval for the sale of 1 milligram of plutonium-239 and 3 milligrams of plutonium-242 to the Riso National Laboratory, Denmark for use in experiments concerning the accumulation and loss of actinides by aquatic organisms.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the furnishing of the nuclear material under Contract Number S-EU-700 will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than November 2, 1981.

For the Department of Energy.

Dated: October 13, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Programs.

[FR Doc. 81-29991 Filed 10-15-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[LC + E-FRL 1961-4]

Receipt of Application Pursuant to the Steel Industry Compliance Extension Act of 1981; Ford Motor Co.

AGENCY: Environmental Protection Agency.

ACTION: Notice of Receipt.

SUMMARY: On October 1, 1981 EPA received an application from the Ford Motor Company pursuant to the Steel Industry Compliance Extension Act of 1981 (Pub. L. 97-23). The application requests that EPA extend certain deadlines for achieving compliance with Clean Air Act requirements. The Administrator will be making her interim findings with regard to the company's eligibility for an extension within a few weeks. Persons desiring to make public comment are encouraged to do so without delay.

DATES: Efffective on October 16, 1981.

ADDRESS: Section 113(e)(3) of the Clean Air Act, as amended, provides that any records, reports or information obtained by the Administrator pursuant to this subsection shall be available to the public unless the Administrator determines, pursuant to a request by the applicant company, that such information is confidential within the meaning of 18 U.S.C. 1905. Documents received by the Administrator that are not confidential in nature have been placed in Public Docket Number EN 81-16-C: Ford Motor Company, and are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at: Central Docket Section, Gallery One, West Tower Lobby, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Michael Alushin (EN-329), Office of Legal Counsel and Enforcement, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 (202) 755-0658.

Dated: October 6, 1981.

William A. Sullivan, Jr.,

Enforcement Counsel.

[FR Doc. 81-30045 Filed 10-15-81; 8:45 am]

BILLING CODE 6560-41-M

[LC&E-FRL 1961-3]

Receipt of Application Pursuant to the Steel Industry Compliance Extension Act of 1981; Sharon Steel Corp.

AGENCY: Environmental Protection Agency.

ACTION: Notice of receipt.

SUMMARY: On October 2, 1981 EPA received an application from the Sharon Steel Corporation pursuant to the Steel Industry Compliance Extension Act of 1981 (Pub. L. 97-23). The application requests that EPA extend certain deadlines for achieving compliance with Clean Air Act requirements. The Administrator will be making her interim findings with regard to the company's eligibility for an extension within a few weeks. Persons desiring to make public comment are encouraged to do so without delay.

DATE: Effective on October 16, 1981.

ADDRESS: Section 113(e)(3) of the Clean Air Act, as amended, provides that any records, reports or information obtained by the Administrator pursuant to this subsection shall be available to the public unless the Administrator determines, pursuant to a request by the applicant company, that such information is confidential within the meaning of 18 U.S.C. 1905. Documents received by the Administrator that are not confidential in nature have been placed in Public Docket Number EN 81-16-E: Sharon Steel Corporation, and are available for public inspection between 8:00 a.m. and 4:00 p.m. Monday through Friday at: Central Docket Section, Gallery One, West Tower Lobby, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. A reasonable fee may be charged for photocopying.

FOR FURTHER INFORMATION CONTACT: Michael Alushin (EN-329), Office of Legal Counsel and Enforcement, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460 (202) 755-0658.

Dated: October 6, 1981.

William A. Sullivan, Jr.,

Enforcement Counsel.

[FR Doc. 81-30046 Filed 10-15-81; 8:45 am]

BILLING CODE 6560-41-M

FEDERAL COMMUNICATIONS COMMISSION

[Gen. Docket No. 79-188; RM-3247]

Allocation of Spectrum for, and Establishment of Policies Pertaining to, Use of Radio in Digital Termination Systems for the Provision of Digital Communications Services; Order Extending Time for Filing Additional Comments Regarding Petitions for Reconsideration.

AGENCY: Federal Communications Commission.

ACTION: Petitions for Reconsideration; Extension of comment period.

SUMMARY: The Commission institutes a brief additional comment period to give all interested parties opportunity to comment on certain technical matters. These matters were the subject of an accord reached by the National Aeronautics and Space Administration and the Local Digital Distribution Company on a set of mutually satisfactory technical parameters for digital termination systems.

DATES: These additional comments shall be filed on or before October 26, 1981.

ADDRESS: Federal Communications Commission, 1919 M St., NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: J. Bertron Withers, Jr., Policy and Management Staff, Office of Science and Technology, Room 7002, (202) 653-8100.

In the matter of amendment of Parts 2, 21, 87, and 90 of the Commission's rules to allocate spectrum for, and to establish other rules and policies pertaining to, the use of radio in digital termination systems for the provision of digital communications services; General Docket No. 79-188, RM-3247.

Order Granting Time for Additional Comments on Specific Technical Matters in re Petitions for Reconsideration

Adopted: September 30, 1981.

Released: October 2, 1981.

1. Replies to the Oppositions to the five Petitions for Reconsideration of the First Report and Order (Order) [1] in the above-captioned matter have been timely filed by Contemporary Communications Corporation, ISA Communications Services, Inc. (ISACOMM), the Local Digital Distribution Company (LDD), the National Aeronautics and Space Administration (NASA), Satellite Business Systems (SBS), and by the People of the State of California and the Public Utilities Commission of the State of California. The period for filing comments to these petitions has expired. However, because of events that have transpired during this period, the Commission requests additional comments restricted to certain specific technical questions.

2. Of the five petitions, LDD and SBS had each filed separate petitions for limited reconsideration (notice of which was published at 46 FR 30391, dated June 8, 1981) concerning certain technical standards adopted in the Order for digital termination systems (DTS). NASA subsequently filed an opposition to these petitions, while stating a willingness to meet with the petitioners to arrive at technical standards satisfactory to all concerned. NASA was concerned that the alternative standards recommended by LDD and SBS would result in harmful interference to the Earth Exploration Satellite Service. LDD and NASA have since conducted discussions to formulate a set of DTS technical parameters that would minimize the interference potential to the passive sensors used in this service, and would also benefit DTS operation. Each party now reports in its Reply that they have reached agreement on a mutually satisfactory set of technical parameters. Although SBS and ISACOMM did not participate in the discussions, they both support the agreement that LDD and NASA reached. However, no other party including three of the five parties that also filed Petitions for Reconsideration on other issues, and several parties filing Oppositions and Replies to these petitions, has had an opportunity to comment on the NASA-LDD resolution.

3. The Commission wishes to solicit the views of these and other interested parties on this limited set of technical issues. All interested parties will be afforded the opportunity to be heard, insuring that all legitimate concerns are included in our evaluation of the resolution negotiated by LDD and NASA. Instituting a brief additional comment period should not result in undue delay nor adverse impact to any party. Therefore, we institute an additional comment period of 10 days from the publication of this order in the **Federal Register.** We welcome only comments strictly limited to the issue of electromagnetic ompatibility between DTS and passive sensors.

4. Therefore, it is ordered, under §§ 0.241(d) and 1.45(c) of the Commission's rules and regulations that an additional comment period is instituted for the limited purpose of receiving comments on the contnts of the NASA-LDD resolution outlined in their respective Replies. Comments must be filed on or before October 26, 1981.

S. J. Lukasik,

Chief Scientist.

[FR Doc. 81-29750 Filed 10-15-81; 8:45 am]

BILLING CODE 6712-01-M

[1] FCC 81-18, released April 17, 1981; 46 FR 23428, April 27, 1981.

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket No. FEMA 6157]

National Flood Insurance Program; Communities With Flood-Prone Areas Subject to Section 202(a) Prohibition of Federal and Federally Related Assistance

AGENCY: Federal Emergency Agency.

ACTION: Notice.

SUMMARY: This notice lists communities that contain areas of special flood hazard potentially subject to the provisions of section 202(a) of the Flood Disaster Protection Act of 1973 (PL-93-234) on July 1, 1975, or an appropriate later date, and provides a convenient

reference for interested persons, communities, Federal agencies and instrumentalities, and others involved in assuring compliance with that section. This list supersedes and updates the list published in the Federal Register at 45 F.R. 70111 and all prior lists.

DATES: Section 202(a) applies to the community as of one year after the initial date appearing in the last column on each page of this list.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287-0270 or EDS Toll Free Line 800-638-6620 for Continental U.S. (except Maryland); 800-638-6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800-492-6605 for Maryland, 500 C Street Southwest, Donohoe Building, Room 505, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: Section 202(a) provides that effective July 1, 1975, Federal agencies are prohibited from providing financial assistance or making loans for acquisition or construction purposes in areas which (a) have been designated by the Director of Federal Emergency Management Agency as Special Flood Hazard Areas for at least one year; and (b) are in communities which are not participating in the National Flood Insurance Program (42 USC 4001-4128). Special Flood Hazard Areas are designated on Federal Emergency Management Agency's (FEMA) Flood Hazard Boundary Maps (FHBMs) or Flood Insurance Rate Maps (FIRM's) and appear as Zone A, AO, AH, A1-89, V, VO, V1-30, M or E.

Each of the communities listed below received notice of its designation as flood-prone prior to October 1, 1981, and legal notice was furnished of such designation by publication under Part 65 of Title 44 of the Code of Federal Regulations in the Federal Register. These communities have failed to provide the Director with sufficient technical or scientific data to rebut their designation as flood prone nor have they as yet qualified for participation in the National Flood Insurance Program. Thus, the sanctions of Section 202(a) apply as of July 1, 1975, or one year after a community's identification, whichever is later, until the community participates in the program.

In order to continue to receive Federal financial assistance for acquisition of construction purposes for insurable structures in its Special Flood Hazard Area, a community must apply for and be made eligible for participation in the program in accordance with 44 CFR (Parts 59 to 75). A community on this list may be eligible to participate in the program after the date of publicaton of this list. Such eligibility will be published periodically in the Federal Register under 44 CFR § 64.6 List of Eligible Communities. At that time the sanctions of Section 202(a) will no longer apply to a community listed below.

Identification	Community name and county	Original hazard date
	Alabama	
010095	Akron, town of, Hale	750718
010229	Allgood, town of, Blount	750124
010331	Andalusia, city of, Covington	780602
010407	Anderson, town of, Lauderdale	781124
010242	Babbie, town of, Covington	750110
010352	Bear Creek, town of, Marion	760616
010063	Belk, town of, Fayette	740913
010257	Black, town of, Geneva	750207
010230	Blount County*, Blount	780224
010371	Blountsville, town of, Blount	780929
010092	Boligee, city of, Greene	741213
010296	Bon Air, town of ,Talladega	770304
010372	Branchville, town of, St. Clair	780915
010056	Brantley, town of, Crenshaw	740628
010342	Brilliant, town of, Marion	770715
010347	Brundige, city of, Pike	761022
010017	Butler County*, Butler	780421
010373	Calera, town of, Shelby	791102
010374	Camp Hill, town of, Tallapoosa	780929
010119	Cardiff, town of, Jefferson	740920
010240	Carolina, town of, Covington	750110
010375	Carrville, town of, Tallapoosa	781215
010376	Chatom, town of, Washington	781020
010234	Cherokee County*, Cherokee	790216
010030	Chilton County*, Chilton	780728
010316	Clarke, County*, Clarke	780609
010377	Clayton, town of, Barbour	780929
010228	Cleveland, town of, Blount	760305
010239	Coffee County*, Coffee	750117
010319	Conecuh County, Conecuh	780707
010244	Covington County*, Covington	741213
010409	Creola, town of, Mobile	0
010367	Crossville, town of, Pike	761029
010379	Cuba, town of, Sumter	790316
010247	Cullman County*, Cullman	780728
010380	Daviston, town of, Tallapoosa	781006
010320	De Kalb County*, De Kalb	780428
010381	Dora, town of, Walker	800404
010350	Double Springs, town of, Winston	770128
010056	Dozier, town of, Crenshaw	740920
010383	Epes, town of, Sumter	781020
010251	Escambia County*, Escambia	781027
010077	Etowah County*, Etowah	780217
010027	Five Points, town of, Chambers	741115
010354	Flint City, town of, Morgan	761126
010384	Fort Deposit, town of, Lowndes	780929
010322	Franklin County, Franklin	780120
010038	Fulton, town of, Clarke	750718
010295	Gainesville, town of, Sumter	761015
010053	Garitt, town of, Covington	740607
010386	Geiger, town of, Sumter	791130
010258	Geneva County*, Geneva	760220
010356	Geraldine, town of, De Kalb	780113
010057	Glenwood, town of, Crenshaw	740920
010387	Goodwater, town of, Coosa	781103
010152	Gurley, town of, Madison	760416
010388	Hammondville, town of, De Kalb	781103
010293	Harpersville, town of, Shelby	750411
010357	Henagar, town of, De Kalb	760312
010390	Kansas, town of, Walker	790316
010391	Lakeview, town of, De Kalb	790907
010324	Lawrence County*, Lawrence	770513
010250	Lee County*, Lee	780331
010235	Leesburg, city of, Cherokee	761015
010358	Lexington, town of, Lauderdale	761015
010393	Margaret, town of, St. Clair	781006
010275	Marshall County*, Marshall	780120
010359	Mentone, town of, De Kalb	760702
010207	Milry, town of, Washington	761112
010175	Morgan County*, Morgan	770311
010394	Navvoo, town of, Walker	791228
010395	New Site, town of, Tallapoosa	781027
010232	Ohatchee, town of, Calhoun	750131
010245	Petrey, town of, Crenshaw	770225
010033	Phil Campbell, town of, Franklin	761029
010397	Pine Hill, town of, Wilcox	781117
010360	Pisgah, town of, Jackson	760312
010075	Pollard, town of, Escambia	750131
010398	Powell, town of, De Kalb	791026
010159	Providence, town of, Marengo	741101
010182	Randolph County*, Randolph	740913
010334	Red Bay, city of, Franklin	761210
010243	Red Level, town of, Covington	750110
010253	Reece City, city of, Etowah	750221
010348	Roanoke, city of, Randolph	770610
010339	Rogersville, town of, Lauderdale	780310
010362	Section, town of, Jackson	760625
010191	Shelby County*, Shelby	780224
010399	Shiloh, town of, De Kalb	790914
010227	Snead, town of, Blount	750627
010363	Somerville, town of, Morgan	760604
010400	Sumiton, town of, Jefferson	790119
010328	Summerdale, town of, Baldwin	780113
010160	Sweetwater, town of, Marengo	750718
010364	Sylvania, town of, De Kalb	761029
010326	Tallapoosa County, Tallapoosa	780331
010037	Toxey, town of, Choctaw	770218
010201	Tuscaloosa County*, Tuscaloosa	780505
010335	Vina, town of, Franklin	771216
010292	Vincent, town of, Shelby	750411
010365	Vinemont, town of, Cullman	761001
010340	Waterloo, town of, Lauderdale	761217
010401	Wedowee, town of, Randolph	781006
010402	West Jefferson, town of, Jefferson	800222
010346	Wilmer, town of, Mobile	761008
010404	Wilsonville, town of Shelby	790907
010405	Wilton, town of, Shelby	791102
010304	Winston County*, Winston	780217
	Total of 108 communities.	
	Alaska	
020024	North Slope Borough, Barrow-North Slope	800923
	Total of 1 community.	
	Arizona	
040119	Superior, town of, Pinal	790731
	Total of 1 community.	
	Arkansas	
050378	Alicia, town of, Lawrence	750711
050380	Almyra, town of, Arkansas	750815
050017	Alpena, town of, Boone	740830
050381	Altus, city of, Franklin	750725
050303	Amity, city of, Clark	750221
050418	Arkansas County, Arkansas	770816
050382	Ash Flat, town of, Sharp	750627
050003	Ashley County, Ashley	771115
050123	Aubrey, town of, Lee	741206
050305	Barling, city of, Sebastian	750214
050010	Baxter County, Baxter	770517
050419	Benton County, Benton	771018
050386	Bethel Heights, town of, Benton	750425
050415	Biscoe, town of, Prairie	761126
050474	Bodcaw, town of, Nevada	761119
050392	Bonanza, town of, Sebastian	750815
050016	Boone County, Boone	770617
050131	Bradford, city of, White	750221
050393	Branch, city of, Franklin	750502
050394	Bull Shoals, city of, Marion	750425
050567	Caddo Valley, town of, Clark	790320
050024	Carroll County, Carroll	770614
050397	Caulksville, town of, Logan	750627
050313	Cave City, city of, Sharp	750718
050396	Cave Springs, city of, Benton	761029
050400	Chidester, city of, Ouachita	750725
050425	Columbia County, Columbia	770602
050426	Conway County, Conway	770610
050568	Corinth, town of, Yell	790424
050402	Coy, town of, Lonoke	760625
050427	Craighead County, Craighead	771115
050428	Crawford County*, Crawford	770617
050429	Crittenden County, Crittenden	771206
050061	Dallas County, Dallas	770617
050404	Damascus, town of, Faulkner	750418
050320	Dierks, city of, Howard	750214
050430	Drew County, Drew	771025
050408	Dyer, town of, Crawford	750711
050214	Elkins, town of, Washington	741220
050019	Everton, town of, Boone	740830
050431	Faulkner County, Faulkner	770607
050433	Garland County*, Garland	770602
050224	Garner, town of, White	740602
050434	Grant County, Grant	770510
050435	Greene County, Greene	771213
050246	Greers Ferry, city of, Cleburne	760423

Identification	Community name and county	Original hazard date
050247	Griffithville, town of, White	750926
050248	Guion, town of, Izard	750411
050249	Gum Springs, town of, Clark	750627
050251	Hartman, town of, Johnson	761029
050436	Hempstead County, Hempstead	770603
050225	Higginson, town of, White	740816
050437	Hot Spring County, Hot Spring	771101
050438	Howard County* Howard	770607
050120	Imboden, town of, Lawrence	740503
050439	Izard County, Izard	770712
050441	Johnson County, Johnson	770802
050337	Kibler, city of, Crawford	760625
050260	Knoxville, town of, Johnson	750221
050569	Lafe, town of, Greene	790710
050443	Lawrence County, Lawrence	770603
050444	Lee County, Lee	771101
050479	Little Flock, town of, Benton	770621
050448	Lonoke County, Lonoke	770816
050341	Lonoke, city of, Lonoke	760326
050262	Louann, town of, Ouachita	761105
050449	Madison County, Madison	770614
050450	Marion County, Marion	770906
050347	Marshall, city of, Searcy	750425
050170	Marvell, city of, Phillips	760312
050343	McNeil, city of, Columbia	750502
050348	Melbourne, city of, Izard	750411
050266	Menifee, town of, Conway	750425
050451	Miller County, Miller	780110
050069	Mitchellville, town of, Desha	741108
050154	Monroe County, Monroe	770621
050095	Mount Pleasant, town of, Izard	741122
050570	Mount Vernon, town of, Faulkner	800108
050454	Nevada County, Nevada of,	770880
050270	Ogden, city of, Little River	750919
050161	Ouachita County, Ouachita	770913
050271	O'Kean, town of, Randolph	750418
050007	Parkdale, town of, Hot Spring	740329
050275	Perla, town of, Hot Spring	760625
050363	Plainview, city of, Yell	750418
050364	Plumerville, city of, Conway	750627
050172	Poinsett County, Poinsett	770607
050473	Polk County*, Polk	771081
050458	Pope County*, Pope	771220
050459	Prairie County*, Prairie	770603
050279	Prattsville, town of, Grant	750425
050280	Quitman, town of, Cleburne	760409
050460	Randolph County*, Randolph	770809
050281	Ravenden Spgs, town of, Randolph	760723
050470	Ravenden, town of, Lawrence	760402
050478	Reader, town of, Ouachita	770603
050040	Rison, city of, Cleveland	740308
050475	Rosston, town of, Nevada	770218
050288	Scranton, town of, Logan	750418
050462	Sebastian County*, Sebastian	770531
050463	Sevier County*, Sevier	771213
050464	Sharp County*, Sharp	770621
050287	Shirley, town of, Van Buren	760813
050290	Sulphur Rock, town of, Independence	750425
050292	Thornton, city of, Calhoun	750725
050205	Union County, Union	771213
050021	Valley Springs, town of, Boone	780718
050296	Viola, town of, Fulton	760409
050212	Washington County, Washington	770510
050374	Wheatley, city of, St. Francis	750919
050467	Whity County*, White	770607
050298	Wickes, town of, Polk	750627
050571	Willisville, town of, Nevada	790313
050299	Wilton, town of, Little River	750411
050077	Winchester, town of, Drew	740830
050469	Yell County*, Yell	771115

Total of 116 communities.

California

Identification	Community name and county	Original hazard date
060017	Butte County*, Butte	740906
060633	Calaveras County*, Calaveras	771129
060040	El Dorado County*, El Dorado	740802
060445	Ferndale, city of, Humboldt	741220
060092	Lassen County, Lassen	780228
060361	Loyalton, city of, Sierra	760604
060634	Mariposa County*, Mariposa	771129
060451	Montague, town of, Siskiyou	760326
060228	Orange, city of, Orange	780328
060239	Placer County*, Placer	770712
060455	Plymouth, city of, Amador	761119
060287	San Benito County*, San Benito	770802
060435	Sand City, city of, Monterey	761203
060058	Selma, city of, Fresno	740524
060401	Trinity County*, Trinity	771213
060411	Tuolumne County*, Tuolumne	780418

Total of 16 communities.

Colorado

Identification	Community name and county	Original hazard date
080229	Aguilar, town of, Las Animas	750711
080148	Boone, town of, Pueblo	740906
080210	Coal Creek, town of, Fremont	750815
080040	Custer County, Custer	780124
080120	Dinosaur, town of, Mofat	740830
080056	Elizabeth, town of, Elbert	740906
080212	Empire, town of, Clear Creek	750502
080073	Fraser, town of, Grand	740906
080131	Ft. Morgan, city of, Morgan	761029
080215	Grand Valley, town of, Garfield	760813
080074	Hot Sulphur Springs, town of, Grand	741122
080207	Iliff, town of, Logan	741227
080057	Kiowa, town of, Elbert	740906
080033	Kit Carson, town of, Cheyenne	741213
080282	Lake County*, Lake	771081
080256	New Castle, town of, Garfield	750725
080127	Nucla, town of, Montrose	740524
080258	Orchard City, city of, Delta	770527
080170	Ovid, town of, Sedgwick	741115
080293	Pitkin, town of, Gunnison	780620
080260	Radcliff, Town, Eagle	750919
080150	Rye, town of, Pueblo	750718
080164	Sagaucha, town of, Saguache	760528
050223	Silt Town Garfield	750725
050200	Silver Plume, town of, Clear Creek	741213
050106	Starkville, town of, Las Animas	740906

Total of 26 communities.

Connecticut

Identification	Community name and county	Original hazard date
090156	Salem, town of, New London	750221
090152	Stafford, town of, Tolland	800725

Total of 2 communities.

Florida

Identification	Community name and county	Original hazard date
120580	Alford, town of, Jackson	790209
120581	Astatula, town of, Lake	790824
120016	Brooker, town of, Suwannee	740830
120126	Campbellton, city of, Jackson	740906
120583	Cottondale, town of, Jackson	781124
120319	Freeport, city of, Walton	761029
120573	Hilliard, town of, Nassau	771223
120586	Inglis, town of, Levy	781229
120390	Lake Wales, city of, Polk	751017
120570	Marineland, town of, Flagler	770708
120591	Mascotte, city of, Lake	790921
120575	McIntosh, town of, Marion	770527
120344	Miconopy, town of, Alachua	760416
120592	Otter Creek, city of, Levy	790817
120571	Painters Hill, town of, Flagler	770805
120612	Palm Shores, town of, Brevard	790831
120593	Raiford, town of, Union	780929
120413	Weeki Wachee, town of, Hernando	760723

Total of 18 communities.

Georgia

Identification	Community name and county	Original hazard date
130195	Aggeville, municipality of, Wilcox	780217
130360	Alley, town of, Montgomery	750404
130394	Andersonville, village of, Sumter	770429
130001	Appling County, Appling	760312
130390	Avalon, town of, Stephens	760416
130270	Baker county*, Baker	750328
130115	Bartow, city of, Jefferson	750822
130309	Bellville, city of, Evans	750718
130491	Blacksherr, city of, Pierce	800201
130179	Blairsville, town of, Union	760611
130362	Bostwick, town of, Morgan	750404
130343	Braselton, city of, Jackson	750418
130268	Brinson, town of, Colquitt	750716
130281	Brooks County, Brooks	780203
130364	Buckhead, town of, Morgan	750711
130323	Buford, city of, Gwinnett	750404
130476	Carlton, town of, Madison	781013
130464	Carroll County*, Carroll	780811
130257	Centralhatchee, town of, Heard	770708
130292	Charlton County, Charlton	760514
130036	Chattooga County, Chatooga	760326
130418	Cleveland, city of, White	750411
130465	Coffee County*, Coffee	780421
130058	Colquitt County, Colquitt	780519
130135	Colquitt, city of, Miller	760723
130169	Coolidge, city of, Thomas	760402
130341	Corinth, town of, Heard	770708
130479	Danielsville, city of, Madison	780915
130304	Dawson County, Dawson	760616
130330	Demorest, town of, Habersham	750404
130446	Dillard, town of, Rabun	760604
130365	Eton, town of, Murray	771125
130359	Forsyth, city of, Monroe	750411
130428	Fort Oglethorpe, city of, Macon	750404
130379	Georgetown, town of, Quitman	780210
130023	Girard, town of, Burke	740906
130419	Glenwood, city of, Wheeler	750404
130096	Grady County, Grady	770617
130325	Grayson, town of, Gwinnett	750711
130456	Guyton, town of, Effingham	770701
130311	Hagan, city of, Evans	750418
130466	Hall County*, Hall	780623
130338	Harris County, Harris	760416
130105	Heard County, Heard	760409
130385	Hiltonia, town of, Screven	750411
130221	Hiram, city of, Paulding	741018
130447	Hivassee, town of, Towns	760611
130291	Homeland, town of, Charlton	750411
130271	Homer, town of, Banks	750418
130481	Ila, city of, Madison	780915
130345	Jackson County, Jackson	760423
130375	Jasper, city, Pickens	750411
130412	Jersey, town of, Walton	760723
130434	Jones County, Jones	770527
130277	Kingston, city of, Bartow	750418
130462	Laurens County*, Laurens	780217
130409	Linwood, town of, Walker	750404
130441	Louisville, city of, Jefferson	750815
130469	Lowndes County*, Lowndes	780505
130354	Lumpkin county, Lumpkin	760402
130470	Madison County*, Madison	780317
130224	Madison, city of, Morgan	750221
130392	Martin, town of, Stephens	750404
130342	McDonough, city of, Henry	750411
130357	McDuffie County*, McDuffie	760326
130421	McIntyre, town of, Wilkinson	750411
130473	Meriwether County*, Meriwether	780714
130134	Miller County, Miller	770610
130438	Mitchell County*, Mitchell	760716
130376	Molena, city of, Pike	750411
130138	Monroe County, Monroe	770401
130139	Montgomery County, Montgomery	760319
130482	Montrose, town of, Laurens	780915
130286	Mount Zion, town of, Carroll	770701
130315	Mountain Park, city of, Fulton	780113
130366	Murray County, Murray	760514
130353	Naylor, town of, Lowndes	750425
130161	Newington, town of, Screven	740906
130483	Nicholls, city of, Coffee	780929
130368	North High Shoals, town of, Oconee	770819
130269	Oak Park, town of, Emanuel	750718
130189	Odum, city of, Wayne	750103
130370	Oglethorpe County, Oglethorpe	760528
130367	Oxford, town of, Newton	750411
130457	Patterson, town of, Pierce	770610
130149	Pickens County, Pickens	761231
130151	Pierce County*, Pierce	760813
130378	Pulaski County, Pulaski	770617
130384	Pulaski, town of, Candler	750404
130327	Rest Haven, city of, Gwinnett	780203
130267	Riverside, town of, Colquitt	750718
130162	Rocky Ford, town of, Screven	740906
130274	Russell, municipality of, Barrow	780721
130363	Rutledge, town of, Morgan	750808
130439	Sale City, town of, Mitchell	750404
130168	Scotland, city of, Telfair	740830
130301	Seonia, city of, Coweta	750404
130382	Shellman, city of, Randolph	760611
130339	Shiloh, city of, Harris	750404
130349	Smithville, city of, Lee	770527
130388	Spalding County*, Spalding	770325
130393	Stewart County, Stewart	760514
130308	Stillmore, town of, Emanuel	750411
130260	Stone Mountain, city of, De Kalb	740512
130486	Summer, town of, Worth	780922
130389	Sunny Side, village of, Spalding	750411
130150	Talking rock, town of, Pickens	770617
130471	Tattnall County*, Tattnall	780818
130487	Taylorsville, city of, Bartow	780929
130288	Temple, town of, Carroll	750411
130400	Terrell County*, Terrell	760716
130381	Tiger, town of, Rabun	750711
130173	Toombs county, Toombs	760319
130422	Toomsboro, town of, Wilkinson	750404
130488	Tri County Industrial City, city of, Gordon	800104
130489	Tunnell Hill, city of, Whitfield	781006
130413	Walnut Grove, town of, Walton	760813
130190	Wheeler county, Wheeler	760430
130191	White County, White	760611
130297	Winterville, city of, Clarke	750411
130196	Worth County, Worth	780602

Total of 121 communities.

Idaho

Identification	Community name and county	Original hazard date
160042	Albion, town of, Cassia	750110
160207	Boundary County*, Boundary	770802
160015	Chatcolet, city of, Benewah	740913
160005	Council, city of, Adams	740503
160163	Craigmont, city of, Lewis	760625
160165	Downey, city of, Bannock	790109
160137	Franklin, city of, Franklin	750905
160061	Fremont, County, Fremont	771206
160241	Grand View, city of, Owyhee	790403
160141	Hauser, city of, kootenai	761008
160228	Jerome County*, Jerome	771025
160224	Leadore, city of, Lemhi	770603
160197	Malta, town of, Cassia	741213
160179	Menan City, Jefferson	760430

Identification	Community name and county	Original hazard date
160045	Oakley, town of, Cassia	741018
160149	Plummer City, Benewah	761029
160168	Preston City, Franklin	750829
160153	St. Charles, city of, Bear Lake	760319
160230	Teton County*, Teton	770913
160231	Twin Falls County*, Twin Falls	780131
	Total of 20 communities.	

Illinois

Identification	Community name and county	Original hazard date
170835	Adeline, village of, Ogle	750711
170941	Altona, village of, Knox	780929
170844	Alvin, village of, Vermilion	750221
170489	Anchor, village of, McLean	741206
170657	Anna, city of, Union	740329
170942	Argenta, village of, Macon	790112
170923	Aviston, village of, Clinton	770520
170742	Avon, village of, Fulton	741018
170321	Batavia, city of, Kane	760910
170845	Belgium, village of, Vermilion	750328
170945	Biggsville, village of, Henderson	780929
170608	Bluffs, village of, Scott	740607
170920	Bluford, village of, Jefferson	770722
170848	Braidwood, city of, Will	750411
170468	Brookport, city of, Massac	740607
170226	Browns, village of, Edwards	741115
170746	Bryant, village of, Fulton	741206
170977	Bull Valley, village of, McHenry	800125
170850	Bureau Junction, village of, Bureau	750328
170471	Bushnell, city of, McDonough	740607
170785	Camargo, village of, Douglas	740405
170491	Carlock, village of, McLean	761203
170250	Carrollton, city of, Greene	740607
170842	Cedarville, village of, Stephenson	750411
170926	Christian County*, Christian	780407
170986	Coles County*, Coles	790717
170939	Crawford County*, Crawford	790105
170987	Cumberland County*, Cumberland	790323
170751	De Soto, village of, Jackson	740405
170647	Deer Creek, village of, Tazewell	740628
170948	Deer Grove, village of, Whiteside	781006
170949	Divernon, village of, Sangamon	780908
170658	Dongola, village of, Union	740308
170950	Earlville, city of, La Salle	781013
170985	Edgar County*, Edgar	790302
170937	Edwards County*, Edwards	781027
170441	Edwardsville, city of, Madison	740405
170227	Effingham County*, Effingham	771223
170849	Elwood, village of, Will	750221
170818	Farmer City, city of, De Witt	750321
170952	Farmington, city of, Fulton	781020
170232	Fayette County, Fayette	780106
170664	Fithian, village of, Vermilion	750801
170991	Ford County*, Ford	790223
170827	Forest City, village of, Mason	750328
170899	Franklin County*, Franklin	780113
170953	Freemanspur, village of, Franklin	781020
170283	Galva, city of, Henry	740614
170261	Gardner, village of, Grundy	800912
170049	Germantown, village of, Clinton	740329
170234	Gibson City, city of, Ford	740329
170885	Golden Gate, village of, Wayne	750627
170954	Gorham, village of, Jackson	790126
170561	Hamletsburg, village of, Pope	760730
170366	Hawthorn Woods, village of, Lake	760730
170570	Hennepin, village of, Putnam	761119
170497	Heyworth, village of, McLean	740614
170956	Hill Crest, village of, ogle	780915
170253	Hillview, village of, Greene	741206
170184	Hinckley, village of, De Kalb	740301
170957	Indianola, village of, Vermilion	790105
170927	Jackson County*, Jackson	780714
170990	Jasper County* Jasper	790727
170305	Jefferson County, Jefferson	770304
170757	Joppa, village of, Massac	731123
170826	Junction City, village of, Marion	750321
170837	Kinderhook, village of, Pike	750321
170457	Lacon, city of, Marshall	731130
170458	Larose, village of, Marshall	741025
170400	La Salle County, La Salle	780526
170409	Lawrence County*, Lawrence	781124
170342	Lisbon, village of, Kendall	741101
170929	Livingston County, Livingston	780331
170794	Livingston, village of, Madison	740322
170959	Mackinaw, village of, Tazewell	781110
170930	Macoupin County*, Macoupin	780106
170765	Maeystown, village of, Monroe	760402
170187	Malta, village of, De Kalb	740607
170549	Mansfield, village of, Piatt	750103
170836	Mapleton, village of, Peoria	750328
170764	Marietta, village of, Fulton	750131
170932	Marion County*, Marion	780324
170650	Marquette Heights, city of, Tazewell	740308
170994	Marshall County*, Marshall	790302
170041	Martinsville, city of, Clark	731123
170684	Maunie, village of, White	740109
170960	Mechanicsburg, village of, Sangamon	790126
170961	Menominee, village of, Jo Daviess	790112
170685	Mill Shoals, village of, White	740719
170611	Moweque, village of, Shelby	790817
170963	Muncie, village of, Vermilion	790223
170767	Nauvoo, city of, Hancock	751010
170853	New Bedford, village of, Bureau	750627
170555	New Canton, town of, Pike	740816
170769	Newman, city of, Douglas	741129
170832	Oakford, village of, Menard	750321
170831	Oakwood Hills, village of, McHenry	750418
170352	Oneida, city of, Knox	740607
170641	Orangeville, village of, Stephenson	740816
170964	Palmer, village of, Christian	781013
170538	Perry County*, Perry	741213
170272	Pontoosuc, village of, Hancock	740116
170975	Prairie Grove, village of, McHenry	790907
170883	Reynolds, village of, Rock Island	750418
170995	Richland County*, Richland	790608
170603	Riverton, village of, Sangamon	731116
170966	Rossville, village of, Vermilion	780908
170800	Russellville, village of, Lawrence	761112
170988	Saline County*, Saline	790601
170933	Shelby County*, Shelby	780224
170969	Sherman, village of, Sangamon	790112
170580	Steeleville, village of, Randolph	760730
170775	St. David, village of, Fulton	741206
170601	St. Francisville, village of, Lawrence	740329
170005	Tamms, village of, Alexander	740510
170778	Thomson, village of, Carroll	751017
170670	Tilton, village of, Vermilion	770114
170828	Topeka, town of, Mason	750321
170972	Troy Grove, village of, La Salle	790126
170973	Vergennes, village of, Jackson	790216
170935	Vermilion County, Vermilion	780421
170938	Wabash County*, Wabash	781103
170455	Warnac, city of, Washington	740628
170974	Watson, village of, Effingham	790202
170665	Wayne, village of, Du Page	750815
170355	Williamsfield, village of, Knox	761203
170934	Williamson County*, Williamson	780331
170615	Wyoming, city of, Stark	780910
170240	Zeigler, city of, Franklin	770225
	Total of 129 communities.	

Indiana

Identification	Community name and county	Original hazard date
180031	Alton, town of, Crawford	740123
180303	Amboy, town of, Miami	741129
180097	Andrews, town of, Huntington	740607
180273	Boonville, city of, Warrick	731228
180258	Cayuga, town of, Vermillion	740531
180408	Clay County*, Clay	771125
180451	Country Club Heights, town of, Madison	790518
180433	Daviess County*, Daviess	780505
180054	Dubois County*, Dubois	741213
180106	Dupont, town of, Jefferson	741129
180366	Francisco, town of, Gibson	750321
180434	Gibson County*, Gibson	780428
180435	Grant County*, Grant	780519
180436	Greene County*, Greene	780721
180080	Hamilton County*, Hamilton	741213
180327	Hazleton, town of, Gibson	731123
180437	Henry County*, Henry	780127
180439	Jasper County*, Jasper	780512
180440	Jay County*, Jay	780106
180108	Jennings County*, Jennings	741213
180193	Judson, town of, Parke	731217
180090	Knightstown, town of, Henry	731130
180172	Ladoga, town of, Montgomery	740524
180125	Lagrange County, Lagrange	770701
180441	Lawrence County* Lawrence	780929
180035	Leavanworth, town of, Crawford	731130
180456	Linton, city of, Greene	790525
180398	Little York, town of, Washington	750321
180442	Madison County*, Madison	780623
180458	Markleville, town of, Madison	790105
180459	Mentone, town of, Kosciusko	790717
180413	Merom, town of, Sullivan	770610
180460	Middleburg, town of, Elkhart	790907
180382	Milford, town of, Kosciusko	750321
180445	Montgomery County*, Montgomery	781013
180462	Napoleon, town of, Ripley	790921
180463	New Pekin, town of, Washington	790309
180337	Newberry, town of, Greene	740201
180250	Orland, town of, Steuben	740531
180192	Parke County*, Parke	741220
180340	Patoka, Town of, Gibson	731123
180467	Pennville, town of, Jay	790420
180473	Pike County*, Pike	790615
180388	Pines, town of, Porter	750321
180464	Providence, town of, Clark	800418
180213	Putnam County, Putnam	750103
180096	Rosnoke, town of, Huntington	731228
180345	Salamonia, town of, Jay	761022
180346	Spring Lake Park, town of, Hancock	740201
180240	Starke County, Starke	770902
180410	Sullivan County, Sullivan	790323
180349	Sulphur Springs, town of, Henry	740201
180350	Tennyson, town of, Warrick	740201
180411	Union County, Union	770304
180449	Vermilion County*, Vermillion	781124
180448	Warren County*, Warren	781110
180446	Washington County*, Washington	780421
180175	Waynetown, town of, Montgomery	740531
180471	Woodlawn, town of, Madison	790126
	Total of 59 communities.	

Iowa

Identification	Community name and county	Original hazard date
190366	Ackley, city of, Franklin	760716
190525	Ainsworth, city of, Washington	750919
190542	Albion, city of, Marshall	760423
190138	Alden, city of, Hardin	740621
190005	Allamakee County, Allamakee	770603
190335	Aplington, city of, Butler	760625
190092	Arion, city of, Crawford	740906
190217	Ashton, city of, Osceola	750711
190700	Bagley, city of, Guthrie	760813
190528	Barnum, city of, Webster	761105
190423	Battle Creek, city of, Ida	750926
190452	Beacon, city of, Mahaska	750919
190322	Beaver, city of, Boone	761029
190303	Belmond, city of, Wright	740503
190645	Benton County*, Benton	770524
190438	Bertram, city of, Linn	760702
190320	Blairstown, city of, Benton	750919
190517	Blockton, city of, Taylor	750926
190646	Boone County*, Boone	780509
190420	Bradgate, city of, Humboldt	760625
190328	Brandon, city of, Buchanan	761029
190476	Bruneville, city of, Plymouth	760702
190648	Buchanan County*, Buchanan	770607
190093	Buck Grove, city of, Crawford	741129
190649	Buena Vista County*, Buena Vista	771115
190650	Butler County*, Butler	770906
190001	Carbon, city of, Adams	760625
190462	Castana, city of, Monona	750829
190653	Cerro Gordo County*, Cerro Gordo	770607
190509	Chatsworth, city of, Sioux	760813
190654	Cherokee County*, Cherokee	770506
190655	Chickasaw County*, Chickasaw	770524
190269	Chillicothe, city of, Wapello	741108
190395	Churdan, city of, Greene	750829
190336	Clarksville, city of, Butler	800610
190657	Clay County*, Clay	770607
190201	Clemons, city of, Marshall	761105
190374	Clermont, city of, Fayette	761105
190401	Conrad, city of, Grundy	760416
190518	Conway, city of, Taylor	760702
190407	Corwith, city of, Hancock	761022
190388	Coulter, city of, Franklin	760813
190519	Cromwell, city of, Union	760625
190345	Cumberland, city of, Cass	761029
190421	Dakota City, city of, Humboldt	741108
190660	Dallas County*, Dallas	771025
190109	Davis City, city of, Decatur	750718
190358	Dawson, city of, Dallas	760813
190565	Dayton, city of, Webster	761105
190532	Decorah, city of, Winneshiek	761210
190663	Delaware County*, Delaware	800722
190566	Delhi, city of, Delaware	760319
190113	Des Moines County, Des Moines	770517
190501	Diagonal, city of, Ringgold	750829
190664	Dickinson County*, Dickinson	770510
190505	Donahue, city of, Scott	760319
190305	Dows, city of, Wright	740621
190572	Early, city of, Sac	761029
190574	Eldridge, city of, Scott	760806
190440	Ely, city of, Linn	760730
190730	Farnhamville, city of, Calhoun	760326
190866	Fayette County*, Fayette	770816
190437	Fenton, city of, Kossuth	750919
190457	Ferguson, city of, Marshall	750926
190127	Floyd County, Floyd	770603
190382	Floyd, city of, Floyd	760319
190483	Fonda, city of, Pocahontas	760730
190667	Franklin County*, Franklin	790522
190324	Fraser, city of, Boone	760730
190027	Frederika, city of, Bremer	741122
190308	Fredonia, city of, Louisa	750214
190321	Garrison, city of, Benton	750808
190924	Gillett Grove, town of, Clay	790410
190584	Goldfield, city of, Wright	760625
190486	Grant, city of, Montgomery	761119
190318	Gray, city of, Audubon	770719
190159	Green Island, city of, Jackson	741025
190669	Greene County*, Greene	770614
190228	Grimes, city of, Polk	760305
190403	Grundy Center, city of, Grundy	760702
190497	Guernsey, city of, Poweshiek	760430
190871	Guthrie County*, Guthrie	770623
190873	Hancock County*, Hancock	770906
190236	Hancock, city of, Pottawattamie	740830
190833	Hanlontown, city of, Worth	760604

Identification	Community name and county	Original hazard date
190316	Harpers Ferry, city of, Allamakee	761029
190589	Hartford, city of, Warren	760319
190455	Harvey, city of, Marion	760319
190204	Hastings, city of, Mills	750919
190484	Havelock, city of, Pocahontas	760319
190330	Hazelton, city of, Buchanan	760528
190364	Hopkinton, city of, Delaware	761029
190411	Hubbard, city of, Hardin	760702
190391	Imogene, city of, Fremont	761029
190878	Iowa County*, Iowa	770816
190533	Jackson Jct., city of, Winneshiek	760625
190744	Jamaica, city of, Guthrie	760813
190023	Janesville, city of, Black Hawk	731228
190880	Jasper County*, Jasper	770603
190600	Jewell, city of, Hamilton	760813
190408	Kanawha, city of, Hancock	761029
190883	Keokuk County*, Keokuk	770823
190436	Kinross, city of, Keokuk	760813
190884	Kossuth County*, Kossuth	770621
190425	Ladora, city of, Iowa	750919
190331	Lamont, city of, Buchanan	750912
190006	Lansing, city of, Allamakee	771122
190389	Latimer, city of, Franklin	760326
190311	Letts, city of, Louisa	741227
190032	Linn Grove, city of, Buena Vista	740816
190608	Livermore, city of, Humboldt	761029
190768	Luverne, city of, Kossuth	750919
190886	Lyon County*, Lyon	770531
190772	Macedonia, city of, Pottawattamie	761210
190887	Madison County*, Madison	780117
190888	Mahaska County*, Mahaska	770607
190498	Malcom, city of, Poweshiek	750919
190834	Manly, city of, Worth	760709
190383	Marble Rock, city of, Floyd	760730
190889	Marion County*, Marion	771018
190348	Marne, city of, Cass	761029
190890	Marshall County*, Marshall	770603
190524	Martensdale, city of, Warren	760416
190456	Marysville, city of, Marion	760702
190365	Masonville, city of, Delaware	760813
190349	Massena, city of, Cass	760521
190512	Maurice, city of, Sioux	760319
190458	McIntire, city of, Mitchell	750926
190478	Merrill, city of, Plymouth	760702
190779	Miles, city of, Jackson	761119
190891	Mills County*, Mills	771018
190781	Minden, city of, Pottawattamie	761029
190166	Mingo, city of, Jasper	750905
190892	Mitchell County*, Mitchell	770607
190459	Mitchell, city of, Mitchell	761105
190161	Monmouth, city of, Jackson	750117
190782	Montour, city of, Tama	750905
190784	Moorland, city of, Webster	761029
190523	Mt. Sterling, city of, Van Buren	760813
190493	Neola, city of, Pottawattamie	750919
190082	North Buenavista, city of, Clayton	741018
190632	Norway, city of, Benton	750926
190294	Oto, city of, Woodbury	740913
190172	Oxford, city of, Johnson	740510
190479	Oyens, city of, Plymouth	760716
190898	Palo Alto County*, Palo Alto	770517
190506	Panorama Park, city of, Scott	761210
190405	Panora, city of, Guthrie	760806
190337	Parkersburg, city of, Butler	760702
190397	Paton, city of, Greene	750919
190326	Pilot Mound, city of, Boone	761105
190151	Pisgah, city of, Harrison	741206
190489	Pleasant Hill, city of, Polk	770204
190638	Pleasantville, city of, Marion	760326
190061	Plymouth, city of, Cerro Gordo	741108
190486	Pocahontas, city of, Pocahontas	760730
190341	Pomeroy, city of, Calhoun	761217
190232	Pottawattamie County, Pottawattamie	771206
190004	Prescott, city of, Adams	761105
190431	Preston, city of, Jackson	750919
190392	Randolph, city of, Fremont	760319
190167	Reasnor, city of, Jasper	741101
190646	Reinbeck, city of, Grundy	761210
190480	Remsen, city of, Plymouth	760319
190418	Riceville, city of, Howard	760319
190100	Ricketts, city of, Crawford	741122
190342	Rinard, city of, Calhoun	761029
190393	Riverton, city of, Fremont	760813
190351	Rock Falls, city of, Cerro Gordo	770114
190352	Rockwell, city of, Cerro Gordo	760326
190513	Roland, city of, Story	770325
190414	Rome, city of, Henry	760709
190799	Royal, city of, Clay	761029
190385	Rudd, city of, Floyd	760423
190800	Runnells, city of, Polk	750919
190422	Rutland, city of, Humboldt	761105
190801	Ryan, city of, Delaware	760326
190531	Scarville, city of, Winnebago	760702
190652	Schaller, city of, Sac	761105
190499	Searsboro, city of, Poweshiek	761029
190521	Shannon City, city of, Ringgold	760813
190132	Sheffield, city of, Franklin	740628
190338	Shell Rock, city of, Butler	761217
190319	Shellsburg, city of, Benton	761029
190906	Sioux County*, Sioux	771025
190805	Soldier, city of, Monona	760813
190432	Solon, city of, Johnson	760813
190344	Somers, city of, Calhoun	761029
190285	Spillville, city of, Winneshiek	761029
190444	Springville, city of, Linn	770401
190461	Stacyville, city of, Mitchell	760326
190333	Stanley, city of, Buchanan	760625
190141	Steamboat Rock, city of, Hardin	750103
190469	Stockton, city of, Muscatine	761119
190810	Swisher, city of, Johnson	760813
190666	Thompson, city of, Winnebago	750919
190813	Thor, town of, Humboldt	770913
190667	Toledo, city of, Tama	750912
190616	Treynor, city of, Pottawattamie	760326
190671	University Park, town of, Mahaska	760319
190464	Ute, city of, Monona	760319
190362	Van Meter, city of, Dallas	750926
190674	Ventura, city of, Cerro Gordo	761105
190468	Villisica, city of, Montgomery	760813
190380	Wadena, city of, Fayette	760813
190675	Walcott, city of, Muscatine	760709
190820	Walford, city of, Benton	760813
190445	Walker, city of, Linn	761029
190911	Wapello, County*, Wapello	771025
190912	Warren, County*, Warren	780207
190317	Waterville, city of, Allamakee	760416
190381	Waucoma, city of, Fayette	760730
190276	Wellman, city of, Washington	760430
190680	Wellsburg, city of, Grundy	761008
190482	Westfield, city of, Plymouth	760813
190823	Westgate, city of, Fayette	761029
190090	Wheatland, city of, Clinton	740628
190684	Whiting, city of, Monona	760702
190686	Wilton, city of, Muscatine	761022
190915	Winnebago County*, Winnebago	770726
190350	Wiota, city of, Cass	760625
190410	Woden, city of, Hancock	760430
190070	Woodburn, city of, Clarke	741220
190827	Woolstock, city of, Wright	760625
190474	Yorktown, city of, Page	761008
190371	Zwingle, city of, Dubuque	761105

Total of, 226 communities.

Kansas

Identification	Community name and county	Original hazard date
200380	Alta Vista, city of, Wabaunsee	760319
200381	Alton, city of, Osborne	760319
200382	Altoona, city of, Wilson	760730
200569	Anderson County*, Anderson	771213
200384	Arcadia, city of, Crawford	750815
200464	Arlington, city of, Reno	750926
200009	Atchison, County, Atchison	770531
200387	Axtell, city of, Marshall	760326
200388	Barnes, city of, Washington	750822
200389	Beattie, city of, Marshall	750829
200467	Bennington, city of, Ottawa	760326
200469	Bird City, city of, Cheyenne	760730
200391	Bison, city of, Rush	750829
200470	Blue Rapids, city of, Marshall	760326
200022	Bourbon County, Bourbon	771025
200392	Brewster, city of, Thomas	760716
200393	Bronson, city of, Bourbon	750718
200026	Brown County, Brown	770517
200396	Burdett, city of, Pawnee	760326
200249	Burlingame, city of, Osage	761224
200397	Burns, city of, Marion	760326
200474	Caldwell, city of, Sumner	750919
200478	Cheney, city of, Sedgwick	760326
200044	Cherokee County, Cherokee	770510
200479	Cherokee, city of, Crawford	760326
200246	Clayton, city of, Decatur	800102
200058	Cloud County, Cloud	770823
200062	Coffey County, Coffey	770823
200004	Colony, city of, Anderson	741220
200486	Cottonwood Falls, city of, Chase	760326
200399	Courtland, city of, Republic	760521
200403	Dearing, city of, Montgomery	750725
200674	Decatur County*, Decatur	800212
200405	Dorrance, city of, Russell	760813
200490	Downs, city of, Osborne	761126
200235	Dunlap, city of, Morris	750103
200406	Dwight, city of, Morris	750919
200491	Eastborough, city of, Sedgwick	750919
200408	Elk City, city of, Montgomery	761029
200236	Elkhart, city of, Morton	740524
200271	Emmett, city of, Pottawatomie	741220
200050	Englewood, city of, Clark	760716
200409	Ensign, city of, Gray	760326
200410	Esbon, city of, Jewell	750829
200493	Eskridge, city of, Wabaunsee	750822
200099	Finney County, Finney	780228
200411	Ford, city of, Ford	760326
200495	Fowler, city of, Meade	760730
200024	Fulton, city of, Bourbon	750110
200412	Garfield, city of, Pawnee	760604
200342	Gaylord, city of, Smith	741227
200413	Geneseo, city of, Rice	760423
200414	Geuda Springs, city of, Cowley	750912
200227	Glen Elder, city of, Michell	741227
200206	Goessel, city of, Marion	741122
200239	Goff, city of, Nemaha	741108
200006	Greeley, city of, Anderson	741122
200418	Grenola, city of, Elk	750926
200064	Gridley, city of, Coffey	741122
200355	Haddam, city of, Washington	741227
200029	Hamlin, city of, Brown	750919
200421	Hardtner, city of, Barber	750815
200125	Harper County, Harper	800701
200504	Haviland, city of, Kiowa	750822
200081	Highland, city of, Doniphan	760423
200508	Hoxie, city of, Sheridan	760618
200118	Ingalls, city of, Gray	741220
200619	Jackson County*, Jackson	770531
200426	Jamestown, city of, Cloud	760430
200147	Jefferson County, Jefferson	770816
200512	Kensington, city of, Smith	750822
200007	Kincaid, city of, Anderson	741122
200329	Kismet, city of, Seward	741122
200196	La Cygne, city of, Linn	740315
200103	Lane, city of, Franklin	741227
200065	Lebo, city of, Coffey	760423
200247	Lenora, city of, Norton	761119
200517	Leoti, city of, Wichita	761105
200066	Leroy, city of, Coffey	731228
200518	Lewis, city of, Edwards	760326
200431	Linn, city of, Washington	750905
200519	Lucas, city of, Russell	760702
200433	Luray, city of, Russell	760702
200520	Maize, city of, Sedgwick	761029
200593	Marion County*, Marion	780822
200310	Mccracken, city of, Rush	741122
200437	Melvern, city of, Osage	760730
200220	Miami County, Miami	770607
200537	Miltonvale, city of, Cloud	760507
200538	Minneapolis, city of, Ottawa	760806
200595	Montgomery County*, Montgomery	771018
200540	Moran, city of, Llen	760326
200055	Morganville, city of, Clay	741220
200116	Morland city of, Graham	770311
200032	Morrill, city of, Brown	741122
200356	Morrowville, city of, Washington	741206
200197	Mound City, city of, Linn	740301
200440	Multinville, city of, Kiowa	750829
200014	Muscotah, city of, Atchison	741122
200598	Neosho County*, Neosho	741122
200360	Neosho Falls, city of, Woodson	750131
200204	Neosho Rapids, city of, Lyon	750103
200543	Oakley, city of, Logan	760702
200444	Olpe, city of, Lyon	750926
200544	Onaga, city of, Pottawatomie	760813
200601	Osage County*, Osage	770809
200545	Oswego, city of, Labette	750919
200547	Oxford, city of, Sumner	750808
200357	Palmer, city of, Washington	741220
200198	Parker, city of, Linn	750207
200446	Partridge, city of, Reno	76217
200447	Peru, city of, Chautauqua	750926
200199	Pleasanton, city of, Linn	760702
200105	Pomona, city of, Franklin	740208
200200	Prescott, city of, Linn	760423
200449	Preston, city of, Pratt	761029
200106	Princeton, city of, Franklin	760528
200550	Protection, city of, Comanche	760702
200522	Quinter, city of, Gove	761224
200450	Ransom, city of, Ness	761112
200279	Rawlins County*, Rawlins	800219
200288	Republic, city of, Republic	71206
200453	Rolla, city of, Morton	760326
200315	Russell, city of, Russell	740208
200455	Scammon, city of, Cherokee	750919
200097	Schoenchen, city of, Ellis	750117
200528	Sedan, city of, Chautauqua	750822
200457	Severy, city of, Greenwood	750926
200606	Seward County*, Seward	770913
200458	Sharon, city of, Barber	750622
200459	South Haven, city of, Sumner	750919
200531	Spearville, city of, Ford	750919
200524	St. Francis, city of, Cheyenne	750919
200274	St. George, city of, Pottawatomie	750103
200460	Summerfield, city of, Marshall	760702
200365	Thayer, city of, Neosho	760702
200367	Toronto, city of, Woodson	750919
200368	Treece, city of, Cherokee	760326
200370	Tyro, city of, Montgomery	750725
200551	Ulysses, city of, Grant	761105
200556	Waterville, city of, Marshall	750829
200557	Weir, city of, Cherokee	750919
200558	West Plains, city of, Meade	760618
200008	Westphalia, city of, Anderson	741220
200617	Wilson County*, Wilson	770607
200379	Woodston, City of, Rooks	750926

Identification	Community name and county	Original hazard date
	Total of, 146 communities.	
	Kentucky	
210353	Adairville, city of, Logan	780908
210267	Allen County, Allen	770624
210268	Ballard County, Ballard	770408
210834	Barren County, Barren	770819
210008	Bath County, Bath	770401
210106	Berry, city of, Harrison	740816
210187	Booneville, city of, Owsl3y	740201
210021	Bracken County, Bracken	770510
210161	Bradfordsville, city of, Marion	740510
210025	Breckinridge County, Breckinridge	771021
210201	Brodhead, city of, Rockcastle	740517
210236	Brownsville, city of, Edmonson	761008
210273	Bullitt County, Bullitt	770520
210354	Cadiz, city of, Trigg	780929
210313	Calloway County, Calloway	771202
210042	Carlisle County, Carlisle	741018
210045	Carroll County, Carroll	770225
210053	Casey County, Casey	741213
210355	Cederville, city of, Pike	780929
210277	Christian County, Christian	770624
210057	Clay County, Clay	741227
210327	Clinton County, Clinton	770715
210254	Crittenden County, Crittenden	771223
210060	Cumberland County, Cumberland	750103
210317	Dexter, city of, Calloway	761001
210038	Fort Thomas, city of, Campbell	740125
210272	Foster, city of, Bracken	750801
210336	Fulton County, Fulton	771223
210281	Gallatin County, Gallatin	760903
210081	Garrard County, Garrard	741018
210251	Gilbertsville, city of, Marshall	750725
210078	Glencoe, city of, Gallatin	740201
210282	Graves County, Graves	771104
210330	Grayson County, Grayson	771125
210303	Hardin, city of, Marshall	740614
210329	Harrison County, Harrison	770826
210257	Hart County, Hart	770708
210357	Hartford, city of, Ohio	780915
210286	Henderson County, Henderson	770624
210338	Hickman County, Hickman	780303
210112	Hopkins County, Hopkins	741018
210358	Jeffersonville, city of, Montgomery	780908
210134	Laurel County, Laurel	741227
210085	Leitchfield, town of Grayson	740510
210324	Leslie County, Leslie	770729
210289	Letcher County, Letcher	770902
210341	Logan County, Logan	770909
210342	Madison County, Madison	770826
210160	Marion County, Marion	770610
210252	Marshall County, Marshall	780317
210259	Mason County, Mason	761231
210343	McCreary County, McCreary	771125
210233	McHenry, town of Ohio	741025
210169	Meade County, Meade	770513
210328	Montgomery County, Montgomery	771021
210293	Muhlenberg County, Muhlenberg	770513
210183	Ohio County, Ohio	771202
210186	Owen County, Owen	741018
210296	Owsley County, Owsley	770617
210297	Pendleton County, Pendleton	760730
210197	Pulaski County, Pulaski	770722
210200	Robertson County, Robertson	770325
210245	Rockport, town of Ohio	740201
210205	Russell County, Russell	770715
210260	Sadieville, city of, Scott	750103
210209	Shelby County, Shelby	741018
210294	South Carrollton, city of, Muhlenberg	750725
210276	Southgate, city of, Campbell	750801
210320	St. Charles, town of Hopkins	760813
210212	Taylor County, Taylor	741018
210315	Trigg County, Trigg	770826
210300	Trimble County, Trimble	770114
210218	Uniontown, town of Union	740517
210270	Union, town of Boone	750801
210231	Versailles, city of, Woodford	770729
210096	Vine Grove, city of, Hardin	740517
210348	Wayne County, Wayne	780106
210248	Wheat Croft, town of Webster	740215
210307	Winston Park, town of Kenyon	740123
	Total of 79 communities.	
	Louisiana	
220114	Albany, village of, Livington Parish	740412
220231	Angie, village of, Washington Parish	750103
220354	Athens, village of, Claiborne Parish	750221
220374	Belcher, village of, Caddo Parish	780627
220316	Bonita, village of, Morehouse Parish	750822
220319	Chatham town, Jackson Parish	750919
220329	Clarks, village of, Caldwell Parish	750815
220323	Dubach, town, Lincoln Parish	770401
220324	Elizabeth town, Allen Parish	750725
220326	Florien, village of, Sabine Parish	750725
220117	French Settlement, village of, Livingston Parish	741025
220331	Hodge, village of, Jackson Parish	750711
220332	Hornbeck, village of, Vernon Parish	750815
220334	Jena town, La Salle Parish	761224
220335	Junction city, village of, Claiborne Parish	750718
220390	Lillie, village of, Union Parish	790403
220368	Lincoln Parish*, Lincoln Parish	771129
220338	Logansport town, De Soto Parish	750815
220339	Mooringsport town, Caddo Parish	760625
220367	Morehouse Parish*, Morehouse Parish	780805
220340	New LLano, village of, Vernon Parish	760409
220307	Reeves, village of, Allen Parish	750815
220368	Sabine Parish*, Sabine Parish	780124
220309	Saline, village of, Bienville Parish	760625
220259	Slaughter, town of East Feliciana Parish	750919
220205	Sun, village of, St. Tammany Parish	740830
220069	Turkey Creek, village of, Evangeline Parish	740803
220397	Urania, town of Lasalle Parish	790403
220234	Varnado, village of, Washington Parish	741025
220228	Vernon Parish, Vernon Parish	770726
	Total of 30 communities.	
	Maine	
230083	Aina, town of, Lincoln	750103
230272	Amherst, town of, Hancock	750124
230345	Avon, town of, Franklin	770114
230252	Belmont, town of, Waldo	750314
230144	Berwirk, town of, York	740809
230913	Bowdoin, town of, Sagadahoc	761217
230275	Brooklin, town of, Hancock	761224
230374	Burlington, town of, Penobscot	750207
230375	Carmel, town of, Penobscot	750228
230376	Charleston, town of, Penobscot	750221
230437	Charlotte, town of, Washington	761217
230378	Clifton, town of, Penobscot	750207
230307	Columbia, town of, Washington	750214
230380	Corinth, town of, Penobscot	750221
230309	Crawford, town of, Washington	750117
230148	Dayton, town of, York	740628
230279	Dedham, town of, Hancock	750418
230313	East Machias, town of, Washington	770211
230217	Edgecomb, town of, Lincoln	750103
230237	Fayette, town of, Kennebec	740129
230166	Gilead, town of, Oxford	750207
230388	Greenfield, town of, Penobscot	750221
230425	Hersey, town of, Aroostook	741220
230315	Jonesboro, town of, Washington	750214
230393	Lagrange, town of, Penobscot	750228
230912	Le Vante, town of, Penobscot	770429
230193	Lebanon, town of, York	750207
230428	Littleton, town of, Aroostook	750321
230395	Lowell, town of, Penobscot	750221
230429	Ludlow, town of, Aroostook	750221
230286	Mariaville, town of, Hancock	750314
230261	Montville, town of, Waldo	750221
230363	Moose River, town of, Somerset	750117
230218	New Castle, town of, Lincoln	750221
230318	Northfield, town of, Washington	750214
230180	Orrington, town of, Penobscot	750207
230289	Otis, town of, Hancock	750418
230412	Parkman, town of, Piscataquis	750214
230143	Pembroke, town of, Washington	741018
230030	Perham, town of, Aroostook	750418
230399	Plymouth, town of, Penobscot	770429
230264	Prospect, town of, Waldo	750214
230415	Shipley, town of, Piscataquis	750124
230400	Springfield, town of, Penobscot	750124
230323	Steuben, town of, Washington	750221
230035	Stockholm, town of, Aroostook	750110
230914	Talmadge, town of, Washington	761217
230324	Topsfield, town of, Washington	750314
230248	Vassalborough, town of, Kennebec	750207
230300	Verona, town of, Hancock	761126
230439	Wales, town of, Androscoggin	750221
230062	Washington, town of, Knox	740906
230039	Weston, town of, Aroostook	750221
230222	Westport, town of, Lincoln	750103
230087	Whitefield, town of, Lincoln	740726
230329	Whitneyville, town of, Washington	770607
230404	Winn, town of, Penobscot	750124
230223	Wiscasset, town of, Lincoln	770524
	Total of 58 communities.	
	Maryland	
240102	Deer Park, town of, Garrett	741108
240106	Galestown, town of, Dorchester	750711
240124	Smithburg, town of, Washington	770114
240082	Willards, town of, Wicomico	770121
	Total of 4 communities.	
	Massachusetts	
250178	Ashby, town of, Middlesex	770429
250134	Blandford, town of, Hampden	740726
250135	Brimfield, town of, Hampden	740719
250136	Chester, town of, Hampden	740719
250068	Chilmark, town of, Dukes	741206
250191	Dunstable, town of, Middlesex	741129
250160	Easthampton, town of, Hampshire	740621
250023	Florida, town of, Berkshire	761112
250139	Granville, town of, Hampden	740630
250084	Hamilton, town of, Essex	761126
250311	Hubbardston, town of, Worcester	740906
250121	Leyden, town of, Franklin	750207
250146	Montgomery, town of, Hampden	741122
250032	New Ashford, town of, Berkshire	741122
250324	Oakham, town of, Worcester	740802
250168	Pelham, town of, Hampshire	740628
250036	Peru, town of, Berkshire	741101
250169	Plainfield, town of, Hampshire	741101
250126	Rowe, town of, Franklin	760820
250101	Rowley, town of, Essex	740726
250128	Shutesbury, town of, Franklin	750221
250151	Tolland, town of, Hampden	750404
250043	Tyringham, town of, Berkshire	741129
250130	Warwick, town of, Franklin	750124
250044	Washington, town of, Berkshire	741101
250131	Wendell, town of, Franklin	750117
250047	Windsor, town of, Berkshire	741122
	Total of 27 communities.	
	Michigan	
260342	Autrain, township of, Alger	770325
260210	Bangor, township of, Van Buren	750110
260352	Baraga, township of, Baraga	780526
260551	Baraga, village of, Baraga	751031
260583	Barrytown, village of, Mecosta	770520
260374	Bay Mills, township of, Chippewa	770617
260357	Beaver, township of, Bay	770605
260192	Berlin, township of, St. Clair	740823
260465	Big Prairie, township of, Newaygo	770114
260027	Blaine, township of, Benzie	740920
260430	Boardman, township of, Kalaska	770805
260371	Boyne Falls, village of, Charlevoix	761022
260530	Breedsville, village of, Van Buren	750926
260390	Brietung, township of, Dickinson	770311
260505	Brockway, township of, St. Clair	751024
260335	Brooklyn, village of, Jackson	761008
260375	Bruce, township of, Chippewa	770603
260555	Buchanan, township of, Berrien	761008
260601	Byron, village of, Shiawassee	750919
260597	Caro, village of, Tuscola	751024
260506	Casco, township of, St. Clair	770304
260677	Caseville, village of, Huron	770605
260659	Cedarville, township of, Menominee	780526
260599	Chelsea, village of, Washtenaw	751003
260500	Chesaning, township of, Saginaw	761008
260591	Chesaning, village of, Saginaw	770311
260482	Claybanks, township of, Oceana	761126
260579	Clifford, village of, Lapeer	751024
260437	Clinton, village of, Lenawee	750418
260195	Clyde, township of, St. Clair	740726
260433	Columbiaville, village of, Lapeer	750711
260531	Columbia, township of, Van Buren	750905
260491	Coopersville, village of, Ottawa	750926
260468	Croton, township of, Newaygo	780310
260454	Custer, village of, Mason	750928
260350	Deep River, township of, Arenac	770624
260434	Deerfield, township of, Lapeer	770513
260600	Dexter, village of, Washtenaw	751017
260553	Elberta, village of, Benzie	750919
260349	Ellsworth, village of, Antrim	750411
260449	Ely, township of, Marquette	770520
260327	Evart, city of, Osceola	750425
260516	Evergreen, township of, Sanilac	781022
260586	Exeter, township of, Monroe	751003
260405	Fife Lake, township of, Grand Traverse	770114
260406	Fife Lake, village of, Grand Traverse	750711
260062	Ford River, Twp., Delta	761203
260373	Forest, township of, Cheboygan	770304
260450	Forsyth, township of, Marquette	770325
260657	Fraser, township of, Bay	780526
260576	Galesburg, city of, Kalamazoo	751024
260360	Gilead, township of, Branch	761126
260525	Gilford, township of, Tuscola	750919
260440	Green Oak, township of, Livingston	770527
260570	Harbor Beach, city of, Huron	760130
260532	Hartford, city of, Van Buren	750711
260347	Heath, township of, Allegan	750822
260489	Hersey, village of, Osceola	750711
260495	Hesperia, village of, Oceana	750711
260137	Hinton, township of, Mecosta	740906
260462	Holland, township of, Missaukee	750801
260474	Holly, township of, Oakland	770624
260457	Holmes, township of, Menominee	770401
260568	Houghton, city of, Houghton	770610
260365	Howard, township of, Cass	770218
260418	Hubbardston, village of, Ionia	750926
260493	Hudsonville, city of, Ottawa	750905

Identification	Community name and county	Original hazard date
260545	Huron, township of, Wayne	780630
260415	Huron, township of, Huron	761105
260475	Independence, township of, Oakland	770513
260526	Indianfields, township of, Tuscola	770304
260660	Ingallston, township of, Menominee	780217
260354	Irving, township of, Barry	770415
260133	Ishpeming, city of, Marquette	761112
260408	Jonesville, village of, Hillsdale	750926
260463	Lakeview, village of, Montcalm	750711
260496	Lake, township of, Roscommon	761126
260435	Lapeer, township of, Lapeer	770415
260533	Lawton, village of, Van Buren	750926
260014	Lincoln, township of, Arenac	740614
260398	Linden, village of, Genessee	750926
260715	Lockport, township of, St. Joseph	781103
260149	London, township of, Monroe	760820
260353	L'Anse, township of, Baraga	780224
260675	Mackinaw, village of, Cheboygan	770812
260348	Manlius, township of, Allegan	761126
260609	Marathon, township of, Lapeer	751024
260367	Marcellus, township of, Cass	761126
260328	Marion, village of, Osceola	750425
260687	Masonville, township of, Delta	780120
260436	Mayfield, township of, Lapeer	780519
260487	McMillan, township of, Ontonagon	751003
260584	Mecosta, village of, Mecosta	751010
260513	Mendon, township of, St. Joseph	770325
260702	Menominee, township of, Menominee	780815
260486	Mills, township of, Ogemaw	750725
260356	Monitor, township of, Bay	750725
260517	Moore, township of, Sanilac	770527
260443	Moran, township of, Mackinac	770325
260521	New Haven, township of, Shiawassee	750725
260340	Newaygo, city of, Newaygo	750912
260338	North Branch, village of, Lapeer	750912
260420	North Plains, township of, Ionia	770617
260424	Norvell, township of, Jackson	781105
260332	Norway, city of, Dickinson	750711
260476	Oakland, township of, Oakland	770401
260502	Oakley, village of, Saginaw	750926
260413	Osceola, township of, Houghton	750926
260362	Ovid, township of, Branch	761105
260376	Pickford, township of, Chippewa	770520
260704	Pinckney, village of, Livingston	770619
260534	Pine Grove, township of, Van Buren	750725
260368	Pokagon, township of, Cass	770527
260618	Port Austin, village of, Huron	760130
260672	Port Huron, township of, St. Clair	761029
260460	Powers, village of, Menominee	750711
260464	Ravenna, village of, Muskegon	750926
260410	Reading, township of, Hillsdale	771028
260453	Republic, township of, Marquette	780512
260402	Richfield, township of, Genesee	750711
260422	Rolland, township of, Isabella	770304
260497	Roscommon, township of, Roscommon	770318
260377	Rudyard, township of, Chippewa	761015
260537	Scio, township of, Washtenaw	761126
260538	Sharon, township of, Washtenaw	761015
260378	Soo, township of, Chippewa	761126
260557	Stevensville, village of, Berrien	750926
260444	St. Ignace, township of, Mackinac	770729
260379	Sugar Island, township of, Chippewa	770617
260540	Superior, township of, Washtenaw	770617
260380	Superior, township of, Chippewa	770617
260683	Thetford, township of, Genesee	780210
260708	Torch Lake, township of, Houghton	770812
260351	Turner, township of, Arenac	750718
260550	Turner, village of, Arenac	770304
260527	Tuscola, township of, Tuscola	770304
260546	Van Buren, township of, Wayne	770408
260524	Vernon, village of, Shiawassee	750711
260508	Wales, township of, St. Clair	750808
260447	Washington, township of, Macomb	761105
260404	Watersmeet, township of, Gogebic	770318
260049	Weesaw, township of, Berrien	740628
260386	Wells, township of, Delta	770610
260479	White Lake, township of, Oakland	770527
260417	White Oak, township of, Ingham	751010
260547	Wilber, township of, Iosco	761126
260495	Wright, township of, Ottawa	770527
260329	Yale, city of, St. Clair	750411
260432	Yates, township of, Lake	750815
260541	York, township of, Washtenaw	750718

Total of 150 communities.

Minnesota

Identification	Community name and county	Original hazard date
270492	Aldrich, city of, Wadena	750207
270691	Arco, city of, Lincoln	770415
270345	Askov, city of, Pine	741025
270417	Aurora, city of, St. Louis	740405
270552	Avoca, city of, Murray	750110
270554	Baudette, city of, Lake of the Woods	741227
270710	Becker, city of, Sherburne	790330
270555	Bejou, city of, Mahoomen	750103
270711	Bemidji, city of, Beltrami	781110
270261	Biscay, city of McLeod	741115
270556	Blackduck, city of, Beltrami	750801
270293	Bowlus, city of, Morrison	741025
270057	Boy River, city of, Cass	770610
270070	Branch, city of, Chisago	740830
270319	Brewster, city of, Nobles	750425
270557	Brook Park, city of, Pine	741025
270388	Brooks, city of, Red Lake	740809
270262	Brownton, city of, McLeod	740503
270294	Buckman, city of, Morrison	740809
270712	Caledonia, city of, Houston	781013
270281	Cedar Mills, city of, Meeker	750214
270312	Chandler, city of, Mower	740809
270125	Chatfield, city of, Fillmore	760813
270058	Chickamaw Bch, city of, Cass	761015
270464	Chokio, city of, Stearns	740503
270664	Clear Lake, city of, Sherburne	750103
270363	Climax, city of, Polk	740920
270468	Clontarf, city of, Swift	740719
270561	Cobden, city of, Brown	741101
270562	Cologne, city of, Carver	741101
270035	Comfrey, city of, Brown	740920
270025	Correll, city of, Big Stone	750124
270282	Cosmos, city of, Meeker	740517
270314	Courtland, city of, Nicollet	740719
270313	Currie, city of, Mower	740802
270469	Danvers, city of, Swift	740809
270334	Deer Creek, city of, Otter Tail	740816
270470	DeGraff, city of, Swift	740809
270563	Delhi, city of, Red Lake	741025
270346	Denham, city of, Pine	750124
270566	Dover, city of, Olmsted	741101
270059	East Gull Lake, city of, Cass	741220
270118	Easton, city of, Faribault	760730
270283	Eden Valley, city of, Stearns	740503
270320	Ellsworth, city of, Nobles	740503
270295	Elmdale, city of, Morrison	740809
270336	Erhard, city of, Otter Tail	740809
270422	Eveleth, city of, St. Louis	740607
270329	Eyota, city of, Olmsted	740412
270276	Fairmont, city of, Martin	740607
270060	Federal Dam, city of, Cass	761008
270366	Fisher, city of, Polk	740802
270693	Forest Lake, city of, Washington	771216
270570	Frazee, city of, Becker	741115
270446	Freeport, city of, Stearns	740503
270571	Funkley, city of, Beltrami	750711
270296	Genola, city of, Morrison	750207
270439	Gibbon, city of, Sibley	740621
270088	Gonvick, city of, Clearwater	740823
270142	Goodhue, city of, Goodhue	740524
270277	Granada, city of, Martin	740802
270447	Greenwald, city of, Stearns	740823
270061	Hackensack, city of, Cass	740920
270573	Hadley, city of, Murray	750411
270574	Hanley Falls, city of, Yellow Medicine	750711
270071	Harris, city of, Chisago	740920
270355	Hatfield, city of, Pipestone	750131
270398	Hector, city of, Renville	760827
270701	Heidelberg, city of, Le Sueur	770722
270338	Henning, city of, Otter Tail	740503
270002	Hill City, city of, Aitkin	741108
270409	Hills, city of, Rock	740412
270578	Hoffman, city of, Grant	750131
270448	Holdingford, city of, Stearns	740517
270356	Holland, city of, Pipestone	740830
270471	Holloway, city of, Swift	740906
270357	Ihlen, city of, Pipestone	740802
270235	International Falls, city of, Koochiching	740607
270579	Iona, city of, Murray	741220
270580	Iron Junction, city of, St. Louis	741025
270098	Jenkins, city of, Crow Wing	740823
270655	Kellogg, city of, Wabasha	750131
270523	Kent, city of, Wilkin	750801
270143	Kenyon, city of, Goodhue	740524
270206	La Prairie, city of, Itasca	740823
270692	Lake Benton, city of, Lincoln	770401
270517	Madelia, city of, Watonwan	740412
270585	Mantorville, city of, Dodge	770603
270667	Maple Lake, city of, Wright	750110
270243	Marietta, city of, Lac qui Parle	740906
270053	Mayer, city of, Carver	731123
270587	Maynard, city of, Chippewa	741115
270487	Mazeppa, city of, Wabasha	740719
270588	McIntosh, city of, Polk	741129
270493	Menahga, city of, Wadena	740412
270367	Mentor, city of, Polk	741220
270270	Middle River, city of, Marshall	740719
270589	Milan, city of, Chippewa	770715
270488	Millville, city of, Wabasha	740802
270489	Minneiska, city of, Wabasha	750711
270122	Minnesota Lake, city of, Faribault	740517
270405	Morristown, city of, Rice	740329
270300	Motley, city of, Cass	740802
270424	Mountain Iron, city of, St. Louis	740524
270451	New Munich, city of, Stearns	741025
270497	New Richland, city of, Wadena	740412
270590	Nielsville, city of, Polk	741101
270591	Nimrod, city of, Wadena	750418
270592	Norcross, city of, Grant	741213
270072	North Branch, city of, Chisago	740510
270512	Oak Park Heights, city of, Washington	740322
270594	Odin, city of, Watonwan	741213
270595	Okabena, city of, Jackson	741227
270848	Orr, city of, St. Louis	741213
270004	Palisade, city of, Aitkin	740802
270063	Pillager, city of, Cass	740719
270704	Pine County,* Pine	771223
270697	Pine Springs, city of, Washington	770722
270596	Plato, city of, McLeod	741101
270218	Quamba, city of, Kanabec	740809
270223	Regal, city of, Kandiyohi	750131
270065	Remer, city of, Cass	750711
270565	Revere, city of, Red Lake	750411
270597	Rice, city of, Benton	750117
270453	Richmond, city of, Stearns	740329
270341	Richville, city of, Otter Tail	741025
270021	Ronneby, city of, Benton	750711
270455	Roscoe, city of, Stearns	740802
270073	Rush City, city of, Chisago	740510
270131	Rushford Village, city of, Fillmore	800905
270360	Ruthton, city of, Pipestone	740809
270350	Rutledge, city of, Pine	740809
270402	Sacred Heart, city of, Renville	740503
270046	Scanlon, city of, Carlton	731102
270602	Seaforth, city of, Redwood	741213
270494	Sebeka, city of, Wadena	740412
270662	Silver Lake, city of, McLeod	750124
270672	Skyline, city of, Blue Earth	750627
270208	Squaw Lake, city of, Itasca	750801
270717	Staples, city of, Todd	781110
270352	Sturgeon Lake, city of, Pine	741025
270601	St. Anthony, city of, Stearns	750711
270039	St. Clair, city of, Blue Earth	740823
270457	St. Joseph, city of, Stearns	760827
270458	St. Stephen, city of, Stearns	740823
270660	S. International Falls, city of, Koochiching	750117
270209	Taconite, city of, Itasca	760723
270260	Taunton, city of, Lyon	740719
270047	Thomson, city of, Carlton	740802
270605	Tower, city of, St. Louis	741213
270361	Trosky, city of, Pipestone	740809
270606	Turtle River, city of, Beltrami	750801
270306	Upsala, city of, Morrison	741025
270607	Verndale, city of, Wadena	741025
270608	Vernon Center, city of, Blue Earth	750103
270609	Vesta, city of, Redwood	750110
270718	Walnut Grove, city of, Redwood	780929
270210	Warba, city of, Itasca	740913
270286	Watkins, city of, Meeker	740412
270666	Waverly, city of, Wright	750117
270279	Welcome, city of, Martin	740510
270695	Willernie, city of, Washington	770527
270612	Williams, city of, Lake of the Woods	741129
270703	Willmar, city of, Kandiyohi	770729
270719	Wilton, city of, Beltrami	781110
270613	Winger, city of, Polk	750131
270427	Winton, city of, St. Louis	740809
270524	Wolverton, city of, Wilkin	740809
270615	Wood Lake, city of, Yellow Medicine	750117
270048	Wright, city of, Carlton	740913
270211	Zemple, city of, Itasca	750627

Total of 171 communities.

Mississippi

Identification	Community name and county	Original hazard date
280309	Abbeville, town of, Lafayette	780929
280267	Alcorn County*, Alcorn	780407
280089	Bassfield, town of, Jefferson Davis	760730
280287	Belmont, town of, Tishomingo	760709
280156	Braxton, village of, Simpson	740719
280269	Chickasaw County, Chickasaw	770603
280017	Duncan, town of, Bolivar	781105
280188	Eden, village of, Yazoo	740719
280270	Franklin County, Franklin	771104
280117	Gattman, village of, Monroe	740719
280290	Itawamba County*, Itawamba	780512
280302	Jasper County*, Jasper	780224
280303	Jefferson Davis County*, Jefferson Davis	780331
280093	Lafayette County*, Lafayette	741227
280315	Learned, town of, Hinds	781110
280204	Lena, town of, Neshoba	741025
280273	Lincoln County, Lincoln	780217
280316	Louin, town of, Jasper	781027
280274	Marshall County, Marshall	771028
280006	McCool, village of, Attala	750131
280279	Prentiss county, Prentiss	770916
280147	Puckett, town of, Rankin	740823
280322	Rienzi, town of, Alcorn	781117
280049	Seminary, village of, Covington	750801
280324	Shuqualak, town of, Noxubee	781208
280323	Silver City, town of, Humphreys	790914
280226	Silver Creek, town of, Lawrence	750711
280306	Smith County*, Smith	780421
280325	Smithville, town of, Monroe	790216

Identification	Community name and county	Original hazard date
280326	Sumrall, town of, Lamar	790831
280282	Tippah County, Tippah	770626
280283	Tishomingo County, Tishomingo	780512
280263	Toccopola, town of, Pontotoc	741213
280237	Union County*, Union	741213
280327	Vardaman, town of, Calhoun	790119
280098	Walnut Grove, town of, Leake	740628
280328	Walnut, town of, Tippah	790112
	Total of 37 communities.	

Missouri

Identification	Community name and county	Original hazard date
290761	Airport Drive, village of, Jasper	750214
290005	Amazonia, town of, Andrew	740816
290281	Appleton, city of, St. Clair	750207
290461	Augusta, village of, St. Charles	741206
290767	Bakersfield, village of, Ozark	750425
290770	Bellflower, city of, Montgomery	770517
290756	Bevier, city of, Macon	750214
290006	Bolckow, town of, Andrew	760430
290274	Bragg City, city of, Pemiscot	780207
290616	Brashear, city of, Adair	750214
290759	Braymer, city of, Caldwell	750425
290618	Bronaugh, city of, Vernon	760625
290111	Bunceton, city of, Cooper	750425
290850	Caledonia, village of, Washington	761105
290624	Camden, city of, Ray	760528
290249	Catron, town of, New Madrid	760528
290601	Cobalt City, village of, Madison	760326
290196	Conway, town of, Laclede	740510
290605	Cowgill, town of, Caldwell	750418
290610	Cross Timbers, village of, Hickory	750221
290345	Crystal Lake Pk, twn, St. Louis	770513
290464	Dalton, village of, Chariton	741213
290055	Delta, city of, Cape Girardeau	741206
290613	Des Arc, village of, Iron	750418
290465	Dewitt, city of, Carrol	740906
290219	Elmer, city of, Macon	741206
290730	Esther, city of, St. Francois	750221
290593	Frankford, city of, Pike	770107
290477	Fremont, village of, Carter	750221
290431	Galena, city of, Stone	740830
290733	Gallatin, city of, Daviess	750214
290734	Gerald, city of, Franklin	760604
290460	Grandin, city of, Carter	741108
290573	Hillsboro, city of, Jefferson	761022
290714	Holden, city of, Johnson	760409
290576	Houston Lake, village of, Platte	770621
290575	Houstonia, city of, Pettis	750919
290715	Humansville, city of, Polk	750711
290577	Hume, city of, Bates	750221
290359	Huntleigh, town of, St. Louis	760625
290580	Iron Gates, village of, Jasper	750214
290446	Irondale, town of, Washington	770513
290724	Knob Noster, city of, Johnson	750627
290698	Lake Ozark, city of, Camden	770726
290558	Lake Winnebago, village of, McDonald	770225
290559	Lanagan, city of, McDonald	760604
290705	Lawson, city of, Clay	760604
290707	Lexington, city of, Lafayette	750725
290053	Linn Creek, city of, Camden	741025
290115	Lock Springs, town of, Daviess	750711
290565	Marquand, city of, Madison	750418
290444	Marthasville, city of, Warren	740913
290271	Meta, town of, Osage	740913
290568	Middletown, city of, Montgomery	760806
290499	Mill Spring, village of, Wayne	741213
290571	Mineral Point, village of, Washington	750808
290690	Montrose, city of, Henry	750418
290547	Napolean, city of, Lafayette	800826
290549	New Cambria, city of, Macon	750725
290692	New Florence, city of, Montgomery	761105
290550	New Hampton, city of, Harrison	750808
290059	Norborne, city of, Carrol	740405
290554	Oak Grove, village of, Franklin	770603
290671	Osage Beach, city of, Miller	760730
290672	Osceola, city of, St. Clair	760402
290535	Pineville, city of, McDonald	750418
290537	Pleasant Hope, village of, Polk	761029
290243	Rhineland, town of, Montgomery	770121
290655	Rich Hill, city of, Bates	750214
290657	Richmond, city of, Ray	761022
290485	Ritchey, town of, Newton	750110
290438	Rockaway Beach, town of, Taney	750110
290518	Rockville, city of, Bates	750221
290008	Rosendale, city of, Andrew	750214
290665	Shelbina, city of, Shelby	750425
290527	South Gorin, city of, Scotland	761105
290488	Stella, city of, Newton	750221
290667	Stockton, city of, Cedar	760702
290039	Sturgeon, town of, Boone	760423
290076	Sumner, town of, Chariton	750110
290508	Sunnyvale, city of, Newton	761105
290876	Taos, city of, Cole	800304
290509	Tarsney Lakes, village of, Jackson	761022
290228	Tuscumbia, village of, Miller	741025
290514	Urbana, village of, Dallas	750627
290857	Velda Village Hills, village of, St. Louis	760702
290645	Verona, city of, Lawrence	761015
290646	Viburnum, city of, Iron	750221
290648	Warrenton, city of, Warren	750207
290483	Wentworth, town of, Newton	750110
290635	Westboro, village of, Atcheson	750711
290396	Westwood, town of, St. Louis	760528
290653	Willard, city of, Greene	761105
290452	Williamsville, city of, Wayne	741018
290639	Wood Heights, village of, Ray	761105
290033	Zalma, village of, Bollinger	741025
	Total of 96 communities.	

Montana

Identification	Community name and county	Original hazard date
300066	Bainville, town of, Roosevelt	750103
300090	Brockton, town of, Roosevelt	750627
300091	Clyde Park, town of, Park	750103
300016	Deer Lodge County*, Deer Lodge	770607
300092	Dutton, town of, Teton	750425
300111	Ekalaka, town of, Carter	760716
300070	Forsyth, city of, Rosebud	740308
300013	Fort Benton, city of, Chouteau	740510
300150	Garfield County*, Garfield	790320
300151	Glacier County*, Glacier	771227
300021	Grass Range, town of, Fergus	741227
300095	Hingham, town of, Hill	750711
300116	Jordan, town of, Garfield	750627
300096	Kevin, town of, Toole	750627
300159	Mineral County*, Mineral	780214
300174	Musselshell County*, Musselshell	790529
300119	Polson, city of, Lake	750926
300163	Powder River County*, Powder River	790515
300164	Prairie County*, Prairie	790508
300122	Ronan, city of, Lake	750425
300166	Roosevelt County*, Roosevelt	791204
300069	Rosebud County*, Rosebud	740802
300072	Sanders County*, Sanders	771227
300125	Shelby, city of, Toole	760402
300126	Sheridan, town of, Madison	750919
300076	Silver Bow County*, Silver Bow	770617
300127	Sunburst, town of, Toole	750110
300130	Thompson Falls, town of, Sanders	750207
300052	Winnett, town of, Petroleum	741227
	Total of 29 communities.	

Nebraska

Identification	Community name and county	Original hazard date
310411	Adams County*, Adams	771018
310412	Antelope County*, Antelope	771227
310342	Arnold village of, Custer	750815
310006	Arthur village of, Arthur	750110
310246	Ashton village of, Sherman	750711
310343	Atkinson city of, Holt	761105
310249	Belgrade, village of, Nance	750502
310026	Bellwood, village of, Butler	741122
310250	Benedict, village of, York	750418
310066	Big Springs, village of, Deuel	741220
310252	Bladen, village of, Webster	750711
310351	Bloomfield, city of, Knox	760716
310416	Box Butte County*, Box Butte	770623
310254	Brunswick, village of, Antelope	760402
310419	Buffalo County*, Buffalo	790417
310420	Burt County*, Burt	771122
310354	Burwell, city of, Garfield	760423
310255	Bushnell, village of, Kimball	760326
310256	Campbell, village of, Franklin	750822
310258	Cedar Rapids, village of, Boone	750110
310357	Chadron, city of, Dawes	760924
310260	Chapman, village of, Merrick	760326
310263	Cody, village of, Cherry	760326
310360	Creighton, city of, Knox	761112
310427	Cuming County*, Cuming	770616
310086	Curtis city of, Frontier	760402
310428	Custer County*, Custer	780314
310058	Dawson county of, Dawson	771018
310430	Deuel County*, Deuel	771101
310269	Diller, village of, Jefferson	750829
310270	Dix, village of, Kimball	750926
310272	Duncan, village of, Platte	770218
310276	Eustis, village of, Frontier	750919
310061	Farnam, village of, Dawson	741108
310088	Gage County, Gage	770809
310373	Greeley, village of, Greeley	750711
310234	Guide Rock, village of, Webster	760709
310283	Hardy, village of, Nuckolls	761119
310213	Hay Springs city of, Sheridan	740322
310286	Hildreth, village of, Franklin	760730
310288	Holstein, village of, Adams	750718
310381	Humphrey, village of, Platte	750711
310447	Jefferson, County*, Jefferson	770621
310385	Laurel, village of, Cedar	761105
310452	Lincoln County*, Lincoln	780411
310085	Maywood, village of, Frontier	741220
310083	Naponee, village of, Franklin	760613
310394	Orleans, city of, Harlan	760709
310465	Phelps, County*, Phelps	770616
310175	Plainview, city of, Pierce	760702
310467	Platte County*, Platte	770816
310310	Polk, village of, Polk	750627
310469	Red Willow County*, Red Willow	771227
310084	Riverton, village of, Franklin	761029
310214	Rushville, city of, Sheridan	740503
310489	Santee, village of, Knox	790814
310316	Scotia, village of, Greeley	750502
310474	Seward County*, Seward	770607
410475	Sheridan County*, Sheridan	771122
310034	South Bend, village of, Cass	790710
310106	Stockham, village of, Hamilton	741206
310172	Table Rock, village of, Pawnee	741101
310326	Thedford, village of, Thomas	750711
310335	Wilsonville, village of, Furnas	761203
	Total of 64 communities.	

Nevada

Identification	Community name and county	Original hazard date
320030	Churchill County*, Churchill	771227
320029	Lyon County, Lyon	760131
320033	Storey County*, Storey	760110
320012	Winnemucca, city of, Humboldt	760423
	Total of 4 communities.	

New Hampshire

Identification	Community name and county	Original hazard date
330152	Acworth, town of, Sullivan	740913
330174	Albany, town of, Carroll	750117
330041	Alexandria, town of, Grafton	750221
330175	Atkinson, town of, Rockingham	750103
330180	Brookline, town of, Hillsborough	750404
330126	Candia, town of, Rockingham	750221
330181	Chatham, town of, Carroll	750103
330183	Chesterfield, town of, Cheshire	771213
330182	Chester, town of, Rockingham	750221
330109	Chichester, town of, Merrimack	740405
330184	Clarksville, town of, Coos	750103
330111	Danbury, town of, Merrimack	770614
330199	Danville, town of, Rockingham	750117
330050	Dorchester, town of, Grafton	750314
330201	Dummer, town of, Coos	750117
330202	Dunbarton, town of, Merrimack	750117
330204	Eaton, town of, Carroll	750117
330012	Effingham, town of, Carroll	750117
330206	Errol, town of, Coos	750117
330207	Fitzwilliam, town of, Cheshire	761126
330013	Freedom, town of, Carroll	740830
330131	Fremont, town of, Rockingham	740809
330208	Gilmanton, town of, Belknap	750117
330054	Grafton, town of, Grafton	750117
330212	Harrisville, town of, Cheshire	750124
330216	Kensington, town of, Rockingham	770906
330217	Kingston, town of, Rockingham	750117
330060	Landaff, town of, Grafton	741206
330159	Langdon, town of, Sullivan	750103
330160	Lempster, town of, Sullivan	750131
330062	Lincoln, town of, Grafton	750221
330117	Loudon, town of, Merrimack	740802
330218	Lyndeborough, town of, Hillsborough	750221
330219	Madbury, town of, Strafford	750117
330220	Madison, town of, Carroll	750117
330221	Mason, town of, Hillsborough	750221
330222	Middleton, town of, Strafford	750131
330035	Milan, town of, Coos	740628
330149	Milton, town of, Strafford	750207
330068	Monroe, town of, Grafton	741129
330224	Mont Vernon, town of, Hillsborough	750117
330015	Moultonborough, town of, Carroll	770211
330229	Newington, town of, Rockingham	750221
330069	Orange, town of, Grafton	750110
330186	Pittsburg, town of, Coos	750131
330187	Randolph, town of, Coos	750103
330188	Richmond, town of, Cheshire	750103
330073	Rumney, town of, Grafton	740315
330191	Sandown, town of, Rockingham	750103
330193	South Hampton, town of, Rockingham	750228
330163	Springfield, town of, Sullivan	771108
330195	Stoddard, town of, Cheshire	750117
330170	Surry, town of, Cheshire	750103
330173	Troy, town of, Cheshire	750103
330165	Unity, town of, Sullivan	740531
330168	Warren, town of, Grafton	740913
330166	Washington, town of, Sullivan	741227
330235	Weare, town of, Hillsborough	750214
330040	Whitefield, town of, Coos	740726
330124	Wilmot, town of, Merrimack	740816
	Total of 60 communities.	

New Jersey

Identification	Community name and county	Original hazard date
340540	Mendham, borough of, Morris	750131
340549	Newfield, borough of, Gloucester	770701
340455	Sandyston, township of, Sussex	771021
340212	South Harrison, township of, Gloucester	740628
340533	Tabernacle, township of, Burlington	750207
340479	Winfield, township of, Union	740308
	Total of 6 communities.	

Identification	Community name and county	Original hazard date
New Mexico		
350098	Capitan, village of, Lincoln	760625
350110	Carrizozo, town of, Lincoln	750822
350050	Chama, village of, Rio Arriba	740816
350125	Chaves County, Chaves	780613
350127	Curry County, Curry	780207
350112	Dexter, town of, Chaves	750502
350140	Eagle Nest, village of, Colfax	791218
350121	Grant County, Grant	770809
350122	Lincoln County, Lincoln	780328
350114	Loving, village of, Eddy	750808
350076	Magdalena, village of, Socorro	740802
350106	Maxwell, village of, Colfax	750919
350039	McKinley County, McKinley	780704
350116	Questa, village of, Taos	750117
350141	Reserve, village of, Catron	790814
350108	Roy, village of, Harding	760716
350132	San Miguel County, San Miguel	770816
350055	Sandoval County, Sandoval	771129
350133	Torrance County, Torrance	780411
	Total of 19 communities.	
New York		
361379	Altona, town of, Clinton	750103
361260	Amboy, town of, Oswego	741115
361095	Allegany, town of, Allegany	760910
361518	Ava, town of, Oneida	740628
361392	Belmont, town of, Franklin	750117
361415	Boylston, town of, Oswego	750103
360521	Bridgewater, town of, Oneida	740906
361128	Broadalbin, town of, Fulton	740920
361480	Brushton, village of, Franklin	741115
361394	Burke, town of, Franklin	780217
360524	Clayville, village of, Oneida	740524
361380	Clinton, town of, Clinton	750124
360300	Danube, town of, Herkimer	740405
360364	Diana, town of, Lewis	740913
361122	Dickinson, town of, Franklin	741108
361382	Ellenburg, town of, Clinton	750914
361397	Franklin, town of, Franklin	750718
361325	Freetown, town of, Cortland	750117
361100	Friendship, town of, Allegany	750103
361587	German, town of, Chenango	770729
360651	Hannibal, town of, Oswego	761001
361451	Harrisville, village of, Lewis	741115
361234	Hartford, town of, Washington	741227
361113	Indian Lake, town of, Hamilton	761210
361196	Jefferson, town of, Schoharie	770812
361131	Johnstown, town of, Fulton	741025
360309	Litchfield, town of, Herkimer	740315
361406	Long Lake, town of, Hamilton	750725
361153	Minerva, town of, Essex	741220
361125	Moira, town of, Franklin	741115
361488	Mooers, village of, Clinton	750103
361389	Moriah, town of, Essex	741122
361019	Nelsonville, village of, Putnam	771216
361400	Northampton, town of, Fulton	750131
361408	Ohio, town of, Herkimer	750103
361528	Oneida Castle, village of, Oneida	761126
361134	Oppenheim, town of, Fulton	741108
361263	Palermo, town of, Oswego	750207
360375	Pinckney, town of, Lewis	740906
361190	Providence, town of, Saratoga	741115
361368	Red House, town of, Cattaraugus	750228
361265	Redfield, town of, Oswego	741122
360541	Remsen, village of, Oneida	770304
361121	Russia, town of, Herkimer	741101
361505	Savannah, village of, Wayne	760827
360100	South Valley, town of, Cattaraugus	740906
360555	Steubreh, town of, Oneida	740628
361157	St. Armand, town of, Essex	741025
360733	Victory, village of, Saratoga	740405
360563	Waterville, village of, Oneida	740614
361112	Wells, town of, Hamilton	741129
361267	Williamstown, town of, Oswego	741101
	Total of 52 communities.	
North Carolina		
370398	Alexander County*, Alexander	780609
370004	Alleghany County, Alexander	770701
370407	Arlington, town of, Yadkin	790119
370288	Bath, town of, Beaufort	770708
370088	Battleboro, town of, Edgecombe	750815
370183	Bayboro, town of, Pamlico	760730
370290	Bertie County, Bertie	780929
370394	Bolivia, town of, Brunswick	770610
370395	Calabash, town of, Brunswick	770610
370408	Casar, town of, Cleveland	781117
370300	Caswell County, Caswell	780203
370299	Chatham County, Chatham	780519
370302	Cleveland County, Cleveland	780616
370409	Colfield, village of, Hertford	800307
370321	Cramerton, town of, Gaston	750711
370322	Dallas, town of, Gaston	750627
370359	East Laurinburg, town of, Scotland	750711
370352	Faith, town of, Rowan	751017
370377	Franklin County, Caswell	780915
370325	Granville County, Granville	780421
370378	Greene County*, Greene	771202
370130	Hertford County, Hertford	780602
370405	High Shoals, city of, Gaston	781103
370326	Hookerton, town of, Greene	750926
370383	Jupiter, town of, Buncombe	761029
370319	Kernersville, town of, Forsyth	770527
370384	Laurel Park, town of, Henderson	760611
370303	Lawndale, town of, Cleveland	750711
370317	Leggett, town of, Edgecombe	770701
370323	Lowell, town of, Gaston	750815
370150	Macon County*, Macon	780630
370418	Minnesott Beach, town of, Pamlico	790302
370309	Mocksville, town of, Davie	750711
370336	Montgomery County, Montgomery	781013
370349	Orrum, town of, Robeson	750425
370315	Perquimans County, Perquimans	780728
370346	Person County, Person	780210
370420	Pittsboro, town of, Chatham	781020
370286	Polkton, town of, Anson	780210
370324	Ranlo, town of, Gaston	750627
370348	Richmond County, Richmond	780728
370106	Robbinsville, town of, Graham	740614
370350	Rockingham County, Rockingham	780616
370347	Roxboro, city of, Sampson	780113
370355	Ruth, town of, Rutherford	770401
370220	Sampson County*, Sampson	741220
370422	Severn, town of, Northampton	781103
370423	Sims, town of, Wilson	790112
370406	Spencer Mountain, town of, Gaston	780714
370371	Stantonsburg, town of, Wilson	751003
370366	Vance County, Vance	780804
370360	Wagram, town of, Scotland	750808
370254	Wayne County*, Wayne	741227
370281	Webster, town of, Jackson	780210
370370	Wilson County, Wilson	780310
370345	Winfall, town of, Perquimans	750725
370365	Wingate, town of, Union	751003
370400	Yadkin County*, Yadkin	780505
	Total of 58 communities.	
North Dakota		
380151	Abercrombie, city of, Richland	761029
380216	Bow Bells, city of, Burke	750207
380121	Courtenay, city of, Stutsman	741227
380099	Dawson, city of, Kidder	741206
380169	Flaxton, city of, Burke	750207
380170	Fordville, city of, Walsh	760604
380171	Fortuna, city of, Divide	750725
380173	Gladstone, city of, Stark	760813
380175	Golden Valley, city of, Mercer	750627
380099	Great Bend, city of, Richland	760730
380178	Hannaford, city of, Griggs	750117
380179	Hoople, city of, Walsh	760813
380237	Lidgerwood, city of, Richland	750214
380037	Manvel, city of, Grand Forks	750110
380008	Maxbass, city of, Bottineau	741122
380109	McClusky, city of, Sheridan	761105
380124	Medina, city of, Stutsman	741220
380125	Montpelier, city of, Stutsman	741115
380242	New England, city of, Hettinger	760716
380031	New Rockford, city of, Eddy	731123
380192	Osnabrock, city of, Cavalier	750221
380195	Plaza, city of, Mountrail	760813
380199	Reynolds, city of, Grand Forks	761029
380248	Richardton, city of, Stark	760806
380318	Stanley, city of, Mountrail	770719
380250	Stanton, city of, Mercer	760402
380210	Tower, city of, Barnes	750110
380037	Walcott, city of, Richland	800401
380063	Washburn, city of, McLean	740322
380344	Watford, city of, McKenzie	790605
380319	Williston, city of, Williams	780516
	Total of 31 communities.	
Ohio		
390684	Arcanum, village of, Darke	780113
390207	Arlington Heights, village of, Hamilton	740201
390759	Ashland County*, Ashland	780210
390760	Athens County*, Athens	771209
390761	Auglaize County*, Auglaize	780512
390159	Baltimore, village of, Fairfield	740621
390605	Beloit, village of, Mahoning	770826
390650	Berlin Heights, village of, Erie	740405
390674	Bethesda, village of, Belmont	750207
390074	Blanchester, village of, Clinton	740405
390643	Bolivar, village of, Tuscarawas	761029
390728	Buchtel, village of, Athens	750207
390816	Buckland, village of, Auglaize	790202
390753	Burbank, village of, Wayne	750418
390488	Burgoon, village of, Sandusky	740602
390037	Butler County*, Butler	771223
390801	Cairo, village of, Allen	770715
390461	Camden, village of, Preble	740510
390763	Carroll County*, Carroll	771104
390817	Carroll, village of, Fairfield	780922
390685	Castine, village of, Darke	770715
390818	Chatfield, village of, Crawford	781027
390819	Cherry Fork, village of, Adams	780922
390820	Clarksville, village of, Clinton	781110
390821	Clayton, village of, Montgomery	781110
390822	Coolville, village of, Athens	781103
390823	Cortland, town of, Trumbull	781006
390555	Corwin, village of, Warren	760716
390611	Crawford County*, Crawford	80120
390575	Creston, village of, Wayne	740201
390187	Crown City, village of, Gallia	750110
390824	Cumberland, village of, Guernsey	780915
390262	Deshler, village of, Henry	760723
390826	Edgerton, village of, Williams	780929
390827	Edon, village of, Williams	781006
390656	Elida, village of, Allen	740329
390828	Englewood, city of, Montgomery	781103
390314	Fairport Harbor, village of, Lake	760723
390164	Fayette County*, Fayette	771209
390788	Fayetteville, village of, Brown	770805
390829	Fayette, village of, Fulton	780915
390830	Fort Laramie, village of, Shelby	780922
390426	Frazeysburg, village of, Muskingum	740830
390604	Freeport, village of, Harrison	771028
390182	Fulton County*, Fulton	780120
390264	Hamler, village of, Henry	740412
390767	Hancock County*, Hancock	771230
390250	Hardin County*, Hardin	750103
390769	Highland County*, Highland	771216
390505	Jackson Center, village of, Shelby	740531
390246	Jenera, village of, Hancock	740809
390834	Junction city, village of, Perry	790105
390306	Knox County*, Knox	750131
390806	La Grange, town of, Lorain	771223
390803	Lafayette, village of, Allen	780120
390835	Laura, village of, Miami	781006
390270	Leesburg, village of, Highland	740405
390050	Leesville, village of, Carroll	740920
390837	Limaville, village of, Stark	780922
390346	Lorain County*, Lorain	770603
390661	Lucas, village of, Richland	740405
390838	Ludlow Falls, village of, Miami	780929
390839	Magnetic Springs, village of, Union	781006
390756	Marseilles, village of, Wyandot	750418
390718	McArthur, village of, Vinton	761126
390254	McGuffey, village of, Hardin	740510
390840	Metamora, village of, Fulton	780929
390799	Mifflin, village of, Ashland	770708
390689	Millersport, village of, Fairfield	750131
390842	Mineral City, village of, Tuscarawas	781006
390398	Montezuma, village of, Mercer	740809
390581	Montpelier, village of, Williams	740531
390746	Morral, village of, Marion	750418
390868	Morrow County*, Morrow	780604
390621	Mount Orab, village of, Brown	750725
390844	Mount Sterling, village of, Madison	780929
390843	Munroe Falls, village of, Summit	781013
390722	Nevada, village of, Wyandot	750214
390847	New Concord, village of, Muskingum	780908
390848	New Knoxville, village of, Auglaize	781006
390849	New Vienna, village of, Clinton	790112
390850	Ney, village of, Deviance	790105
390285	North Fairfield, village of, Huron	740315
390851	Philo, village of, Muskingum	790330
390287	Plymouth, village of, Huron	740503
390852	Port William, village of, Clinton	781013
390460	Preble County*, Preble	770626
390465	Putnam County*, Putnam	770812
390854	Quincy, village of, Logan	781006
390802	Rendville, village of, Perry	771202
390476	Richland County*, Richland	780224
390645	Rogers, village of, Columbiana	740322
390706	Sarahsville, village of, Noble	750326
390789	Sardinia, village of, Brown	780113
390858	Senecaville, village of, Guernsey	781006
390859	Sherwood, village of, Defiance	781006
390046	Somerville, village of, Butler	750725
390485	Soth Salem, village of, Ross	740823
390860	South Zanesville, village of, Muskingum	781020
390862	Stryker, village of, Williams	790119
390632	Swanton, village of, Fulton	750725
390064	Tremont City, village of, Clark	780519
390716	Unionville Center, vill, Union	761015
390648	Van Buren, village of, Hancock	740322
390475	Vaughnsville, town of, Putnam	741115
390067	Washingtonville, village of, Columbiana	731109
390293	Wellston, city of, Jackson	740215
390864	West Farmington, village of, Trumball	780929
390638	West Jefferson, village of, Madison	750725
390865	Wharton, village of, Wyandot	790112
390867	Wilshire, village of, Van Wert	781020

Identification	Community name and county	Original hazard date
390798	Yankee Lake, village of, Trumbull	770729
	Total of 112 communities.	

Oklahoma

Identification	Community name and county	Original hazard date
400255	Achille, town of, Bryan	760402
400256	Adair, town of, Mayes	760402
400074	Addington, town of, Jefferson	741018
400259	Asher, town of, Pottawatomie	760604
400261	Bessie, town of, Washita	750815
400346	Bethel Acres, town of, Pottawatomie	761231
400347	Billings, town of, Noble	760813
400263	Bradley, town of, Grady	760813
400465	Bridgeport, town of, Caddo	770401
400482	Bryan County*, Bryan	771206
400149	Burbank, town of, Osage	750110
400266	Butler, town of, Custer	761105
400479	Caddo County*, Caddo	780103
400270	Camargo, town of, Dewey	750919
400273	Caney, town of, Atoka	760409
400355	Carmen, town of, Alfalfa	750919
400030	Carter County*, Carter	770705
400276	Carter, town of, Beckham	760402
400278	Castle, town of, Okfuskee	760507
400187	Chelsea, city of, Rogers	731228
400488	Cherokee County*, Cherokee	780110
400281	Colcord, town of, Delaware	761119
400253	Colony, town of, Washita	760813
400489	Comanche County*, Comanche	780620
400156	Commerce, city of, Ottawa	760604
400225	Corn, town of, Washita	750110
400122	Council Hill, town of, Muskogee	741213
400363	Cowlington, town of, Leflore	770311
400097	Coyle, town of, Logan	760813
400282	Cromwell, town of, Seminole	760813
400364	Cyril, town of, Caddo	760402
400226	Dacoma, town of, Woods	741108
400367	Deleware, town of, Nowata	760409
400369	Dickson, town of, Carter	760730
400377	Fairland, town of, Ottawa	760409
400379	Forest Park, town of, Oklahoma	760625
400381	Geary, city of, Blaine	761029
400032	Gene Autry, town of, Carter	741108
400013	Greenfield, town of, Blaine	740830
400388	Helena, town of, Alfalfa	760402
400467	Hughes County*, Hughes	770809
400024	Hydro, town of, Caddo	770426
400288	Indianola, town of, Pittsburg	760402
400007	Jet, town of, Alfalfa	741206
400290	Kansas, town of, Delaware	750926
400392	Keyes, town of, Cimarron	760813
400394	Kingston, town of, Marshall	760402
400168	Kiowa, town of, Pittsburg	760625
400294	Lahoma, town of, Garfield	761203
400484	Le Flore County*, Le Flore	780110
400299	Lehigh, city of, Coal	761029
400301	Lima, town of, Seminole	761210
400096	Logan County*, Logan	741227
400083	Loyal, town of, Kingfisher	750425
400399	Mannford, town of, Creek	761112
400303	Mannsville, town of, Johnston	750926
400400	Marietta, city of, Love	761029
400305	Marland, town of, Noble	760813
400306	Marshall, town of, Logan	760813
400458	Mayes County, Mayes	771122
400106	McCurtain County, McCurtain	780711
400308	Milburn, town of, Johnston	750926
400309	Mill Creek, town of, Johnston	760813
400406	Minco, town of, Grady	770128
400408	Mounds, town of, Creek	760625
400491	Muskogee County*, Muskogee	780314
400311	Nash, town of, Grant	760702
400312	New Prue, town of, Osage	760521
400426	North Miami, town of, Ottawa	760409
400313	Oakland, town of, Marshall	761029
400314	Oaks, town of, Delaware	750829
400315	Ochelata, town of, Washington	760409
400427	Oilton city of, Creek	761112
400492	Okmulgee County*, Okmulgee	780207
400316	Orlando, town of, Logan	760813
400317	Paoli, town of, Garvin	761105
400158	Peoria, town of, Ottawa	741122
400431	Perkins, town of, Payne	760409
400027	Piedmont, town of, Canadian	770719
400433	Pond Creek, city of, Grant	761112
400495	Pontotoc County*, Pontotoc	780110
400436	Quapow, town of, Ottawa	760813
400320	Ravia, town of, Johnston	760813
400322	Reydon, town of, Roger Mills	761112
400324	Ripley, town of, Payne	770621
400118	Salina, town of, Mayes	760702
400442	Sentinel, city of, Washita	761112
400231	Sharon, town of, Woodward	760813
400034	Springer, town of, Carter	761217
400418	Temple, town of, Cotton	760716
400333	Tupelo, city of, Coal	760917
400443	Tuttle, town of, Grady	760625
400334	Union City, town of, Candiana	770114
400447	Velma, city of, Stephens	770211
400335	Vera, town of, Washington	760716
400448	Vici, town of, Dewey	761105
400105	Washington, town of, McClain	760709
400338	Waukomis, town of, Garfield	770204
400451	Welch, town of, Craig	760716
400452	Wellston, town of, Lincoln	760409
400339	West Siloam Springs, town of, Delaware	760409
400455	Yale, city of, Payne	750622
	Total of 102 communities.	

Oregon

Identification	Community name and county	Original hazard date
410285	Adrian, city, Malheur	790529
410004	Halfway, town of, Baker	750926
410284	Millersburg, city of, Linn	780124
410037	Prescott, city of, Columbia	750110
	Total of 4 communities.	

Pacific Trust

Identification	Community name and county	Original hazard date
750001	Mariana District	780815
	Total of 1 community.	

Pennsylvania

Identification	Community name and county	Original hazard date
422508	Addison, township of, Somerset	750103
422509	Allegheny, township of, Somerset	750103
422297	Atwood, borough of, Armstrong	750131
422435	Banks, township of, Indiana	750117
421547	Beaver, township of, Columbia	741101
421659	Belfast, township of, Fulton	741220
422185	Bell, township of, Westmoreland	740913
421332	Bloomfield, township of, Bedford	750131
421515	Boggs, township of, Clearfield	741115
422511	Brothersvalley, township of, Somerset	750110
421660	Brush Creek, township of, Fulton	750328
421054	Burlington, township of, Bradford	740913
422545	Cherry Grove, township of, Warren	741227
421334	Colerain, township of, Bedford	750103
421715	Conemaugh, township of, Indiana	741206
422404	Cooke, township of, Cumberland	770128
422188	Cook, township of, Westmoreland	740920
421176	Deerfield, township of, Tioga	740830
421681	Dudley, borough of, Huntingdon	741108
422431	Dunkard, township of, Greene	750110
422268	East Carroll, township of, Cambria	750214
422314	Eastvale, borough of, Beaver	750131
422189	Fairfield, township of, Westmoreland	740906
422049	Fairhope, township of, Somerset	741115
422288	Franklin, township of, Chester	741129
421537	Gallegher, township of, Clinton	750221
422512	Greenville, township of, Somerset	750404
421223	Hanover, township of, Beaver	740906
422528	Hartleton, borough of, Union	741227
421399	Herrick, township of, Bradford	750404
421581	Hopewell, township of, Cumberland	741227
420502	Jacksonville, borough of, Indiana	741213
422601	Jackson, township of, Lycoming	750328
421552	Jackson, township of, Columbia	741213
421342	King, township of, Bedford	750131
421307	Kittanning, township of, Armstrong	761217
422515	Larimer, township of, Somerset	750110
421693	Lincoln, township of, Huntingdon	750103
421533	Loganton, borough of, Clinton	741108
420309	Lumber City, borough, Clearfield	750214
422606	Markleysburg, borough, Fayette	761015
421935	McEwensville, borough of, Northumberland	741227
421881	Menno, township of, Mutflin	741122
422352	Mercer, township of, Butler	750110
421696	Morris, township of, Huntingdon	741122
422263	Munster, township of, Cambria	741122
421615	Chiopyle, borough of, Fayette	750131
421313	Plum Creek, township of, Armstrong	740906
421985	Portage, township of, Potter	741213
421665	Quincy, township of, Franklin	741227
421350	South Woodbury, township of, Bedford	760305
421351	Southampton, township of, Bedford	750207
421328	St. Clairsville, borough of, Bedford	750131
422056	Summit, township of, Somerset	750103
421704	Union, township of, Huntingdon	741206
421531	Union, township of, Clearfield	750117
420316	Wallaceton, borough of, Clearfield	741108
421722	Washington, township of, Indiana	741222
422526	Wellersburg, borough of, Somerset	750131
421542	West Keating, township of, Clinton	741206
421723	West Mahoning, township of, Indiana	750124
421355	Woodbury, township of, Bedford	750131
	Total of 62 communities.	

South Carolina

Identification	Community name and county	Original hazard date
450227	Abbeville County,* Abbeville	780210
450201	Allendale County,* Allendale	741129
450203	Bamberg County,* Bamberg	741129
450204	Barnwell County,*Barnwell	741220
450116	Bethune, town of, Kershaw	750718
450148	Blenheim, town of, Marlboro	770812
450032	Cameron, town of, Calhoun	750103
450236	Chapin, town of, Lexington	780922
450045	Cherokee County, Cherokee	780609
450228	Chesterfield County*, Chesterfield	780609
450237	Chesterfield, town of, Chesterfield	780922
450124	Cross Hill, town of, Laurens	740906
450060	Darlington County,* Darlington	741227
450064	Dillon County, Dillon	771209
450065	Dillon, town of, Dillon	740517
450229	Edgefield County,* Edgefield	780120
450074	Edgefield, town of, Edgefield	740524
450022	Ehrhardt, town of, Bamberg	740719
450010	Fairfax, town of, Allendale	740531
450132	Gilbert, town of, Lexington	741025
450210	Gray Court, town of, Laurens	741213
450037	Hollywood, town of, Charleston	740906
450063	Lamar, town of, Darlington	750718
450126	Lee County, Lee	780303
450241	Lockhart, town of, Union	780126
450242	Luray, town of, Hampton	780915
450128	Lynchburg, town of, Lee	750718
450141	Marion County, Marion	780106
450146	Marlboro County, Marlboro	780224
450225	Mayesville, town of, Sumter	760319
450244	Ninety Six, town of, Greenwood	780922
450080	Olanta, town of, Florence	740524
450081	Pamplico, town of, Greenwood	740510
450135	Pelion, town of, Lexington	740809
450018	Pelzer, town of, Anderson	760618
450021	Reevesville, town of, Dorchester	741227
450165	Rowesville, town of, Orangeburg	740920
450212	Salem, town of, Oconee	741108
450230	Saluda County,* Saluda	780120
450145	Sellers, town of, Marion	740607
450155	Silverstreet, town of, Newberry	750124
450057	Smoaks, town of, Colleton	740906
450246	Society Hill, town of, Darlington	781013
450072	St. George, town of, Dorchester	760723
450011	Sycamore, town of, Allendale	741025
450185	Union County* Union	780526
450248	Ware Shoals, town of, Anderson	780901
	Total of 47 communities.	

South Dakota

Identification	Community name and county	Original hazard date
460153	Alexandria, city of, Hanson	750627
460096	Alpena, town of, Jerauld	750926
460098	Aurora, town of, Brookings	750627
460305	Batesland, town of, Shannon	800513
460251	Beadle County,* Beadle	780110
460156	Big Stone City, city of, Grant	761112
460099	Bison, town of, Perkins	761105
460158	Bridgewater, city of, McCook	761119
460247	Buffalo Gap, town of, Custer	761105
460037	Buffalo, town of, Harding	761105
460236	Butte County, Butte	771220
460162	Canistota, city of, McCook	760813
460102	Canova, town of, Miner	770520
460163	Centerville, city of, Turner	760813
460257	Charles Mix County*, Charles Mix	780110
460013	Clark, city of, Clark	760312
460259	Clay County*, Clay	771018
460166	Colton, city of, Minnehaha	760813
460008	Columbia, city of, Brown	741206
460107	Cresbard, town of, Faulk	750718
460020	Davison County, Davison	770520
460169	Dupree, city of, Ziebach	750425
460170	Eagle Butte, town of, Dewey	761112
460173	Eureka, city of, McPherson	760716
460238	Fall River County, Fall River	771101
460112	Gary, town of, Deuel	750627
460270	Hanson County*, Hanson	770816
460180	Hartford, city of, Minnehaha	760716
460115	Hayti, town of, Hamlin	750627
460230	Hermosa, town of, Custer	770121
460181	Herreid, city of, Campbell	750711
460271	Hughes County*, Hughes	780110
460119	Hurley, town of, Turner	760716
460041	Hutchinson County, Hutchinson	770603
460185	Kadoka, city of, Jackson	760716
460186	Kimball, city of, Brule	750808
460192	Lennox, city of, Lincoln	750926
460126	Letcher, town of, Sanborn	761112
460277	Lincoln County*, Lincoln	771025
460197	Marion, city of, Turner	760702
460195	McIntosh, city of, Corson	750919
460208	Murdo, city of, Jones	750919
460209	Mewell, city of, Butte	750718
460245	Nisland, town of, Butte	770204
460128	Oacoma, town of, Lyman	770107
460211	Parker, city of, Turner	750627
460297	Presho, city of, Lyman	770719
460133	Pulwana, town of, Brule	750919

Identification	Community name and county	Original hazard date
460214	Selby, city of, Walworth	750725
460140	Spencer, town of, McCook	761112
460138	St. Francis, town of, Todd	750919
460139	St. Lawrence, town of, Hand	750718
460142	Tabor, town of, Bon Homme	760625
460218	Timber Lake, city of, Dewey	761112
460082	Turton, city of, Spink	741220
460224	Wagner, city of, Charles Mix	760613
460298	Warner, town of, Brown	800422
460250	Wasta, town of, Pennington	761224
460147	Wessington, town of, Beadle	750822
460014	Willow Lake, town of, Clark	770520
460150	Wolsey, town of, Beadle	760813
	Total of 81 communities.	

Tennessee

Identification	Community name and county	Original hazard date
470234	Adair, town of, Madison	750207
470292	Adamsville, town of, McNairy	760528
470159	Adams, town of, Robertson	741115
470245	Alamo, town of, Crockett	770311
470293	Ardmore, town of, Giles	761217
470294	Baileytown, town of, Greene	760903
470006	Bedford County, Bedford	771223
470220	Bells, town of, Crockett	750110
470218	Benton County, Benton	750110
470128	Bethel Springs, town of, McNairy	740628
470295	Big Sandy, town of, Benton	760924
470219	Bledsoe County, Bledsoe	790216
470356	Blount County,* Blount	770826
470226	Bluff City, town of, Sullivan	760702
470081	Bolivar, city of, Hardeman	761112
470357	Bradley County,* Bradley	770708
470244	Bruceton, town of, Carroll	760702
470373	Burlison, town of, Tipton	781013
470368	Cannon County,* Cannon	790105
470222	Carroll County, Carroll	771104
470298	Caryville, town of, Campbell	760903
470374	Centertown, town of, Warren	780922
470120	Chapel Hill, town of, Marshall	740614
470348	Chester County,* Chester	781117
470382	Clay County,* Clay	790330
470225	Coalmont, town of, Grundy	760924
470355	Coffee County,* Coffee	770805
470324	Collinwood, city of, Wayne	760604
470325	Cornersville, town of, Marshall	760917
470353	Crockett County,* Crockett	790112
470375	Cumberland City, town of, Stewart	781103
470037	Cumberland County, Cumberland	770902
470326	Cumberland Gap, town of, Claiborne	760528
470041	Decatur County, Decatur	770805
470300	Decaturville, town of, Decatur	760924
470369	DeKalb County,* DeKalb	781208
470046	Dickson County,* Dickson	741206
470335	Dickson, city of, Dickson	760709
470237	Dover, town of, Stewart	771209
470240	Dresden, town of, Weakley	761210
470376	East View, town of, McNairy	781110
470064	Elkton, city of, Giles	760604
470271	Englewood, city of, McMinn	740517
470028	Enville, town of, Chester	761029
470301	Ethridge, city of, Lawrence	760702
470242	Fairview, city of, Williamson	750411
470343	Fentress County,* Fentress	771209
470129	Finger, town of, McNairy	740906
470344	Franklin County,* Franklin	780331
470302	Friendsville, city of, Blount	760611
470221	Gadsden, town of, Crockett	750124
470063	Giles County, Giles	780224
470068	Grainger County, Grainger	780106
470303	Greenback, city of, Loudon	760924
470250	Grundy County,* Grundy	780625
470190	Guilt Edge, city of, Tipton	740913
470346	Hamblen County,* Hamblen	771111
470226	Hancock County, Hancock	770819
470360	Hardeman County,* Hardeman	780120
470085	Hawkins County, Hawkins	771021
470088	Henderson County,* Henderson	741220
470259	Henning, town of, Lauderdale	750103
470228	Henry County, Henry	771230
470091	Hickman County, Hickman	781222
470304	Hohenwald, city of, Lewis	760924
470305	Hollow Rock, city of, Carroll	760625
470288	Hornsby, town of, Hardeman	760305
470347	Houston County,* Houston	770819
470229	Humphreys County, Humphreys	770826
470055	Huntland, town of, Franklin	770128
470101	Iron City, city of, Lawrence	740614
470370	Jackson County,* Jackson	790323
470097	Jefferson County, Jefferson	770902
470224	Kenton, town of, Gibson	741227
470289	Kingston Springs, city of, Cheatham	750718
470354	Lawrence County,* Lawrence	771125
470103	Lewis County,* Lewis	790209
470121	Lewisburg, city of, Marshall	740301
470104	Lincoln County, Lincoln	771028
470146	Lobelville, town of, Perry	780113
470306	Loretto, city of, Lawrence	760702
470209	Luttrell, city of, Union	760903
470065	Lynnville, city of, Giles	740614
470371	Macon County,* Macon	781027
470307	Madisonville, town of, Monroe	761210
470123	Maury County, Maury	771202
470308	McEwen, town of, Humphreys	760702
470126	McMinn County, McMinn	770701
470127	McNairy County, McNairy	771021
470133	Meigs County, Meigs	771202
470336	Michie, city of, McNairy	761001
470130	Milledgeville, town of, McNairy	760702
470068	Minor Hill, city of, Giles	760702
470233	Monroe County, Monroe	770708
470260	Moore County,* Moore	781110
470139	Morgan County, Morgan	750117
470310	Mosheim, town of, Greene	760903
470385	New Market, town of, Jefferson	780922
470312	Niota, city of, McMinn	760528
470313	Normandy, town of, Bedford	760611
470361	Obion County,* Obion	780721
470314	Orme, town of, Marion	760702
470362	Overton County, Overton	780113
470315	Parrottsville, town of, Cocke	760702
470316	Parsons, town of, Decatur	760611
470317	Paryear, town of, Henry	760611
470291	Pegram, town of, Cheatham	750718
470144	Perry County, Perry	781222
470384	Pickett County,* Pickett	781229
470378	Pittman Center, town of, Sevier	791207
470261	Polk County,* Polk	790119
470149	Putnam County, Putnam	740913
470131	Ramer, town of, McNairy	741129
470151	Rhea County, Rhea	770722
470277	Richard City, city of, Marion	740201
470235	Rives, city of, Obion	750103
470158	Robertson County, Robertson	780106
470320	Rockford, town of, Blount	760924
470061	Rutherford, town of, Gibson	740607
470083	Saltillo, town of, Hardin	740614
470379	Samburg, town of, Obion	780915
470321	Sardis, town of, Henderson	760924
470341	Scott County,* Scott	771223
470171	Sequatchie County, Sequatchie	771021
470236	Sevier County, Sevier	771125
470239	Spencer, town of, Van Buren	770325
470328	Stantonville, town of, McNairy	760611
470256	Stanton, town of, Haywood	780310
470180	Stewart County,* Stewart	740913
470327	St. Joseph, city of, Lawrence	760625
470280	Tellico Plains, city of, Monroe	740308
470337	Tennessee Ridge, city of, Houston	760625
470281	Townsend, city of, Blount	760618
470282	Tracy City, city of, Grundy	740510
470243	Trezevant, town of, Carroll	770225
470329	Tusculum, city of, Greene	760702
470194	Union County,* Union	781124
470342	Van Buren County,* Van Buren	781201
470363	Warren County,* Warren	771125
470009	Wartrace, town of, Bedford	740614
470331	Watauga, city of, Carter	760528
470199	Wayne County,* Wayne	790316
470364	Weakley County,* Weakley	771216
470365	White County,* White	771202
470118	Whitwell, city of, Marion	740215
470381	Woodland Mills, city of, Obion	780929
470254	Yorkville, city of, Gibson	750827
	Total of 147 communities.	

Texas

Identification	Community name and county	Original hazard date
481089	Addison, town of, Dallas	781029
480960	Adrian, city of, Oldham	750725
481546	Alma, town of, Ellis	800429
481306	Altoga, city of, Collin	780725
480894	Amherst, city of, Lamb	750711
480001	Anderson County, Anderson	780124
480006	Andrews, city of, Andrews	760827
480007	Angelina County* Angelina	741227
481547	Angus, town of, Navarro	800506
480982	Annona, town of, Red River	760611
481085	Appleby, city of, Nacogdoches	760806
481093	Aspermont, town of, Stonewall	760813
480776	Aubrey, town of, Denton	760604
481561	Aurora, city of, Wise	800624
480731	Avinger, town of, Cass	760806
480065	Baileys Prairie, town of, Brazoria	741108
480808	Bailey, town of, Fannin	761105
480718	Banigs, town of, Brown	760806
481087	Bardwell, city of, Ellis	760730
480951	Barry, town of, Navarro	760730
480642	Barstow, city of, Ward	760625
481501	Bartonville, town of, Denton	790612
480830	Bells, town of, Grayson	761029
481095	Bellville, city of, Austin	761119
480688	Benjamin, city of, Knox	750627
481541	Berryville, city of, Henderson	790626
481088	Blackwell, town of, Nolan	750815
480732	Bloomburg, town of, Cass	761105
480984	Bogata, town of, Red River	760806
481195	Brazos County*, Brazos	771018
481096	Bremond, city of, Robertson	761119
480398	Briar Oaks, city of, Johnson	740329
480586	Briar, city of, Tarrent	760723
481548	Bronson, city of, Sabine	800401
480717	Brown County, Brown	780124
481542	Browndell, town of, Jasper	790619
480325	Brownsboro, city of, Henderson	761210
481302	Bruceville-Eddy, city of, McLennan	780502
480877	Byrson, city of, Jack	750711
481549	Buckholts, city of, Milam	800318
481138	Buffalo Gap, town of, Taylor	761119
480904	Buffalo, city of, Leon	760820
481169	Burleson County*, Burleson	770617
481209	Burnet County*, Burnet	771122
480649	Burton, city of, Washington	741220
480490	Cactus, city of, Moore	740614
480364	Caddo Mills, city of, Hunt	740628
481068	Campbellton, town of, Atascosa	760625
481504	Campbell, town of, Hunt	790410
481550	Caney, city of, Henderson	809617
480730	Cass County, Cass	770705
480737	Castro County, Castro	770603
480365	Celeste, city of, Hunt	740621
480905	Centerville, city of, Leon	760813
480701	Charlotte, city of, Atascosa	760806
480739	Cherokee County, Cherokee	771227
481140	Chester, town of, Tyler	760813
481053	Chico, city of, Wise	760813
481202	Chillicothe, city of, Hardeman	750718
481543	Chireno, city of, Nacogdoches	790703
480702	Christine, city of, Atascosa	750711
480535	Clarksville, town of, Gregg	751107
481098	Claude, city of, Armstong	760813
481099	Coahoma, town of, Howard	760604
480169	Cockrell Hill, city of, Dallas	731207
481507	Coffee City, city of, Henderson	790703
480408	Combine, city of, Dallas	760702
480870	Como, town of, Hopkins	760806
480765	Cooke County, Cooke	771018
480911	Coolidge, town of, Limestone	760611
481508	Copper Canyon, town of, Denton	790605
481510	Cove, town of, Chambers	790605
481511	Covington, city of, Hill	790417
480409	Crandall, city of, Kaufman	740308
480501	Crane, city of, Crane	760716
481512	Cranfills Gap, city of, Bosque	790417
480723	Cross Plains, town of, Callahan	760806
481513	Cross Roads, town of, Denton	790605
480871	Cumby, city of, Hopkins	760806
481279	Cut'n Shoot, city of, Montgomery	770603
480985	Detroit, town of, Red River	761224
481514	Devers, city of, Liberty	790424
481171	Dewitt County*, Dewitt	770816
480787	Dickens, city of, Dickens	760806
480789	Dimmit County, Dimmit	780124
481515	Domino, city of, Cass	790710
481309	Dorchester, town of, Grayson	780704
481516	Double Oak, town of, Denton	790619
480793	Douglasville, town of, Cass	760813
480068	Early, city of, Brown	740517
480895	Earth, city of, Lamb	750502
480976	East Tawakoni, town of, Rains	761105
480793	Eastland County Eastland	771115
481145	Easton, Village of, Rusk	750718
481517	Eastvale, town of, Denton	790619
480809	Ector, town of, Fannin	750711
480763	Eden, village of, Concho	750502
480635	Edgewood, city of, Van Zandt	740614
481146	Edom, city of, Van Zandt	760813
481000	El Dorado, town of, Schleicher	760813
480710	Elmendorf, city of, Bexar	760611
480977	Emory, town of, Rains	750808
480218	Erath County Erath	771227
480277	Estelline, city of, Hall	741108
480327	Eustace, city of, Henderson	760611
480823	Fairfield, town of, Freestone	760813
480807	Fannin County, Fannin	771108
480544	Fate, city of, Rockwall	761105
480615	Fayette County, Fayette	780131
481147	Fayetteville, town of, Fayette	760806
481102	Flatonia, town of, Fayette	760730
480617	Floyd County, Floyd	770517
480226	Floydada, city of, Floyd	740531
480228	Fort Bend County*, Fort Bend	760709
480822	Freestone County, Freestone	780103
480875	Fritch, city of, Hutchinson	760716
481041	Fruitvale, city of, Van Zandt	760716
480949	Garrison, town of, Nacogdoches	760716
481148	Gary, town of, Panola	761119
481521	Gholson, city of, McLennan	790501
480435	Giddings, city of, Lee	740628
480880	Godley, town of, Johnson	750822
480628	Goliad, city of, Goliad	760716

Identification	Community name and county	Original hazard date
481310	Golinda, city of, McLennan	780606
480963	Gordon, town of, Palo Pinto	761022
480964	Graford, town of, Palo Pinto	750711
480873	Grapeland, town of, Houston	761119
480829	Grayson County, Grayson	771220
481104	Gruver, city of, Hansford	761105
480328	Gun Barrel City, city of, Henderson	741108
480832	Gunter, town of, Grayson	750711
481223	Hale County*, Hale	780103
481522	Hallsburg, city of, McLennan	790515
480848	Hallsville, city of, Harrison	760430
481011	Happy, city of, Swisher	750214
480647	Harrison County, Harrison	770906
480738	Hart, city of, Castro	750627
480600	Haslet, city of, Tarrant	741101
480321	Hays County, Hays	780321
481495	Hebron, city of, Denton	790703
481174	Henderson County, Henderson	771122
481150	Hickory Creek, town of, Denton	760730
480843	Hico, city of, Hamilton	750822
481106	Hill Country Village, town of, Bexar	770623
480657	Hill County, Hill	770809
480352	Hockley County, Hockley	771025
480699	Holliday, city of, Archer	750418
481277	Homer, town of, Angelina	770603
480869	Hopkins County, Hopkins	771227
480872	Houston County, Houston	771101
481227	Howard County*, Howard	771213
481535	Howardwick, city of, Donley	800102
480833	Howe, town of, Grayson	761029
480734	Hughes Springs, city of, Cass	760827
480363	Hunt County, Hunt	780822
481077	Huntington, city of, Angelina	760730
480373	Hutchinson County*, Hutchinson	750207
481294	Impact, town of, Taylor	770610
481072	Iredell, town of, Bosque	741101
481080	Jasper County Jasper	770517
480906	Jewett, town of, Leon	761224
480870	Johnson County, Johnson	770517
480756	Josephine, city of, Collin	760528
480882	Joshua, city of, Johnson	750627
480778	Justin, city of, Denton	770603
481175	Karnes County, Karnes	770607
481107	Keene, city of, Johnson	760604
481551	Kendleton, town of, Fort Bend	800429
481230	Kenedy County*, Kenedy	780117
481523	Kenefick, town of, Liberty	790424
481552	Kennard, town of, Houston	800314
480674	Kermit, city of, Winkler	740524
480890	Knox City, city of, Knox	750815
480845	Kountze, city of, Hardin	760625
481012	Kress, city of, Swisher	750221
480475	Lacoste, city of, Medina	740109
480605	Lake Worth, city of, Tarrant	761119
481496	Lakeside City, city of, Archer	790703
480278	Lakeview, town of, Hall	741206
480891	Lamar County, Lamar	771129
481178	Lavaca County*, Lavaca	770623
481313	Lavon, town of, Collin	780523
481015	Lawn, town of, Taylor	760625
480960	Laskey, city of, Real	770513
481142	Leary, city of, Bowie	761126
480907	Leona, town of, Leon	761119
481075	Lipan, Village of, Hood	761029
481152	Little Elm, town of, Denton	780813
480818	Lockney, town of, Floyd	760702
480944	Lone Star, town of, Morris	760606
481109	Loraine, town of, Mitchell	750627
480806	Lott, city of, Falls	760709
480874	Lovelady, city of, Houston	761029
480915	Lubbock County, Lubbock	771129
480888	Luders, city of, Jones	760813
480861	Malone, town of, Hill	760709
480738	Marietta, town of, Cass	760625
480948	Matador, town of, Motley	761105
480470	Maverick County, Maverick	771220
480208	Maypearl, city of, Ellis	741129
480546	McLendon-Chisholm, city of, Rockwall	759926
481020	Meadow, town of, Terry	760822
480700	Megargel, town of, Archer	750822
480924	Melvin, town of, McCulloch	761029
481016	Merkel, city of, Taylor	750502
480862	Mertens, town of, Hill	761105
480376	Mertzon, city of, Irion	740726
480992	Miles, city of, Runnels	760813
480679	Mineola, city of, Wood	740503
480518	Mingus, city of, Palo Pinto	750502
481524	Mobeetie, town of, Wheeler	791218
480644	Monahans, city of, Ward	760611
481483	Montgomery, city of, Montgomery	761126
480930	Moody, town of, McLennan	760709
481553	Moore Station, city of, Henderson	800617
481123	Morgan, Village of, Bosque	761112
481525	Morgan's Point Resort, town of, Bell	790619
480943	Morris County, Morris	770809
480863	Mount Calm, city of, Hill	761105
480767	Muenster, city of, Cooke	750725
481125	Mullin, town of, Mills	760611
481554	Mustang, town of, Navarro	800506
480947	Nacogdoches County, Nacogdoches	771227
480950	Navarro County, Navarro	771227
481315	New Deal, city of, Lubbock	780516
480920	New Home, town of, Lynn	750905
481153	New Summerfield, city of, Cherokee	761119
481043	New Waverly, town of, Walker	760625
481058	Newcastle, city of, Young	761217
480500	Newton, city of, Newton	740607
481297	Nome, city of, Jefferson	770712
481154	Nordheim, city of, De Witt	760604
481083	North Cleveland, city of, Liberty	770506
480752	Novice, city of, Coleman	760702
480852	O'Brien, city of, Haskell	750725
481533	Oak Grove, town of, Kaufman	790717
481534	Oak Ridge, town of, Kaufman	790626
480437	Oakwood, town of, Leon	740524
480769	Oglesby, city of, Coryell	761112
480896	Olton, city of, Lamb	761001
480495	Omaha, city of, Morris	760206
480974	Onalaska, city of, Polk	761126
480994	Overton, city of, Rusk	760813
481082	Ozona, city of, Crockett	731207
480921	O'Donell, city of, Lynn	760627
490764	Paint Rock, town of, Concho	760813
480209	Palmer, city of, Ellis	760813
481527	Pattison, town of, Waller	790612
480486	Patton Village, village of, Montgomery	760813
481555	Payne Springs, town of, Henderson	800701
480773	Pecan Gap, city of, Delta	760620
480864	Penelope, town of, Hill	760423
480745	Petrolia, town of, Clay	761105
480998	Pineland, town of, Sabine	761022
481528	Pointblank, city of, San Jacinto	790501
480626	Polk County, Polk	771213
481241	Potter County,* Potter	771206
480724	Putnam, town of, Callahan	760813
480645	Pyote, city of, Ward	740816
481117	Queen City, town of, Cass	760423
480715	Quitaque, city of, Briscoe	761022
480975	Rains County, Rains	771018
480205	Ranger, city of, Eastland	740517
480628	Rankin, city of, Upton	740510
480969	Reno, town of, Parker	761105
481158	Retreat, town of, Navarro	750711
480957	Rice, city of, Navarro	750926
480562	Richland Springs, city of, San Saba	741108
480958	Richland, town of, Navarro	750725
481316	Riesel, town of, McLennan	760523
481044	Riverside, town of, Walker	761119
480785	Roanoke, city of, Denton	750905
480749	Robert Lee, city of, Coke	750627
480988	Robertson County, Robertson	770603
480225	Roby, city of, Fisher	740517
481118	Rocksprings, town of, Edwards	760723
480543	Rockwall county, Rockwall	770531
480577	Roma-Los Saenz, city of, Starr	760604
481061	Rose City, city of, Orange	770712
481119	Rosebud, city of, Falls	761029
481317	Ross, city of, McLennan	780530
480816	Round Top, town of, Fayette	761029
481120	Runge, town of, Karnes	750425
480993	Rusk County, Rusk	771220
481039	Sabinal, city of, Uvalde	750926
481160	Sadler, town of, Grayson	760702
480553	San Jacinto County, San Jacinto	771220
481556	San Patricio, town of, San Patricio	800715
481285	Sanctuary, town of, Parker	770610
480876	Sanford, town of, Hutchinson	760813
480611	Sansom Prk Vil, city of, Tarrant	761210
480751	Santa Anna, town of, Coleman	750627
481134	Schulenburg, city of, Fayette	760625
481280	Scotland, city of, Archer	770614
481161	Scottsville, town of, Harrison	761210
480564	Scurry County, Scurry	770510
480332	Seven Points, city of, Henderson	761105
480656	Shamrock, city of, Wheeler	761022
481004	Shelby County, Shelby	780601
480867	Smyer, town of, Hockley	780813
480090	Snook, city of, Burleson	761105
481264	Somerset, city of, Bexar	770609
481163	Southmayd, town of, Grayson	750912
480488	Splendora, city of, Montgomery	740630
480897	Springlake, town of, Lamb	761022
480768	Spur, city of, Dickens	761112
480965	Strawn, city of, Palo Pinto	760716
480825	Streetman, town of, Freestone	770506
481318	St. Paul, town of, Collin	780606
481531	Sunrise Beach Village, city of, Llano	790619
481010	Swisher County, Swisher	771213
481024	Talco, city of, Titus	761022
480753	Talpa, town of, Coleman	760723
480995	Tatum, city of, Rusk	750711
481019	Terry County, Terry	770614
480934	Thorndale, town of, Milam	760813
480646	Thorntonville, city of, Ward	760813
480914	Thornton, town of, Limestone	761105
481021	Throckmorton County,* Throckmorton	800527
481023	Titus County, Titus	770603
480868	Tolar, town of, Hood	750716
481532	Tool, city of, Henderson	790529
481130	Trent, town of, Taylor	760723
481018	Tye, city of, Taylor	750711
481034	Tyler County, Tyler	771108
481040	Van Zandt County, Van Zandt	780110
481557	Vinton, town of, El Paso	800624
480713	Walnut Springs, city of, Bosque	761001
481249	Ward County,* Ward	771025
481188	Washington County, Washington	770524
480850	Waskom, city of, Harrison	761029
481059	Webb County, Webb	780509
480855	Weinert, city of, Haskell	761112
480741	Wells, town of, Cherokee	750711
480938	Westbrook, city of, Mitchell	761112
480614	Westlake, city of, Tarrant	761210
480758	Westminster, town of, Collin	761105
481324	Weston, town of, Collin	780523
480652	Wharton County,* Wharton	740802
480729	White Deer, town of, Carson	760702
480841	White Oak, town of, Gregg	750822
480839	Whitewright, town of, Grayson	761105
481189	Wichita County, Wichita	780801
480942	Willis, city of, Montgomery	760702
480922	Wilson, town of, Lynn	760716
481025	Winfield, town of, Titus	761112
480675	Wink, city of, Winkler	740628
480573	Winona, city of, Smith	741101
481051	Wise County, Wise	770607
481055	Wood County, Wood	770531
481022	Woodson, city of, Throckmorton	761022
480434	Yoakum, city of, Lavaca	740510
480687	Zapata County,* Zapata	740802

Total of 353 communities.

Utah

Identification	Community name and county	Original hazard date
490068	Antimony, town of, Garfield	760402
490194	Bear River, town of, Box Elder	750905
490002	Beaver, city of, Beaver	740611
490196	Cleveland, town of, Emery	770712
490015	Cornish, town of, Cache	760402
490236	Deweyville, town of, Box Elder	770429
490007	Elwood, town of, Box Elder	750124
490189	Enterprise, city of, Washington	740816
490114	Fountain Green, city of, Sanpete	760402
490199	Francis, town of, Summit	750725
490154	Genola, town of, Utah	750207
490155	Goshen, town of, Utah	750207
490171	Hildale, town of, Washington	760604
490188	Huntsville, town of, Weber	740821
490065	Kanab, city of, Kane	761029
490097	Kingston, town of, Piute	770204
490210	Lindon, city of, Utah	770621
490185	Loa, town of, Wayne	741220
490117	Mayfield, town of, Sanpete	760529
490069	Meadow, town of, Millard	760702
490021	Millville, town of, Cache	761022
490212	Monticello, city of, San Juan	761224
490025	Paradise, town of, Cache	761105
490190	Randolph, town of, Rich	740816
490215	Rush Valley, town of, Tooele	771025
490179	Springdale, town of, Washington	770510
490180	Toquerville, town of, Washington	760625
490220	Tremonton, city of, Box Elder	760423
490030	Trenton, town of, Cache	750627
490146	Vernon, town of, Tooele	760604
490168	Wallsburg, town of, Wasatch	760702

Total of 31 communities.

Vermont

Identification	Community name and county	Original hazard date
500279	Athens, town of, Windham	741206
500227	Belvidere, town of, Lamoille	741206
500236	Brookfield, town of, Orange	741213
500245	Brownington, town of, Orleans	741213
500107	Cabot, village of, Washington	740906
500083	Charleston, town of, Orleans	740809
500185	Danville, town of, Caledonia	750117
500249	Derby Center, village of, Orleans	750328
500229	Eden, town of, Lamoille	741206
500318	Elmore, town of, Lamoille	750411
500051	Enosburg, town of, Franklin	740809
500035	Essex Jct., village of, Chittenden	740628
500210	Ferdinand, town of, Essex	741213
500211	Granby, town of, Essex	741213
500003	Granville, town of, Addison	750124
500149	Hartland, town of, Windsor	761224
500313	Hubbardton, town of, Rutland	741213
500252	Irasburg, town of, Orleans	741220
500253	Jay, town of, Orleans	740913
500188	Kirby, town of, Caledonia	741213
500048	Lunenburg, town of, Essex	740628

Identification	Community name and county	Original hazard date
500213	Maidstone, town of, Essex	741213
500255	Morgan, town of, Orleans	750131
500262	Mt. Tabor, town of, Rutland	750110
500190	Newark, town of, Caledonia	750110
500238	Newbury, village of, Orange	761126
500284	Newfane, village of, Windham	750103
500256	Newport, town of, Orleans	741101
500180	North Bennington, village of, Bennington	750221
500214	Norton, town of, Essex	750328
500181	Peru, town of, Bennington	750110
500183	Sandgate, town of, Bennington	750131
500286	Saxtons River, village of, Windham	790227
500184	Searsburg, town of, Bennington	741115
500300	Sharon, town of, Windsor	770204
500287	Somerset, town of, Windham	741122
500321	Stratton, town of, Windham	750131
500269	Sudbury, town of, Rutland	750124
500198	Sutton, town of, Caledonia	741213
500270	Tinmouth, town of, Rutland	741206
500242	Vershire, town of, Orange	750117
500215	Victory, town of, Essex	741213
500077	Washington, town of, Orange	740628
500233	Waterville, town of, Lamoille	741220
500272	West Haven, town of, Rutland	750103
500267	Westfield, town of, Orleans	740906
500203	Westford, town of, Chittenden	750103
500140	Westminster, village of, Windham	741220
	Vermont	
500311	Westmore, town of, Orleans	750103
500204	Wheelock, town of, Caledonia	741115
500290	Windham, town of, Windham	770906
	Total of 51 communities.	
	Virginia	
510260	Alberta, town of, Brunswick	770225
510242	Belle Haven, town of, Accomack	741101
510333	Charlotte County,* Charlotte	780707
510045	Clintwood, town of, Dickenson	770304
510264	Crewe, town of, Nottaway	770211
510271	Floyd, town of, Floyd	770325
510268	Gordonville, town of, Orange	770225
510218	Hallwood, town of, Accomack	740809
510316	Hillsboro, town of, Loudoun	750404
510277	Keller, town of, Accomack	770401
510259	Lovettsville, town of, Loudoun	770415
510258	Newsoms, town of, Southampton	770204
510326	Nickelsville, town of, Scott	760702
510337	Pocahantas, town of, Tazewell	781103
510332	Port Royal, town of, Caroline	770722
510255	Stanley, town of, Page	770204
510284	Wakefield, town of, Sussex	770626
510288	Washington, town of, Rappahannock	770204
510295	Windsor, town of, Isle of Wight	770415
	Total of 19 communities.	
	Washington	
530007	Asotin County, Asotin	770913
530274	Bonney Lake, town of, Pierce	761029
530108	Creston, town of, Lincoln	741220
530283	Eatonville, town of, Pierce	761022
530246	Elmer City, town of, Okanogan	750822
530150	Friday Harbor, town of, San Juan	741129
530047	Garfield County, town of, Garfield	771115
530049	Grant County, Grant	771122
530110	Harrington, town of, Lincoln	741213
530248	La Center, town of, Clark	761112
530178	Latah, town of, Spokane	741206
530250	Malden, town of, Whitman	750718
530294	Milton, town of, King	761208
530256	N. Bonneville, town of, Skamania	761119
530257	Northport, town of, Stevens	760709
530259	Prescott, town of, Walla Walla	750718
530112	Reardan, town of, Lincoln	750110
530042	Republic, town of, Ferry	740607
530262	Roy, town of, Pierce	750718
530300	Rushton, town of, Pierce	761203
530149	San Juan County, San Juan	770607
530264	Springdale, town of, Stevens	750502
530031	Starbuck, city of, Columbia	750103
530266	Vader, town of, Lewis	750905
530308	Woodway, town of, Snohomish	750919
530269	Yacolt, town of, Clark	760702
530310	Yelm, town of, Thurston	761022
	Total of 27 communities.	
	Wisconsin	
550068	Bell Center, village of, Crawford	740109
550493	Big Falls, village of, Waupaca	740830
550147	Blue River, village of, Grant	770128
550148	Boscobel, city of, Grant	731217
550018	Cable, village of, Bayfield	740830
550011	Cameron, village of, Barron	731228
550358	Cazenovia, village of, Richland	740823
550371	Conrath, village of, Rusk	740830
550597	Crivitz, village of, Marinette	760317
550461	Eagle River, city of, Vilas	731228
550417	Eland, village of, Shawano	740823
550249	Elderon, village of, Marathon	740719
550129	Fairchild, village of, Eau Claire	740531
550250	Fenwood, village of, Marathon	740802
550592	Fontana on Geneva Lake, village of, Walworth	771223
550110	Forestville, village of, Door	731130
550367	Fortville, village of, Rock	740531
550238	Francis Creek, village of, Manitowoc	740517
550372	Glen Flora, village of, Rusk	741108
550050	Granton, village of, Clark	740830
550202	Hustler, village of, Juneau	740823
550100	Iron Ridge, village of, Dodge	760723
550393	Ironton, village of, Sauk	740816
550396	Lime Ridge, village of, Sauk	740823
550102	Lowell, village of, Dodge	740517
550434	Lublin, village of, Taylor	740920
550170	Marquette, city of, Green Lake	731218
550419	Mattoon, village of, Shawano	740830
550152	Mount Hope, village of, Grant	740830
550598	Nason, village of, Bayfield	770826
550205	Necedah, village of, Juneau	740109
550046	New Auburn city of, Chippewa	740719
550350	North Bay, village of, Racine	740906
550500	Ogdensburg, village of, Waupaca	740823
550113	Oliver, village of, Douglas	740830
550427	Oostburg, village of, Sheboygan	740628
550155	Potosi, village of, Grant	731228
550401	Prairie Du Sac, village of, Sauk	731207
550508	Redgranite, village of, Waushara	740517
550587	Slinger, village of, Washington	771021
550231	South Wayne, village of, Lafayette	731207
550388	Stanton, town of, St. Croix	741115
550387	Star Prairie, village of, St. Croix	731228
550353	Sturevant, village of, Racine	740524
550573	Sun Prairie, city of, Dane	771104
550599	Taylor County, Taylor	781201
550207	Union Center, village of, Juneau	741115
550257	Unity, city of, Marathon	740920
550519	Vesper, village of, Wood	740802
550540	Waushara county,* Waushara	770617
550378	Weyerhauser, village of, Rusk	761112
550233	White Lake, village of, Langlade	761001
550507	Wild Rose, village of, Waushara	740531
550594	Williams Bay, village of, Walworth	771021
	Total of 54 communities.	
	Wyoming	
560068	Afton, town of, Lincoln	770621
560001	Albany County, Albany	770823
560004	Big Horn County, Big Horn	770802
560008	Carbon County, Carbon	760516
560041	Chugwater, town of, Platte	741213
560062	Converse County,* Converse	780221
560059	Cowley, town of, Big Horn	750919
560018	Dubois, town of, Fremont	740123
560025	7East Thermopolis, town of, Hot Springs	741106
560060	Edgerton, town of, Natrona	761001
560062	Glendo, town of, Platte	750615
560022	Goshen County, Goshen	770719
560095	Granger, town of, Sweetwater	800226
560072	Guernsey, town of, Platte	761112
560063	Hanna, town of, Carbon	750822
560016	Hulett, town of, Crook	761210
560064	Lingle, town of, Goshen	750815
560066	Medicine Bow, town of, Carbon	760625
560085	Park County*, Park	760425
560086	Platte County*, Platte	780328
560021	Riverton, city of, Fremont	740329
560003	Rock River city of, Albany	750207
560078	Shoshoni, town of, Fremont	750815
560048	Sublette County, Sublette	771115
560087	Sweetwater County*, Sweetwater	760801
560079	Upton, town of Weston	760625
560089	Washakie County*, Washakie	780629
560024	Yoder, town of, Goshen	741208
	Total of 28 communities.	
	Total of 3,063 sanctioned communities.	

* Unincorporated areas only.

NOTE.—Key to read fourth column (hazard date): The first two digits designate the year, the middle two digits designate the month, and the last two digits designate the day.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: October 2, 1981

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-29604 Filed 10-15-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL MARITIME COMMISSION

[Docket No. 77-7; Agreements Nos. 9929-6, 10266-3 and 10374]

Sea-Land Service, Inc. v. FMC; Order on Remand

On April 14, 1981, the United States Court of Appeals for the District of Columbia Circuit partially vacated and remanded an order of the Federal Maritime Commission which had conditionally approved certain agreements among ocean carriers operating in the United States Atlantic & Gulf/Europe trades.[1] *Sea-Land Service, Inc.* v. *FMC*, 653 F. 2d 544 (D.C. Cir. 1981). The purpose of this order on remand is to structure further proceedings consistent with the Court's decision.

Background

The agreements under investigation in this proceeding trace their origins to Agreement No. 9929, a joint service arrangement between Hapag-Lloyd and Intercontinental Transport (ICT), B.V. (formerly Holland-American Line), to operate lighter-aboard-ship (LASH), container and breakbulk services under the trade name "Combi Line." This Agreement was approved on May 6, 1971, and, *inter alia*, provided that Hapag and ICT would share one vote in any conference or rate agreement to which the joint service became a party.

The LASH vessel portion of the Agreement was approved until December 31, 1986, but the container and breakbulk portions were approved for only a three-year term. Agreement No. 9929-1 extended the non-LASH services until April 8, 1977. On October 1, 1976, a further extension was proposed, coupled with significant modifications in the nature of the Combi Line operation (Agreement Nos. 9929-2, 9929-3, 9929-4, 10266 and 10266-1). Agreement No. 9929-2 authorized separate votes for Hapag, ICT, a new partner called Compagnie General Transatlantique (CGT)[2], and the joint

[1] The Commission's order was served on June 5, 1979 (19 S.R.R. 415). Petitions for reconsideration were denied on October 16, 1979 (19 S.R.R.955).

[2] CGT was later succeeded in interest by Compagnie Generale Maritime (CGM), which is a party to Agreements Nos. 10374 and 10266-3, two of the three agreements presently under investigation in this proceeding.

LASH service as a whole in any conferences or rate agreements in which they participated. These Agreements were protested by United States Lines, Sea-Land Service, Inc. and Seatrain International, S.A., and were set down for hearing on April 8, 1977 as FMC Docket No. 77-7.

Agreements Nos. 9929-2, 9929-4, 10266 and 10266-1 were withdrawn during the proceedings in Docket No. 77-7 and replaced by Agreements Nos. 9929-5 and 10266-2, respectively.[3] Agreement No. 9929-5 had two separate and distinct parts. Part I called for the *joint operation* of a LASH and conventional vessel service by Hapag-Lloyd, ICT and CGM. This service was to be known as "Combi Line." CGM's contribution would be limited to one or more feeder vessels for the LASH service, if and when the joint service commenced a feeder operation at European ports.

Part II of Agreement No. 9929-5, as ultimately presented to the Commission, would have authorized the three Proponents to cross-charter container space from one another on any and all vessels *separately operated* by them in the trades. Proponents could employ whatever vessels they wished, but would limit their containerized cargo carryings on these vessels to a combined total of 800 twenty-foot equivalent container units (TEU's) per week in each direction (averaged quarterly).[4] No pooling of revenues or expenses would be allowed.

Agreement No. 10266-2 was titled a "Joint Marketing Agreement" between ICT and CGM, and dealt mainly with provisions concerning joint marketing and cargo solicitation. However, the Agreement also authorized ICT and CGM to share all revenues and expenses incurred by the parties collectively in offering container, breakbulk or combination breakbulk/container service in the trade (i.e., all non-LASH service). The two carriers would instruct their joint agent to solicit cargo for their mutual benefit, and could issue a joint bill of lading for any cargo booked. As long as ICT and CGM remained parties to Part II of Agreement No. 9929-5, the containerized cargo carried by them would be subject to the TEU ceiling imposed by that agreement.

In addition, these Agreements dispensed with their predecessors' multiple voting provisions, providing instead that, as parties to a conference, the Proponents could not exercise collectively a greater number of votes than that accorded a single member of such conference.

On January 30, 1979, the presiding Administrative Law Judge (ALJ) issued an Initial Decision conditionally approving both agreements.[5] One of the conditions was that Agreement No. 9929-5 be modified to delete CGM as a party to the Combi Line LASH service, because the evidence showed that CGM would not participate in that service in the foreseeable future.[6] The ALJ also expressly found that Agreement No. 10266-2 had an independent existence of its own and should not be tied to the continued approval of the cross-charter provisions of Part II of Agreement No. 9929-5.[7] No exceptions to the Initial Decision were filed.

The Commission's Decision

On June 5, 1979, the Commission served an Order Partially Adopting Initial Decision and concluded that certain modifications, beyond those ordered by the Administrative Law Judge, were required before the agreements could be approved. Because the two proposed agreements did not "adequately reflect the three distinct section 15 activities proposed by Proponents,"[8] the Commission divided Agreement No. 9929-5 into two separate agreements: No. 9929-6, the "Combi Line" joint LASH service between Hapag-Lloyd and ICT;[9] and a new Agreement, subsequently designated as No. 10374, which authorized the cross-charter container arrangement among Hapag, ICT and CGM.

The Commission also required that authority for Hapag and ICT to operate a joint conventional vessel service be deleted from new Agreement No. 9929-6; that new Agreement No. 10374 be modified to either delete authority for rate-fixing under certain circumstances, or to add language ensuring that such activity would be carried out in compliance with the Commission's self-policing rules; that the ICT/CGM agreement (redesignated as Agreement No. 10266-3) be amended to change its title from "Joint Marketing Agreement" to "Joint Service Agreement" and to place limitations on the parties' authority to offer conventional vessel service; and that both Agreement No. 9929-6 and No. 10266-3 be amended to include more detailed reporting requirements. (19 S.R.R. at 417-19).

Neither the Commission's restructuring of the agreements nor the substantive amendments described above were the subject of the subsequent litigation in the U.S. Court of Appeals, and consequently are not affected by the Court's remand. As the Court itself noted, these actions by the Commission either do not alter the substance of the agreements or serve only to restrict the authority of the parties to the agreements. *Sea-Land Service, Inc.* v. *FMC, supra*, slip opinion at 15.

The further amendments required by the Commission which were the subject of the Court's decision concerned two separate matters.

One of the major benefits of the new contained cross-chartering provisions proposed in Agreement No. 9929-5 was the replacement of the old Combi Line joint container service between Hapag and ICT by an arrangement whereby Hapag would compete with the ICT/CGM joint service authorized by Agreement No. 10266 for container cargo. However, as it had been approved by the ALJ, Agreement No. 9929-5 also limited the three carriers to essentially one vote among them in any conferences or rate agreements. Thus, even though Hapag would now be competing with ICT/CGM for container cargo, it would still be voting with its joint service competitor on conference decisions concerning such cargo, including rates, sailing schedules and related rules and regulations. This would require the three carriers to confer among themselves in order to arrive at a consensus position before a particular matter came before a conference for voting by the members.

[3] Agreement No. 9929-3 proposed a two-year extension of the container and breakbulk services until 1979 and was approved by the Commission pending resolution of the administrative hearings in Docket No. 77-7. This *pendente lite* approval was vacated and remanded by the Court of Appeals because antitrust implications were not adequately considered. *United States Lines, Inc.* v. *FMC*, 584 F. 2d 543 (D.C. Cir. 1978). After further deliberations, the Commission again approved Agreement No. 9929-3 on an interim basis for a term commencing April 9, 1977 and expiring 60 days following service of the Commission's final decision in Docket No. 77-7. 19 S.R.R. 84 (March 15, 1979).

[4] Of these 800 TEU's, no more than 100 eastbound and 225 westbound (averaged monthly) could be carried to or from U.S. South Atlantic ports and none could be loaded or discharged north of Charleston, South Carolina. Moreover, no more than 30 TEU's of refrigerated cargo could be carried eastbound and no more than 10 such TEU's could be carried westbound. After the first year of operation the westbound limit could be increased to 15 TEU's and after the second year to 20 TEU's.

[5] 18 S.R.R. 1573.

[6] The Initial Decision also required that the two remaining parties to the LASH service not concertedly offer LASH service between Mexican and U.S. ports. Agreement No. 10266-2 was also approved on the condition that the parties not offer joint container/breakbulk service between Mexican and United States ports. Reporting requirements were imposed to assure compliance with the limitation on total carryings established by Article 2.2 of Agreement No. 9929-5.

[7] 18 S.R.R. at 1584, 1590.

[8] 19 S.R.R. at 417.

[9] As noted above, the ALJ had disapproved the Proponents' proposal to add CGM as a partner to this service.

In the Commission's opinion, such an arrangement would have been seriously inconsistent with the increased competition for container cargo promised by the new cross-chartering provisions and might thus have undercut the public interest basis for the Commission's approval of those provisions. Accordingly, in restructuring Agreement No. 9929-5 into Agreements Nos. 9929-6 and 10374, the Commission required that the voting provisions be revised so that only the Hapag/ICT joint LASH service be restricted to a single vote. In addition, in view of their convergence of interests under Agreement No. 10266-3 with regard to all non-LASH cargo, the Commission required that that Agreement include a provision limiting ICT and CGM to one vote between them on all container and conventional vessel services. (*See* 19 S.R.R. at 418). Thus, the amendments to the conference voting provisions ordered by the Commission were consistent with the structure of the three separate services approved by the Commission. The Commission required that the parties to the Hapag/ICT joint LASH service cast one vote between them, the parties to the ICT/CGM joint service also be limited to one vote and that Hapag, to the extent that it participates in conferences as an individual container carrier, also have one vote.

The second matter which became the subject of controversy in the Court of Appeals concerned Agreement No. 10266-3. The Commission found that the Agreement actually created a joint service, not merely a joint marketing arrangement, because the Agreement provided for revenue sharing between ICT and CGM, as well as several other characteristics of a joint service.[10] Although it was considered unlikely that ICT and CGM, would, with respect to their carriage of containerized cargo, operate outside Agreement No. 10374 and the cargo limitations contained therein, the record indicated and the ALJ found that the approval of Agreement No. 10266-3 should not be tied to the continued existence of Agreement No. 10374.[11] In light of this finding, the Commission was faced with the problem of whether some control should be placed over the amount of cargo that could be carried by the ICT/CGM joint service if the controls operative under Agreement No. 10374 should cease. The Commission was also mindful of the fact that Agreement No. 10374 did not restrict the parties in any way as to the type or size of vessels they could deploy in the trades.

The solution arrived at by the Commission was to place an 800 TEU per week (averaged quarterly) cargo limitation upon the ICT/CGM service, similar (though not as detailed) to that placed upon the parties to Agreement No. 10374. Thus, so long as ICT and CGM remain parties (with Hapag) to Agreement No. 10374, they will be subject to the ceiling on containerized cargo imposed by that Agreement. In the event the Agreement should terminate, Hapag would become an independent carrier and of course would carry whatever containerized cargo it could obtain for itself. The ICT/CGM joint service, on the other hand, would remain in operation, with whatever vessels it may have deployed. The Commission therefore deemed it appropriate that some control be maintained over the joint service, and the Commission's modification was designed to provide such control by ensuring that a ceiling remained on the container cargo which can be carried by the service. The Comission recognized in its Order Denying Further Reconsideration that more detailed limitations on the cargo which can be carried by the service may be necessary if the service should begin to operate outside of Agreement No. 10374.[12]

Sea-Land, Seatrain and United States Lines, the three carriers which had protested the original Agreements, objected to the Commission's modifications pertaining to voting and cargo limitations, and petitioned for clarification and reconsideration. The Commission denied the petitions and Sea-Land, joined by Seatrain, petitioned for review of the Commission's final order of conditional approval.

The Court's Decision

The Court's opinion focused on "whether the procedural aspects of section 15 were scrupulously observed by the Commission in arriving at its decision." *Sea-Land Service, Inc. v. FMC, supra*, slip opinion at 11 (footnote by Court omitted). While recognizing the necessity of the Commission's authority to impose modifications to proposed agreements as conditions of approval, the Court held that modifications to a particular agreement which *expand* the anticompetitive authority contemplated by agreement's proponents must be preceded by notice and hearing "through which interested parties can air their views as to the competitive implications of . . . [the modifications] and the Commission can gain sufficient information to make a reasoned decision as to the competitive impact of . . . [the modifications.]" *Id.*, slip opinion at 15-16.

With respect to the modifications challenged by Sea-Land, the Court stated that:

> The practical implications of these agreements are not readily apparent to the untrained eye, and the Commission must be credited with some expertise in understanding the pro- and anti-competitive aspects of private carrier agreements. Nevertheless, we think that both modifications appear to have expanded the proponents' authority and, as such, should have been the subject of prior notice and opportunity for comment. Any confusion as to the reach and impact of these modifications stems precisely from the fact that they were never addressed by the ALJ in the context of an adversary inquiry eliciting relevant facts and contentions. (Slip opinion at 19-20).

The Court examined the voting provisions imposed in Agreement No. 10374[13] by the Commission, and concluded that the factual record of the proceeding did not adequately support the Commission's contention that the provisions restricted rather than expanded the scope of the agreement. The Court noted that:

> The anti- or pro-competitive impact of a multiple voting provision will always turn on the facts of the individual case, such as the particular parties involved, their relative strength or weakness within the industry, and most important, whether the carriers involved in the agreement are so closely allied in interest as to make bloc voting likely. In such a situation, it is particularly inappropriate for the Commission to dispense with any notice and opportunity for comment by interested parties on the grounds that the Commission already understands the facts of the case. (Slip opinion at 22).

The Court then proceeded to discuss the imposition of capacity limitations in Agreement No. 10266-3, and concluded that the state of the record required that a remand was again necessary to allow opportunity for comment by interested parties. (Slip Opinion at 26-27).

Further Proceedings on Remand

One of the tasks confronting the Commission in light of the Court's remand order was determining whether the Court intended to vacate the Commission's approval of those agreements, or portions of agreements, which were not the subject of the

[10] 19 S.R.R. at 417, n. 8 and accompanying text.

[11] *See* note 7, *supra*, and accompanying text.

[12] 19 S.R.R. at 956, n. 1.

[13] As noted, the Commission also required that Agreement No. 10266-3 provide that ICT and CGM were limited to one vote between them with respect to their joint services under that agreement. That action by the Commission was not challenged by Sea-Land and consequently was not addressed in the Court's decision.

petition for review or discussion by the Court.[14] After careful study of the Court's decision, the Commission concludes that the Court intended these remand proceedings to be confined to the multiple voting provision in Agreement No. 10374 and the capacity limitation provision in Agreement No. 10266-3. We do not understand the Court to have vacated the Commission's order with respect to provisions not at issue before the Court.

As the discussion in this Order has indicated, the Commission continues to believe that, on the basis of the information presently at hand, the disputed voting provisions in Agreement No. 10374 and cargo limitation provisions in Agreement No. 10266-3 are desirable as a matter of regulatory policy. However, pursuant to the Court's instructions, further opportunity for comment on the impact of these provisions must be allowed in order to correct the deficiencies perceived by the Court. In view of what we believe to be the limited nature of the Court's remand and the narrowness of the issues addressed therein, these further hearings will initially be limited to the submissions of affidavits of fact and memoranda of law. The Commission expects any submissions to include more detailed and current information than was made available to the Commission when it acted on reconsideration requests following our 1979 order. The Commission will carefully consider all points of view set forth in these affidavits and memoranda. Furthermore, following the submission of these affidavits and memoranda, the parties will be given an opportunity to submit recommendations as to whether further proceedings are necessary and, if so, the form they should take. After consideration of these recommendations, the Commission will then issue an appropriate order.[15]

Although Sea-Land's petition for review and the Court's subsequent decision focus only on certain provisions of Agreements Nos. 10374 and 10266-3, it may be necessary to alter the corresponding provisions of Agreement No. 9929-6 (as well as Agreement No. 10266-3) if adjustments to the voting provisions of Agreement No. 10374 are deemed necessary. Therefore, Agreement No. 9929-6 is included within the scope of this proceeding.

Finally, there are indications that ICT and Hapag Lloyd may have ceased or substantially limited their joint LASH service under Agreement No. 9929-6. If this is the case, the need for the Commission's original modifications of the voting provisions of the other Agreements may have been altered or eliminated. Those two carriers are hereby directed, pursuant to section 21 of the Shipping Act, 1916 (46 U.S.C. 820(a)) to describe in their submissions the current status of that service, including service levels in 1980 and through the third quarter of 1981.

Therefore, it is ordered, That Docket No. 77-7 is hereby reopened; and

It is further ordered, That the scope of these proceedings shall be lmited to the following issues:

(1) Whether, in light of its own structure and the stucture of Agreements Nos. 9929-6 and 10266-3, Agreement No. 10374 should provide that Hapag Lloyd, on the one hand, and ICT/CGM, on the other hand, shall exercise separate votes in conferences or rate agreements with respect to their respective container services, and the impact on competition in the trades of such a provision. Submissions by the parties on this issue should include, if possible, a discussion as to how Hapag and ICT/CGM have voted on conference and rate agreement decisions regarding container services since Agreement No. 10374 was given final approval by the Commission on December 28, 1979; and

(2) (a) Whether Agreement No. 10266-3 should include a provision limiting the amount of containerized cargo which may be carried by ICT and CGM under the Agreement and, if so, the proper level of such a limitation;

(b) Whether any such limitation should be imposed, and at what level, if Agreement No. 10374 is terminated; and

It is further ordered, That pursuant to section 21 of the Shipping Act, Hapag Lloyd and ICT are hereby directed to include in their opening submissions a detailed description of the current status of their joint LASH service under Agreement No. 9929-6, including ports served and frequency of service at each port in 1980 and through the third quarter of 1981; and

It is further ordered, That these proceedings shall initially be limited to the submission of affidavits of fact and memoranda of law to the Commission; and

It is further ordered, That the following schedule be adhered to:

Affidavits of Fact and Memoranda of Law from all parties, including the Commission's Bureau of Hearings and Field Operations and any intervenors, shall be filed no later than the close of business November 9, 1981;

Reply Affidavits of Fact and Memoranda of Law from all parties, including the Commission's Bureau of Hearings and Field Operations and any intervenors, shall be filed no later than close of business December 9, 1981; and

It is further ordered, That within 15 days following the submission of the Reply Affidavits and Memoranda, the parties submit written statements identifying the unresolved issues of fact and specifying the procedures they believe are best suited to resolve those issues. Any requests by a party for a further hearing shall be accompanied by a detailed recital of the facts the party intends to prove at the hearing and a description of evidence intended to be used to prove those facts. After consideration of these submissions, the Commission will issue an appropriate order; and

It is further ordered, That any person, other than the parties, having an interest and desiring to participate in these proceedings may file a petition for leave to intervene pursuant to Rule 72 of the Commission's Rules of Practice and Procedure (46 CFR 502.72); and

It is further ordered, That this Order be published in the **Federal Register** and a copy thereof be served upon all parties of record; and

It is further ordered, That all documents submitted by any party of record in this proceeding be filed in accordance with Rule 118 of the Commission's Rules of Practice and Procedure (46 CFR 502.118) as well as being served directly on all other parties of record. By the Commission.[1]

Joseph C. Polking,

Assistant Secretary.

Commissioner Richard J. Daschbach, dissenting.

In my June 13, 1979 separate opinion to the Commission's Order Partially Adopting the Initial Decision in the above-captioned

[14] For example, as discussed *infra*, Agreement No. 9929-6 was not at all involved in the litigation before the Court and is not mentioned in the Court's decision.

[15] ICT and CGM, the parties to Agreement No. 10266-3, have filed for approval by the Commission an amendment to the Agreement which would authorize the two carriers to provide intermodal service via ports within the scope of the Agreement. The proposed amendment is designated Agreement No. 10266-4 and notice of its filing was published in the **Federal Register** on June 23, 1980. Protests and requests for hearing were filed by Sea-Land and Seatrain. The Commission has determined to briefly defer action on this Agreement pending an initial assessment of the nature and scope of further proceedings on Agreement No. 10266-3, particularly since the disputed cargo limitation provisions of Agreement No. 10266-3 are again a subject of contention between the proponents and protestants of Agreement No. 10266-4. If evidentiary hearings become necessary on Agreement No. 10266-3, the Commission will at that time consider the inclusion of Agreement No. 10266-4 in such proceedings.

[1] Commissioner Richard J. Daschbach's dissenting opinion is attached.

proceeding, I stated that the Commission should have fully adopted the ALJ's January 30, 1979 decision. The U.S. Court of Appeals' April 14, 1981 decision remanding the Commission's order and vacating two of the modifications which the Commission imposed upon the ALJ's decision re-inforces my view that adoption of the Initial Decision remains the Commission's most feasible and prudent option.

[FR Doc. 81-29933 Filed 10-15-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-62]

Westinghouse Electric Corporation v. Delta Steamship Lines, Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Westinghouse Electric Corporation against Delta Steamship Lines, Inc. was served October 6, 1981. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation in violation of section 16, 17 and 18(b) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Charles E. Morgan. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 81-29934 Filed 10-15-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Open Committee Meetings

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, November 19, 1981

This meeting will convene at 10 a.m., and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW, Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the committee is provided for in 5 U.S.C. 5347.

The committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C. as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caususes will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Committee Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW, Washington, D.C. 20415 (202-632-9710).

William B. Davidson, Jr.,

Chairman, Federal Prevailing Rate Advisory Committee.

October 6, 1981.

[FR Doc. 81-30047 Filed 10-15-81; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL RESERVE SYSTEM

Cleghorn Financial, Inc.; Formation of Bank Holding Company

Cleghorn Financial, Inc., Cleghorn, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Cleghorn State Bank, Cleghorn, Iowa. 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 November 8, 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, October 9, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29978 Filed 10-15-81; 8:45 am]

BILLING CODE 6210-01-M

Coranado, Inc.; Proposed Retention of "First" Agency, Inc.

Coranado, Inc., Sterling, Kansas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to retain voting shares of "First" Agency, Inc., Sterling, Kansas.

Applicant states that the proposed subsidiary would engage in the activities of agent or broker with respect to general insurance sold in Sterling, Kansas, a town with a population less than 5,000. These activities would be performed from offices of Applicant's subsidiary in Sterling, Kansas, and the geographic areas to be served are Sterling, Kansas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can

"reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received no later than November 8, 1981.

Board of Governors of the Federal Reserve System, October 9, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29979 Filed 10-15-81; 8:45 am]

BILLING CODE 6210-01-M

First Porter Bancshares, Inc.; Formation of Bank Holding Company

First Porter Bancshares, Inc., Porter, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90 percent or more of the voting shares of The First National Bank of Porter, Porter, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 8, 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, October 9, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29980 Filed 10-15-81; 8:45 am]

BILLING CODE 6210-01-M

Lincoln State Company, Inc.; Formation of Bank Holding Company

Lincoln State Company, Inc., Lincoln, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of Lincoln State Bank, Lincoln, Nebraska. 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 November 8, 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, October 9, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29981 Filed 10-15-81; 8:45 am]

BILLING CODE 6210-01-M

Manufacturers Hanover Corp.; Proposed Acquisition of Certain Assets of American Investment Company

Manufacturers Hanover Corporation, New York, New York, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire certain assets of American Investment company, New York, New York.

Applicant states that the proposed subsidiary would engage in the activities of consumer finance, sales finance, home equity lending, the sale as agent of credit life, accident and health, and property and casualty insurance related to extensions of credit, and servicing activities. these activities would be performed from 67 offices of Applicant's subsidiary in California, Oregon, and Washington, and the geographic areas to be served are the areas surrounding those offices. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically may questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 8, 1981.

Board of Governors of the Federal Reserve System, October 9, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29982 Filed 10-15-81; 8:45 am]

BILLING CODE 6210-01-M

Port Gibson Capital Corp.; Formation of Bank Holding Company

Port Gibson Capital Corporation, Port Gibson, Mississippi, 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 Port Gibson Bank, Port Gibson, Mississippi. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 8,

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, October 9, 1981.

Theodore E. Downing, Jr.,

Assistant Secretary of the Board.

[FR Doc. 81-29083 Filed 10-15-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Physician Agreements To Control Medical Prepayment Plans

Correction

In FR Doc. 81-28867 appearing at page 48982 in the issue for Monday, October 5, 1982, please make the following corrections:

(1) On page 48984, in footnote 1, in the eleventh line, the work "intities" should read "entities".

(2) On page 48985, in the first column, in footnote 6, in the second paragraph, in the sixth line, the word "over" should be deleted.

(3) On page 48985, in the third column, in the last paragraph, please: (a) in the eleventh line change "explicity" to "explicitly" and (b) in the twelfth line correct "attrubution" to read "attribution".

(4) On page 48985, in the third column, in footnote 13, in the fourth line "Ass's" should read "Ass'n".

(5) On page 48986, in paragraph "B. *Rule of Reason*", in the last line, insert an end quotation mark (") immediately after the word "competition".

(6) On page 48986, in the third column, in footnote 24, in the fourteenth line the word "of" should read "or".

(7) On page 48987, in the first paragraph, in the fourteenth line, "the eliminate" should be "to eliminate".

(8) On page 48987, in the third column, in footnote 31, in the tenth line the word "impending" should be "impeding".

(9) On page 48987, in the third column, in footnote 32, in the eighth line "In the other hand" should be "On the other hand".

(10) On page 48988, in the first column, in footnote 34, in the first line, the word "practive" should be "practice".

(11) On page 48988, in the third column, in paragraph "3. *Categorization of Plans* * * *", in the fifteenth line the word "contributions" should be "contribution" (singular).

(12) On page 48989, in the middle column, in the twenty-third line, the word "integraton" should be "integration".

(13) On page 48989, in the middle column, in footnote 45, in the eighteenth line, the word "got" should be "not".

(14) On page 48990, in the middle column, in footnote 48, in the second line, the word "to" should be "or".

(15) Also in footnote 48, in the fifth line, "Phillipsburgh" should be spelled "Phillipsburg".

(16) On page 48991, in the first column, in the first full paragraph, in the fourth line from the bottom of the paragraph, the word "agreement" should be "agreements" (plural).

BILLING CODE 1505-01-M

GOLD COMMISSION

Meeting

Notice is hereby given that the Commission established pursuant to Public Law 96-389 to review the role of gold in the domestic and international monetary systems and report its findings and recommendations to the Congress will meet in the Treasury Department Cash Room on Monday, October 26, 1981, beginning at 10:30 a.m. The meeting is open to the public.

Any comment or inquiry with respect to this notice can be addressed to Ralph V. Korp, Director, Office of International Monetary Affairs, U.S. Department of the Treasury, Washington, D.C. 20220, (202) 566-5365.

Dated: October 9, 1981.

Ralph V. Korp,

Director, Office of International Monetary Affairs, Treasury Department.

[FR Doc. 81-30067 Filed 10-15-81; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulations (21 CFR Part 14) relating to advisory committees.

The following advisory committee meetings are announced:

Ear, Nose and Throat Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel

Date, time, and place. November 2 and 3, 9 a.m.; Rm. 403a-425a, 200 Independence Ave. SW., Washington, DC.

Type of meeting and panel section leader. Open public hearing, November 2, 9 a.m. to 11:30 a.m., open committee discussion, 1 p.m. to 4:30 p.m.; open public hearing, November 3, 9 a.m. to 11:30 a.m., open committee discussion, 1 p.m. to 4:30 p.m.; Harry R. Sauberman, Bureau of Medical Devices (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7536.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of ear, nose, and throat devices currently in use and makes recommendations for their regulations.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader by October 26, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will review and discuss: (1) the physiological basis for the cochlear implant; (2) current status of cochlear implant research; (3) safety and efficacy of coshlear implant procedures; (4) classification of porous polyethylene as an ENT implant material; (5) porosity characterization studies of ENT implant materials (under contract to National Bureau of Standards); and (6) other matters that may come to the attention of the committee relating to safety and efficacy of ear, nose, and throat devices.

Application for reimbursement. Must be received by October 26, 1981.

Fertility and Maternal Health Drugs Advisory Committee

Date, time, and place. November 5 and 6, 9 a.m., conference Rms. G & H, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and executive secretary. Open public hearing, November 5, 9 a.m to 10 a.m.; open committee discussion, November 5, 10

a.m. to 5 p.m., November 6, 9 a.m. to 5 p.m.; A. T. Gregoire, Bureau of Drugs, (HFD-130), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3542.

General function of the committee. The committee reviews and evaluates available data concerning the safety and effectiveness of marketed or investigational prescription drug products for use in obstetrics, gynecology and contraception.

Agenda—Open public session. Interested persons requesting to present data, information, or views, orally or in writing, on issues pending before the committee should communicate with the committee executive secretary.

Open committee discussion. On November 5 the committee will discuss the safety and efficacy of progesterone and 17 OH progesterone for the treatment of reproductive disorders. On November 6, the committee will discuss the FDA Action Report and oral contraceptive labeling.

Applications for reimbursement. Must be received by October 26, 1981.

Radiopharmaceutical Drugs Advisory Committee

Date, time, and place. November 6, 9 a.m., Conference Rm. M, Parklawn Bldg., 5600 Fishers Lane, Rockville, MD.

Type of meeting and executive secretary. Open committee discussion, 9 a.m. to 1 p.m.; open public hearing, 1 p.m. to 2 p.m.; Martin Nissel, Bureau of Drugs (HFD-150), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-4260.

General function of the committee. The committee reviews and evaluates available data on the safety and effectiveness of marketed and investigational prescription drugs for use in the practice of nuclear medicine.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee.

Open committee discussion. The committee will discuss preclinical pediatric toxicology studies for radiopharmaceutical drugs; recommendations for marketed drugs with known widespread use for unapproved indications; and a subcommittee report on pediatric labeling or radiopharmaceuticals.

Applications for reimbursement. Must be received by October 27, 1981.

Technical Electronic Product Radiation Safety Standards Committee

Date, time, and place. December 9 and 10, 9 a.m., Conference Rm. 416, 12720 Twinbrook Parkway, Rockville, MD. Parking is available adjacent to the Parklawn Bldg., approximately one block distant, 5600 Fishers Lane, at a cost of $4 per day.

Type of meeting and contact person. Open committee discussion, December 9, 9 a.m. to 12 m. and 2:30 p.m. to 4:30 p.m.; open public hearing, December 9, 1:30 p.m. to 2:30 p.m.; open committee discussion continues, December 10, 9 a.m. to completion of meeting; Zorach R. Glaser (HFX-460), Bureau of Radiological Health, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3429.

General function of the committee. The committee advises on technical feasibility, reasonableness, and practicability of performance standards for electronic products to contol the emission of radiation, under 42 U.S.C. 263(f)(1)(A).

Agenda—Open public comment. Any interested person may present data, information, or views, orally or in writing, on issues pending before the committee. Those who desire to make such a presentation should notify the contact person in writing before November 20, 1981, and submit a brief statement on the general nature of the data, information or views they wish to present, the names and addresses of proposed participants, and an indication of the approximate time desired for their presentation. This will permit distribution and advance review by committee members and agency staff.

Open committee discussion. The committee will discuss draft amendments to the performance standard for sunlamps and ultraviolet lamps intended for use in sunlamps, and possibly the public response to the draft amendments. It is anticipated that brief informational presentations and a standards update will be presented by agency staff to the committee.

Applications for reimbursement. Must be received by November 20, 1981.

FDA public advisory committee meetings may have as many as four separate portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. There are no closed portions for the meetings announced in this notice. The dates and times reserved for the open portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1-hour long unless public participation does not last that long. It is emphasized, however, that the 1-hour time limit for an open public hearing represents a minimum rather than a maximum time for public participation, and an open public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

Applications for reimbursement for participation in the meeting(s) listed above should be sent to the Office of Consumer Affairs (HFE-1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Dockets Management Branch as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or which more information regarding the reimbursement program, please call 301-443-5006.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meeting(s) announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meeting(s) announced in this notice in the docket for this notice.

Dated: October 7, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-29784 Filed 10-15-81; 8:45 am]

BILLING CODE 4110-03-M

Advisory Committees; Meetings

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces forthcoming meetings of public advisory committees of the Food and Drug Administration (FDA). This notice also sets forth a summary of the procedures governing committee meetings and methods by which interested persons may participate in open public hearings conducted by the committees and is issued under section 10(a) (1) and (2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770-776 (5 U.S.C. App. I)), and FDA regulatios (21 CFR Part 14) relating to advisory committees. The following advisory committee meetings are announced:

Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel

Date, time and place. November 16 and 17; 9 a.m., Auditorium, 200 Independence Ave. SW., Washington, D.C.

Type of meeting and panel section leader. Open public hearing, November 16, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 12 m.; closed committee deliberations, 1 p.m. to 5 p.m.; open public hearing, November 17, 9 a.m. to 10 a.m.; open committee discussion, 10 a.m. to 12 m.; closed committee deliberations; 1 p.m. to 5 p.m.; Max W. Talbott, Bureau of Medical Devices (HFK-460), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7320.

General function of the committee. The committee reviews and evalustes available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before November 2, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. On November 16, the committee will discuss statistical/epidemiological questions pertaining to intraocular lenses (IOL's), and may discuss premarket approval applications for other ophthalmic products. There will be a discussion of recent reports on the effects of IOL's in endothelial cells. If discussion of all pertinent IOL issues is not completee, discussion will be continued the following day. On November 17, the committee may discuss premarket approval applications or general issues (including guideline and matrix revisions) relating to contact lens products.

Closed committee deliberations. The committee will conduct reviews of premarket approval applications for four intraocular lens on November 16 and 17. These portions of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 552b(c)(4)).

Applications for reimbursement. Must be received by November 2, 1981.

Anesthesiology Device Section of the Respiratory and Nervous System Devices Panel

Date, time and place. November 18, 9 a.m., Rm. 5542, 330 Independence Ave. SW., Washington, D.C.

Type of meeting and panel section leader. Closed presentation of data, 9 a.m. to 10 a.m.; open public hearing, 10 a.m. to 11 a.m.; open committee discussion, 11 a.m. to 12 m.; closed presentation of data, 1 p.m. to 2 p.m.; open committee discussion, 2 p.m. to 4 p.m.; David S. Shindell, Bureau of Medical Devices (HFK-430), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 310-427-7226.

General function of the committee. The committee reviews and evalustes available data on the safety and effectiveness of devices currently in use and makes recommendations for their regulation.

Agenda—Open public hearing. Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Those desiring to make formal presentations should notify the panel section leader before November 2, 1981, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time required to make their comments.

Open committee discussion. The committee will discuss premarket approval applications (PMA's) P810037 and P810043 for cutaneous carbon dioxide monitors.

Closed committee deliberations. The committee will discuss data presented by sponsors of PMA's for cutaneous carbon dioxide monitors. These portions of the meeting will be closed to permit discussion of trade secret data (5 U.S.C. 622b(c)(4)).

Applications for reimbursement. Must be received by November 2, 1981.

Each public advisory committee meeting listed above may have as many as four separable portions: (1) An open public hearing, (2) an open committee discussion, (3) a closed presentation of data, and (4) a closed committee deliberation. Every advisory committee meeting shall have an open public hearing portion. Whether or not it also includes any of the other three portions will depend upon the specific meeting involved. The dates and times reserved for the separate portions of each committee meeting are listed above.

The open public hearing portion of each meeting shall be at least 1-hour long unless public participation does not last that long. It is emphasized, however, that the 1-hour time limit for an open public hearing represents a minimum rather than a maximum time for public hearing may last for whatever longer period the committee chairman determines will facilitate the committee's work.

Meetings of advisory committees shall be conducted, insofar as is practical, in accordance with the agenda published in this **Federal Register** notice. Changes in the agenda will be announced at the beginning of the open portion of a meeting.

Any interested person who wishes to be assured of the right to make an oral presentation at the open public hearing portion of a meeting shall inform the contact person listed above, either orally or in writing, prior to the meeting. Any person attending the hearing who does not in advance of the meeting request an opportunity to speak will be allowed to make an oral presentation at the hearing's conclusion, if time permits, at the chairman's discretion.

Persons interested in specific agenda items to be discussed in open session may ascertain from the contact person the approximate time of discussion.

A list of committee members and summary minutes of meetings may be requested from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. FDA regulations relating to public advisory committees may be found in 21 CFR Part 14.

The Commissioner, with the concurrence of the Chief Counsel, has determined for the reasons stated that those portions of the advisory committee meetings so designated in this notice shall be closed. The Federal Advisory Committee Act (FACA), as amended by the Government in the Sunshine Act (Pub. L. 94-409), permits such closed advisory committee meetings in certain circumstances. Those portions of a meeting designated as closed, however, shall be closed for the shortest possible time, consistent with the intent of the cited statutes.

The FACA, as amended, provides that a portion of a meeting may be closed where the matter for discussion involves a trade secret; commercial or financial information that is privileged or confidential; information of a personal nature, disclosure of which would be a clearly unwarranted invasion of personal privacy; investigatory files compiled for law enforcement purposes; information the permature disclosure of which would be likely to significantly frustrate implementation of a proposed agency action; and information in certain other instances not generally relevant to FDA matters.

Examples of portions of FDA advisory committee meetings that ordinarily may be closed, where necessary and in accordance with FACA criteria, include the review, discussion, and evaluation of drafts of regulations or guidelines or similar preexisting internal agency documents, but only if their premature disclosure is likely to significantly frustrate implementation of proposed agency action; review of trade secrets and confidential commercial or financial information submitted to the agency; consideration of matters involving investigatory files compiled for law enforcement purposes; and review of matters, such as personnel records or individual patient records, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Examples of portions of FDA advisory committee meetings that ordinarily shall not be closed include the review, discussion, and evaluation of general preclinical and clinical test protocols and procedures for a class of drugs or devices; consideration of labeling requirements for a class of marketed drugs or devices; review of data and information on specific investigational or marketed drugs and devices that have previously been made public; presentation of any other data or information that is not exempt from public disclosure pursuant to the FACA, as amended; and, notably deliberative sessions to formulate advice and recommendations to the agency on matters that do not independently justify closing.

Applications for reimbursement for participation in the meeting(s) listed above should be sent to the Office of Consumer Affairs (HFE-1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, rather than to the Dockets Management Branch as prescribed in § 10.210 of the regulations (21 CFR 10.210). If you wish to submit an application or wish more information regarding the reimbursement program, please call 301-443-5006.

FDA has established expedited procedures for review of any application for reimbursement for participation in the meeting(s) announced in this notice. The Office of Consumer Affairs, FDA, will file any application for reimbursement for participation in the meeting(s) annonced in this notice in the docket for this notice.

Dated: October 8, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 81-29785 Filed 10-15-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0247]

Gulf Science and Technology Co.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that the Gulf Science and Technology Co. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of a 2-alkenyl succinic anhydride mixture as a component of adhesives and paper and paperboard coating systems intended for food-contact use.

FOR FURTHER INFORMATION CONTACT: Geraldine E. Harris, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3576) has been filed by Gulf Science and Technology Co., Pittsburgh, PA 15230, proposing that the food additive regulations be amended in § 175.105 (21 CFR 175.105) and § 176.180 (21 CFR 176.180) to provide for the safe use of a 2-alkenyl succinic anhydride mixture as a component of adhesives and paper and paperboard coating systems intended for food-contact use.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and of the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: October 6, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-29783 Filed 10-15-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81N-0310]

Massachusetts Public Health Biologic Laboratories; U.S. License No. 64; Diphtheria Toxin for Schick Test; Completion of Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Massachusetts Public Health Biologic Laboratories has completed testing for its Diphtheria Toxin for Schick Test that justifies a Category I classification for the product. The product had been placed in Category IIIA consistent with FDA's adoption of the recommendations of the Panel on Review of Skin Test Antigens.

EFFECTIVE DATE: October 16, 1981.

ADDRESS: Data to support this notice are on file with the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Michael L. Hooton, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301-443-1306.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of July 10, 1979 (44 FR 40284), FDA published, under § 601.25 (21 CFR 601.25) of the biologics regulations, the final rule announcing the agency's adoption of the report of the Panel on Review of Skin Test Antigens (the Panel) and response to the Panel's conclusions and recommendations for classifying skin test antigens, as modified on the basis of comments received from the public and FDA's independent evaluation of the report. FDA accepted the Panel's recommendation to classify Diphtheria Toxin for Schick Test, manufactured by Massachusetts Public Health Biologic

Laboratories, in Category IIIA (biological products for which available data are insufficient to classify as safe and effective but for which FDA has determined that the potential benefits outweigh the potential risks so that the products may remain in interstate commerce while the necessary data are accumulated). Although the Panel determined that the product is safe, it was recommended for a Category IIIA classification because there was insufficient evidence of its effectiveness for its labeled use of identifying susceptibility to diphtheria. In accordance with § 601.25(h), the manufacturer made a written commitment to undertake studies, in conformance with the Panel's recommendations, to demonstrate the effectiveness of the product.

The manufacturer has completed the studies and has submitted the resulting data to FDA. FDA finds that the data support the effectiveness of Diphtheria Toxin for Schick Test and concludes that the product should be reclassified to Category I (those biological products determined to be safe and effective and not misbranded and which should continue in interstate commerce). Therefore, effective October 16, 1981, FDA is reclassifying Diphtheria Toxin for Schick Test, manufactured by Massachusetts Public Health Biologic Laboratories, U.S. License No. 64, from Category IIIA to Category I. Consequently, this product is no longer subject to the labeling provisions under § 601.25(h)(4) and (5) requiring a box statement on the label and written informed consent from participants, respectively, for products requiring additional studies.

The data used by FDA in reaching this decision and not prohibited from public disclosure under section 301(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(j)) or 18 U.S.C. 1905 may be seen in the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday. This notice is issued under § 601.25(h)(3).

Dated: October 7, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-29786 Filed 10-15-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81G-0267]

Olin Chemicals; Withdrawal of Petition for GRAS Affirmation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces the withdrawal without prejudice of the petition (GRASP 3G0018) proposing affirmation that calcium hypochlorite for use in cannery-cooling water is generally recognized as safe (GRAS).

FOR FURTHER INFORMATION CONTACT: John H. Dawson, Bureau of Foods (HFF-335), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-426-8950.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b), 72 Stat. 1786 (21 U.S.C. 348(b))), the following notice is issued: In accordance with § 171.7 *Withdrawal of petition without prejudice* (21 CFR 171.7) of the procedural food additive regulations, Olin Chemicals, 120 Long Ridge Rd., Stamford, CT 06904, has withdrawn its petition (GRASP 3G0018), notice of which was published in the **Federal Register** of March 26, 1973 (38 FR 8011) proposing that calcium hypochlorite for use in cannery-cooling water is generally recognized as safe (GRAS).

Dated: October 7, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-29835 Filed 10-15-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 76N-0507]

FD&C Red No. 40; Availability of Final Report of the Working Group

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the Working Group on FD&C Red No. 40 has submitted its final report on completed studies with FD&C Red No. 40 to the Director, Bureau of Foods, and to the Commissioner of Food and Drugs. The Working Group has concluded that the available data do not demonstrate that FD&C Red No. 40 is carcinogenic in rats and mice. The Working Group also has found no substantial question of safety regarding the current use of FD&C Red No. 40 and has determined that there is no need for additional safety testing at this time.

ADDRESS: Copies of the report are available from the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Andrew D. Laumbach, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: FD&C Red No. 40 is listed for use in coloring food, drugs, and cosmetics under §§ 74.340, 74.1340, and 74.2340 (21 CFR 74.340, 74.1340, and 74.2340) of the color additive regulations. In 1976, during a lifetime feeding study of the color additive in CD-1 mice, a suggested dose-related early incidence of lymphoma raised concern about its safety. This study, along with a lifetime feeding study of FD&C Red No. 40 in rats, had been begun in late 1974 at Hazelton Laboratories, Vienna, VA, under sponsorship of Allied Chemical Corp.

FDA formed an interagency working group of scientists from FDA, the National Center for Toxicological Research, and the National Cancer Institute (41 FR 53546; December 7, 1976) to evaluate data from the first mouse feeding study, the rat feeding study, and a second mouse feeding study that was intended to reexamine the suggestion of early incidence of lymphoma from the first mouse study.

The first meeting of the Working Group on FD&C Red No. 40 took place on December 16 and 17, 1976 and January 10, 1977, and the group's findings and recommendations were made available for public review in February 1977. In its first interim report, notice of the availability of which appeared in the **Federal Register** of February 8, 1977 (42 FR 8005), the Working Group concluded that the available data were too preliminary to make a decision concerning the carcinogenicity of FD&C Red No. 40 in CD-1 mice, and that a final decision would have to wait until completion of at least the first mouse feeding study.

After completion of the first mouse feeding study and the rat feeding study, the Working Group reconvened on December 19 and 20, 1977, as announced in the **Federal Register** of December 6, 1977 (42 FR 61630). The working Group's findings and recommendations were made available for public review in April 1978 in the second interim report, notice of the availability of which appeared in the **Federal Register** of April 28, 1978 (43 FR 18258). The Working Group concluded that these experiments provided no evidence at that time that FD&C Red No. 40 was carcinogenic. The Working Group recommended that a final assessment await completion of

the second mouse study. In its interim report, the Working Group concluded that there was neither a significant acceleration of lymphoma formation on the basis of the completed first mouse study nor any apparent significant acceleration of lymphoma formation in the interim results of the second mouse study. The Working Group further concluded that there was no statistically significant increase in the incidence of lymphomas because of the ingestion of FD&C Red No. 40 in either mouse study. The Working Group also analyzed the data from the completed rat study and found no treatment-related tumors.

As a result of the April 28, 1978 notice, FDA received a comment that questioned the appropriateness of the statistical methods used by the Working Group. In response to this comment, the Commissioner of Food and Drugs in July 1978 asked three prominent statisticians, Dr. Bernard G. Greenberg, Dean of the School of Public Health, University of North Carolina; Jerome Cornfield, Professor of Statistics, George Washington University; and Dr. Frederick Mosteller, Chairman of the Department of Statistics, Harvard University, to review individually the statistical analyses used by the Working Group and the commenting party.

Dr. Mosteller requested that one of his colleagues, Dr. Stephen Lagakos, be allowed to work with him. Each of the statisticians responded to the Commissioner on the adequacy and the limitations of the procedures used by the Working Group. Each of the statisticians suggested a different approach. Therefore, three different additional statistical methods were recommended for further consideration.

The Working Group reconvened on January 17 and 18, 1979, as announced in the **Federal Register** of January 2, 1979 (44 FR 115), to determine which statistical method was most appropriate to detect and to evaluate early tumor formation. The transcript of the meeting was made available to the public in a notice appearing in the **Federal Register** of May 25, 1979 (44 FR 30437). Also in the May 25, 1979 **Federal Register** publication, FDA gave notice that the Working Group would convene on June 11, 12, and 13, 1979, along with the Ad Hoc Statistical Working Group.

The Working Group on FD&C Red No. 40 has now completed its review of the toxicological studies of FD&C Red No. 40 and has submitted its final report to the Director, Bureau of Foods, and to the Commissioner of Food and Drugs. The Working Group has concluded that the available data do not demonstrate that FD&C Red No. 40 is carcinogenic in rats and mice. The Working Group also has found "no substantial question of safety" regarding the current use of FD&C Red No. 40 and has determined that there is no need for additional safety testing at this time.

The final report of the Working Group on FD&C Red No. 40 is on public display at the Dockets Management Branch (address above) and may be reviewed between 9 a.m. and 4 p.m., Monday through Friday. Single copies of the report may also be obtained from the Dockets Management Branch upon request.

Dated: October 6, 1981.

Arthur Hull Hayes, Jr.,

Commissioner of Food and Drugs.

[FR Doc. 81-30094 Filed 10-14-81; 11:18 am]

BILLING CODE 4110-03-M

Health Resources Administration

National Advisory Council on Health Professions Education; Meeting Cancelled

In FR Doc. 81-28019 appearing at page 47492 in the issue for Monday, September 28, 1981, the November 16-17, 1981 meeting of the National Advisory Council on Health Professions Education has been cancelled.

Dated: October 13, 1981.

Jackie E. Nylen,

Advisory Committee Management Officer, Health Resources Administration.

[FR Doc. 81-30044 Filed 10-15-81; 8:45 am]

BILLING CODE 4110-83-M

National Institutes of Health

Allergy, Immunology, and Transplantation Research Committee, Allergy and Clinical Immunology Research Subcommittee, Transplantation Biology and Immunology Subcommittee; Amended Meeting

Notice is hereby given of changes in the "open" and "closed" portions of the Allergy, Immunology, and Transplantation Research Committee, and its Subcommittees, of the National Institute of Allergy and Infectious Diseases, which was published in the **Federal Register** on September 15, 1981 (46 FR 45816).

On October 28, discussions of the Transplantation Biology and Immunology Subcommittee will be open from 8:30 a.m. until 9:30 a.m. The meeting will be closed to the public from 9:30 a.m. until adjournment. On October 29, discussions of the Allergy and Clinical Immunology Subcommittee will be open from 8:30 a.m. until 9:00 a.m. The meeting will be closed to the public from 9:00 a.m. until adjournment. On October 30, the meeting of the Allergy and Clinical Immunology Subcommittee will be closed to the public from 9:00 a.m. until 5:00 p.m.

Dated: October 7, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-30105 Filed 10-15-81; 8:45 am]

BILLING CODE 4110-08-M

Biometry and Epidemiology Contract Reviewing Committee; Amended Meeting

Notice is hereby given of the cancellation of the meeting of the Biometry Epidemiology Contract Review Committee, National Cancer Institute, National Institutes of Health, November 18, 1981, which was published in the **Federal Register** on September 15, 1981, (46 FR 45817). For further information, please contact Dr. Wilna A. Woods, Executive Secretary, National Cancer Institute, Westwood Building, Room 822, National Institutes of Health, Bethesda, Maryland 20205 (301/496-5173).

Dated: October 7, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-30106 Filed 10-15-81; 8:45 am]

BILLING CODE 4110-08-M

Biochemical Endocrinology Study Section, et al.; Amended Meetings

Notice is hereby given of a change in the date, time or location of the meetings of the following National Institutes of Health Study Sections which were published in the **Federal Register** on September 1, 1981 (46 FR 43883).

The Biochemical Endocrinology Study Section was to have met at the National Institutes of Health, Building 31A, Conference Room 4 on October 28-30, 1981. It will now meet one additional day, October 28-31, 1981, at the National Institutes of Health, Building 31A, Conference Room 4. The opening session will convene at 8:30 a.m., October 28, 1981. The subsequent scheduled meetings will begin 8:30 a.m., October 29, 30, 31, 1981.

The Biophysical Chemistry Study Section was to have met at the National Institutes of Health, Building 31C, Conference Room 8 on October 14-16, 1981. It will now meet one day later, October 15-17, 1981, at a new location, the Linden Hill Hotel, Bethesda, MD. The opening session will convene at 8:30

a.m., October 15, 1981. The subsequent meetings will begin at 8:30 a.m., October 16 and 17, 1981.

The Cardiovascular and Pulmonary Study Section was to have met at the Uniform Services University, Bethesda, MD on October 28–30, 1981. It will now meet one day later, October 29–30, 1981, at the Uniform Services University, Bethesda, MD. The opening session will convene at 8:00 a.m., October 29, 1981. The subsequent meeting will begin at 8:00 a.m., October 30, 1981.

The Experimental Virology Study Section was to have met at the National Institutes of Health, Building 31C, Conference Room 9 on October 18–21, 1981. It will now meet one day later, October 19–21, 1981, at the National Institutes of Health, Building 31C, Conference Room 9. The opening session will convene at 8:30 a.m., October 19, 1981. The subsequent scheduled meetings will begin at 8:30 a.m., October 20 and 21, 1981.

The meetings will be open to the public for approximately one hour at the beginning of the first session of the first day of each meeting.

Dated: October 7, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-30104 Filed 10-15-81; 8:45 am]

BILLING CODE 4110-08-M

Cardiology Advisory Committee; Amended Meeting

Notice is hereby given of a change in the meeting of the Cardiology Advisory Committee sponsored by the National Heart, Lung, and Blood Institute, National Institutes of Health, which was published in the **Federal Register** on September 10, 1981, 46 FR 45198.

This meeting was to have convened at 8:30 a.m., on October 19–20, 1981, but has been changed to a one-day meeting to be convened on October 19, 1981, in the Landow Building, 7910 Woodmont Avenue, Conference Room A, National Institutes of Health, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 8:30 a.m. to 5:00 p.m. Attendance by the public will be limited to space available. Topics for discussion will include a review of the research programs relevant to the Cardiology area and consideration of future needs and opportunities.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Room 4A21, Building 31, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the Committee members.

Barbara Packard, M.D., Ph.D., Acting Associate Director for Cardiology, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, Room 320, Federal Building, Bethesda, Maryland 20205, phone (301) 496–5421, will furnish substantive program information upon request.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Note.—NIH Programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b) (4) and (5) of that Circular.

Dated: October 7, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-30103 Filed 10-15-81; 8:45 am]

BILLING CODE 4110-08-M

Sickle Cell Disease Advisory Committee; Amendment Meeting

Notice is hereby given of a change in the meetng of the Sickle Cell Disease Advisory Committee sponsored by the National Heart, Lung, and Blood Institute, National Institutes of Health, which was published in the **Federal Register** on September 10, 1981, 46 FR 45201–2.

This meeting was to have convened at 9:00 a.m. on October 19–20, 1981, but has been changed to a one-day meeting to be convened at 9:00 a.m. on October 23rd, in Bulding 31, 9000 Rockville Pike, Conference Room 4, A-Wing, National Institutes of Health, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 9:00 a.m. to 5:00 p.m., to discuss recommendations on the implementation and evaluation of the Sickle Cell Disease Program. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, Phone: (301) 496–4236, will provide summaries of the meeting and roster of the Committee members.

Clarice D. Reid, M.D., Chief, Sickle Cell Disease Branch, DBDR, NHLBI, Federal Building, Room 504, (301) 496–6931, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.839, Blood Diseases and Resources Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A–95 because they fit the description of "programs not considered appropriate" in Section 8(b)(4) and (5) of that Circular.

Dated: October 7, 1981.

Thomas E. Malone,

Deputy Director, National Institutes of Health.

[FR Doc. 81-30102 Filed 10-15-81; 8:45 am]

BILLING CODE 4110-08-M

Public Health Service

Health Maintenance Organizations

AGENCY: Public Health Service, HHS.

ACTION: Notice, continued regulation of Health Maintenance Organizations: Determination of noncompliance.

SUMMARY: On December 23, 1980, the Office of Health Maintenance Organizations determined that HealthPlus, Inc. (HP), 6611 Kenilworth Avenue, Suite 400, Riverdale, Maryland 20840, a federally qualified health maintenance organization (HMO), was not in compliance with the assurances it had provided to the Secretary that it would maintain 1. a fiscally sound operation, and 2. satisfactory administrative and managerial arrangements. HealthPlus has been given the opportunity to and has, in fact, initiated corrective action to bring itself into compliance with these assurances. The determination of noncompliance does not itself affect the status of HealthPlus as a federally qualified HMO.

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph. D., Acting Director, Office of Health Maintenance Organizations, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION: Under Section 1312(b)(1) of the Public Health Service Act (42 U.S.C. 300e–11(b)(1) (the Act), if the Secretary makes a determination under section 1312(a) that a qualified HMO which provided assurances to the Secretary under section 1310(d)(1) is not organized or operated in the manner prescribed by section 1301(c), then he shall (1) notify the HMO in writing of the determination, (2) direct the HMO to initiate such action as may be necessary to bring it into compliance with the assurances, and (3) publish the determination in the **Federal Register.**

On September 1, 1981, OHMO approved a plan for HP to restore compliance with the assurances that it

provided the Secretary that it would maintain 1. a fiscally sound operation, and 2. satisfactory administrative and managerial arrangements.

Dated: October 2, 1981.

Frank H. Seubold,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81-29087 Filed 10-15-81; 8:45 am]

BILLING CODE 4110-85-M

Social Security Administration

Statement of Organization, Functions and Delegations of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services covers the Social Administraton (SSA). Sections SM.00, SM.10 and SM.20 of the SSA Statement, as published in the **Federal Register** on August 7, 1979 (44 FR 46328-34), describe the mission, organization and functions of SSA's Office of Management, Budget and Personnel (OMBP).

Notice is given that sections SM.10 and SM.20 are amended to: reflect the establishment of the Division of Classification and Organization Management in the Office of Human Resources (OHR) (pages 46329 and 46331-46333) of OMBP (pages 46328-46334); abolish the Division of Classification in OMBP's OHR (pages 46329 and 46331); abolish the Division of Organization Planning and Analysis in OMBP's Office of Management Planning and Analysis (OMPA) (46329 and 46330); and delete references to organization management and analysis in OMPA's functional statement and add such references to OHR's functional statement.

The OMBP material is amended as follows:

Section SM.10—*The Office of Management, Budget and Personnel* (Organization):

D. *The Office of Management Planning and Analysis* (SMP):

6. The Division of Organization Planning and Analysis (SMP7)—Delete all material.

F. *The Office of Human Resources* (SMH):

1. The Division of Classification (SMHA)—Change to read:

1. The Division of Classification and Organization Management (SMHQ).

Section SM.20—*The Office of Management, Budget and Personnel* (Functions)

D. *The Office of Management Planning and Analysis* (SMP)—Delete lines 11 and 12 "conducts an SSA organization management and analysis program;"

6. The Division of Organization Planning and Analysis (SMP7)—Delete all material.

F. *The Office of Human Resources* (SMH)—Add at line 13 after "research," organization management and analysis.

1. The Division of Classification (SMHA)—Delete all material.

Add:

1. The Division of Classification and Organization Management (SMHQ)

a. Develops and implements an SSA-wide program of organization design and control; and comprehensive programs of position classification and position management within SSA headquarters. Directs position classification and position management activities having SSA-wide significance.

b. Provides advice and assistance to all SSA components on activities and issues that involve organization, position classification and position management; serves as the central SSA referral point on these programs; and acts as SSA liaison with the Office of Personnel Management (OPM), HHS and other non-SSA entities and organizations with respect to assigned areas of responsibility.

c. Formulates and oversees the implementation of policies, procedures, standards, directives and objectives which assure that organization and position structure and management promote cost effective operations and the best use of positions and employee skills.

d. Conducts studies of SSA organizational and functional arrangements and alternatives; approves or recommends the establishment of positions and organizational entities. Evaluates proposals to transfer existing functions within SSA and to SSA from other agencies, and recommends SSA action on organizational and position changes requiring approval outside the agency.

e. Provides leadership and coordination in the formulation of SSA policies, directives and programs relating to the Fair Labor Standards Act and to salary and wage surveys; and conducts a continuing review of the applicability of classification standards and, as appropriate, negotiates with OPM for the revision of such standards or the development of single agency standards.

Dated: September 22, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 81-28350 Filed 10-15-81; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

Reply to Objections To Permit Issuance

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Fish and Wildlife Service issued an Endangered Species Convention permit without consulting with the International Convention Advisory Commission (ICAC). The Service's response to ICAC's objections to the permit issuance are addressed in this notice.

FOR FURTHER INFORMATION CONTACT: Mr. Richard M. Parsons, Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, 1000 North Glebe Road, Room 601, Arlington, Virginia 22201, telephone 703/235-1903.

SUPPLEMENTARY INFORMATION: On May 27, 1981, the International Convention Advisory Commission (ICAC) wrote to the Secretary of the Interior objecting to the procedures used in issuing a permit to the United Peregrine Society for the import of nestling peregrine falcons (*Falco peregrinus anatum*) from Mexico. ICAC outlined its objections in a Staff Analysis attached to the May 27, 1981, letter. ICAC had not been consulted at the time of issuance. Consequently, the Fish and Wildlife Service agreed to review ICAC's objections.

After review, the Service concluded that the permit issuance did not violate the Endangered Species Act and prepared a response for ICAC. This response is being published in accordance with 16 U.S.C. 1537a. The various points raised by ICAC in objecting to the permit issuance are addressed by corresponding subject headings in the USFWS staff document attached to the Assistant Secretary's letter.

The documents referred to in the Service's response to ICAC are available for public inspection by appointment during regular business hours at the Service's Federal Wildlife Permit Office.

Dated: October 8, 1981.

Michael J. Spear,

Acting Director, Fish and Wildlife Service.

September 11, 1981.

Mr. Thomas McIntyre,
Chairman, International Convention Advisory Commission,
1010 Wisconsin Avenue, N.W.,
Suite 210,
Washington, D.C. 20007

Dear Mr. McIntyre:

The enclosed commentary by the U.S. Fish and Wildlife Service responds to your letters (May 27, and July 10) concerning the issuance

of a Federal permit to the United Peregrine Society, Inc., for importing fledgling peregrine falcons from Mexico. I believe the commentary responds to your concerns very well. As required by the Endangered Species Act, this letter and the Service commentary will be submitted for publication in the **Federal Register.**

Sincerely,

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

Response to Staff Analysis by International Convention Advisory Commission Objection to Permit Issued to United Peregrine Society, Inc., for Peregrine Falcons, PRT 2-7690.

Responses are given for each major section given in the ICAC Staff Analysis of PRT 2-7690 which was attached to the ICAC letter dated May 27, 1981:

Summary: ICAC's "summary" states that the permit was issued to Col. Richard A. Graham. It should be clarified that the permit was issued to the United Peregrine Society, Inc. (UPS), with Col. Graham designated as the Principal Officer. The permit application indicated that other active members of UPS include Greg Hayes, D.V.M., John Swift, Newell Bench, Russell Jackson and Ken Mesch.

Consultation with the Commission: ICAC raises the point that the Service did not consult with them with respect to granting this permit pursuant to 16 U.S.C. 1537a. Although the Commission was aware of the permit application and the initial recommendation for denial by the Office of the Scientific Authority (OSA), it is true that no consultation occurred when the decision was being made to grant the permit. Consequently, the Service will undertake to consult fully on all future Appendix I import permit applications as agreed upon in the June 18, 1980, MOU between the Department of the Interior and ICAC. Biological information and opinions presented in ICAC's analysis have been carefully reviewed; however, ICAC provided no new information or evidence which would have led us to deny issuance of the permit as requested. Responses to ICAC's objections are discussed in the following sections.

The Need for Scientific Authority Advice: ICAC states that the Service has not complied with CITES. Specifically, ICAC contends that no finding was made that the import will be for purposes not detrimental to the survival of the species. Such a finding is required pursuant to CITES before any Appendix I imports are permitted. As Dr. F. Eugene Hester, Acting Deputy Director of the Service, made clear in his May 20, 1981, letter to the ICAC, he overruled an April 9, 1981, memorandum from the OSA which recommended against import saying it was unable to make a finding of no detriment, and treated it as a staff recommendation. The Director is, after all, the Scientific Authority designated in the Endangered Species Act (ESA), 16 U.S.C. 1537a. The record reflects that Dr. Hester decided to overrule the OSA. During the meetings and deliberations on the issue within the Service, the disposition of OSA's memorandum was repeatedly discussed and it was specifically concluded, *prior* to issuing the permit that, in fact, the record *could* support a finding in favor of granting the permit. The Assistant Secretary's concurrence that the permit should be granted was based on staff discussions of that record and of the merits of the various objections. Dr. Hester's April 27, 1981, memorandum fails to specifically overrule the earlier OSA memorandum. However, in view of the above and of the fact that the OSA (Dr. Jachowski) drafted the April 27, 1981, memorandum at Dr. Hester's request, it is inaccurate to say that the finding was not implicitly overruled as a staff recommendation. The Service understands that Appendix I import permits cannot be issued by a CITES Management Authority unless a Scientific Authority has previously advised that the import "will be for purposes which are not detrimental to the survival of the species involved." Although there was no specific written record of a finding of no detriment from Dr. Hester, his final decision as Scientific Authority necessarily included all determinations required under the Convention including one that import would not be detrimental to the survival of the species. Dr. Hester was presented with a great many facts and opinions on the proposed activity, not just those from OSA. Based on his judgment as Acting Deputy Director for the Service and as the Scientific Authority, he determined that the permit should be issued.

The Nature of Scientific Authority Advice: ICAC contends that the biological data do not justify Dr. Hester's overruling of OSA's findings of April 9, 1981. ICAC introduces this section by quoting the following from Dr. Hester's April 27, 1981, memo: "I recognize the inadequacy of data concerning the effects on the remaining wild population exerted by the taking of the birds, and that questions have been raised about whether this applicant's work will ultimately benefit the species," and remarks that both concerns are well substantiated. We do not believe that both concerns are well substantiated.

First, the Service believes that resource decisions should be based on as much appropriate information as can reasonably be considered within given time frames. Generally speaking, decisions involving endangered species are not as easy as those concerning more numerous and more studied animals. Fortunately, in terms of endangered species, considerable work has been done on the peregrine falcon as a whole, but detailed information on specific demes is frequently sparse or altogether lacking.

One major part of the record is the data Mr. M. Alan Jenkins presented in his February 2, 1981, letter to the Director, USFWS. ICAC states that Mr. Jenkins' data were the only basic information given, were poorly laid out, and did not indicate a conservative approach to the matter. Mr. Jenkins stated that the Midriff region of Baja California was best known ornithologically. Dr. Daniel Anderson has studied the peregrines in the area and found the species to be reproducing normally. His data, published in the Canadian Field Naturalist 90:270-271, covered a 5 year period. He checked 40 nest sites overall and up to 12 nest sites per year. He did not observe all sites throughout the entire breeding season; but, of those he observed, 77 percent were occupied by breeding adults, and at least 6 nests of the 40 nest sites he knows of successfully fledged an average of 2.2 young. In regard to Mr. Jenkins' data, we do not believe Mr. Jenkins was overestimating the population status of Baja peregrines. He and his associates visited 10 nest sites (his letter stated 11 sites, but was later corrected in a telephone conversation), of which 9 were successful (i.e., fledged young), and 1 was unsuccessful. As mentioned in Mr. Jenkins' letter of February 2, 1981, four other nest sites were checked by other biologists (Dr. Anderson and his associates) and were found to be successful. Therefore, young birds were fledged at 13 of 14 nest sites (93 percent) that investigators actually visited during the 1980 breeding season. Based on this, we estimated that 93 percent of the known nest sites were successful in the Midriff area. With a mean of 2.1 birds per nest (based on data both from Jenkins and Anderson), one could reasonably expect 52 birds to have been fledged. We do not believe that Mr. Jenkins was stretching his data when he estimated that *about* 30 breeding pairs exist in the region and that all existing data indicate that about 2.1 young are fledged per successful nest. ICAC's minimum estimate of 13 birds being produced is unrealistic, since it is based on an assumption that through some disaster no young were produced at any other nest sites. The available evidence indicated an overall healthy breeding population. Therefore, an estimate of the population abundance, which is a valid and commonly-used technique in wildlife management, was reasonable in this case.

ICAC also states that Mr. Jim Ruos of the USFWS Migratory Bird Management Office should not have based his estimate of peregrine production from the entire Baja gulf region but should have limited it to the Midriff region; his analysis was presented in an April 9, 1981, memo to the Federal Wildlife Permit Office (FWPO). We do not think this point is valid. We see no reason why the estimate cannot be taken from a broader standpoint, especially since peregrines are known to wander widely (as their name is derived). Consequently, we believe that Mr. Ruos' statement that "total production in 1981 is expected to exceed 100 young" is reasonable. To corroborate this, there are peregrines breeding on the Pacific side of Baja California that were not even mentioned in this analysis, and the total breeding population in the Baja region may be 100 pairs. In addition, Mr. Ruos stated that "Raptor management biologists involved with falconry harvest programs for large falcons consider the taking of 10 percent of the annual production from a stable population as a *conservative* harvest rate." Ten birds for UPS is 10 percent of an expected production of 100 or more peregrine falcons on the Baja side of the Gulf of California. There are no known immediate threats to the continued survival of this continuous population. If threats arise in the future, at least a portion

of this population's gene pool is secured and available at the UPS for breeding Baja peregrines for release of progeny back to Baja (or other similar ecosystems) to augment wild production.

Consequently, all data received during the review of the application indicated that this population is stable. These data compare well with data from other stable populations or peregrine falcons such as *F. p. pealei* and *cassini*. After issuance of the permit, we received further information from Mr. Jenkins which tends to confirm the data he supplied during the evaluation of the permit application. During this year's breeding season (May 1981), he briefly observed (1–2 hrs.) 27 known nest sites of which 20 had breeding pairs. He actually visited 11 nests; 10 of these were successful containing 26 young (2.6 per nest), and the eleventh had addled eggs.

We consider Mr. Jenkins to be a fully competent professional research biologist. His research has been conducted in cooperation with others at the Denver Wildlife Research Center including Dr. Charles Stone (now with the National Park Service) and Richard Porter (retired). One or both of these men always accompanied Mr. Jenkins to Baja California. We do not believe there is any conflict of interest. Mr. Jenkins' data have been prepared for publication. Additionally, even though the OSA mentioned that 6 raptor biologists felt that the take of the 10 falcons would be detrimental, 9 comments were received from other raptor specialists, university professors, and one veterinarian favoring the activity as needed and justified. Except for Mr. Jenkins, all of those who voiced support or opposition provided us only with opinions, and not substantiating data.

With respect to ICAC's objections to the Service's approach to UPS and its desire to breed peregrine falcons, whether captive breeding might benefit the species and whether another peregrine falcon breeding project should be established using Mexican birds is purely a matter of scientific opinion based on one's knowledge of the species and priorities about endangered species management. Certainly, the management of endangered species has met with suspicion and criticism from some persons who emphasize that efforts should be spent on root causes of endangerment (e.g., habitat destruction, toxic chemicals). These persons also assert that efforts to eliminate proximate factors (reproductive failure because of toxic chemicals) only detract from the root problems. From a very practical standpoint, we believe that breeding projects for endangered wildlife are not a panacea to the overall problem but can buy precious time with regard to helping to solve some basic root problems. We did not consider UPS's request lightly but made every attempt to weigh all of the available facts and opinions concerning their proposal. Our final decision was a deliberate action, intensely debated at the highest level of the Service.

ICAC's objections rely in part on the views given by OSA in its memo of April 9, 1981, which recommends against granting the permit. The OSA states the purposes of UPS for obtaining these birds and their (UPS) overall desire to establish brood stocks of peregrine falcons to represent genetically the geographic diversity of these birds in North America. Following this, OSA presents its reasons why UPS's purposes are unjustified. For example, it iterates that the Recovery Team and the State of Colorado do not want Mexican peregrine falcons released into Colorado because of different genetic material which may dilute the Rocky Mountain gene pool (this was also mentioned in correspondence from several states and Mr. William C. White, Acting Area Manager, USFWS, Salt Lake City, Utah). In addition, OSA stated that release of Mexican Birds *may* have deleterious effects on present Colorado birds by the introduction of lethal or sublethal genetic factors or diseases. UPS, however, does not want the Mexican birds only for release of progeny into Colorado (or any other Western State) even though they are willing to do so with State approval, but wants primarily to secure the Mexican gene pool in captivity. As mentioned earlier, this technique may "buy time" for the Baja population if it experiences a decline in the future. OSA's mention of gene pool dilution, and introduction of lethal or sublethal factors or diseases is a valid concern. Nonetheless, the Service has supported the release of captive-bred endangered birds to augment wild populations including peregrine falcons in the Eastern U.S. (which may mix with migrant birds), Aleutian Canada geese, bald eagles, Andean condors, whooping cranes, nene geese, masked bobwhite quail, Atlantic puffin, and Puerto Rican parrots. The genetic purity of subspecies, much less discontinuous populations of subspecies, is only one scientific point of view. Thus, Service experience and practice indicate that there would be no apparent problem with activities such as the release of captive-bred progeny of American peregrine falcons from Baja California into any part of the American peregrine falcon's range, and that an equally supportable point of view could be held for strengthening the genetic stability of the species or subspecies by maximizing gene pool mixing.

OSA goes on to say that the most appropriate course of action would be to release progeny of the Baja birds back to Baja. However, the record (including comments from OSA) reflects that this is not currently necessary since this is *"a stable and healthy population."* Again, UPS does not plan only to release Baja birds back to Baja unless there is a need as perceived by the Service or the Mexican Government. Its ultimate desire is to establish the gene pool in captivity to offset future decline if it occurs in Mexico or any other place where American peregrine falcons occur.

The last point the OSA makes is that the ultimate goal for the recovery of the peregrine falcon should be to have healthy wild breeding populations and that captive-propagation of Baja peregrines is presently unwarranted. It further recommends that "only in seriously imperiled populations would there be some need for taking birds into captivity to maintain a gene pool." This raises the question whether to establish the gene pool prior to decline or during decline; and, if during decline, at what stage of decline? Should we opt for crisis management? After considerable debate and discussion of this point, the Service decided, based on previous experience, that it is preferable to establish the gene pool prior to decline. In hindsight, had this been done with the endemic peregrine that was found in Eastern North America there would be no need to release non-endemic captive-bred peregrines in this free-zone region.

OSA's own actions show that the principle and practice of captive breeding is a valid endeavor. In a memorandum to FWPO (copy attached) dated March 24, 1981, OSA advised in favor of, with the concurrence of ICAC, the issuance of a permit to import four wild peregrine falcons *(F. p. peregrinator)* from India for Dr. Tom Cade of the Peregrine Fund, Cornell University, because "Establishment of a breeding colony at Cornell University would ensure that a captive population would be maintained to ensure that a gene pool of this stock was available for reintroduction into its native habitat in case of unforeseen events that may reduce its numbers in the wild. The issuance of this permit would not be detrimental to the survival of this species." The point here is that while there is some debate on the appropriateness of captive breeding there is clear precedent for such programs and the UPS permit is not significantly different from a number of permits issued in the past.

ICAC's objection also quotes some concerns by the USFWS Salt Lake City Acting Area Manager, Mr. William C. White, in his March 18, 1981, memo to Region 6, USFWS. Mr. White speculates that issuance of the permit would open the door to any falcon breeder who wanted wild peregrines. Of course, every permit application is handled on a case-by-case basis. The granting of this permit does not mean that all other similar requests will be approved. We are bound by regulation to assure that any taking or import be limited only to fully justified projects, evaluated on the merits of the proposal and the best available data.

Another contention of Mr. White is that the UPS program would compete for funding available for "an established peregrine breeding program . . . as well as for wild eggs and young," yet UPS has not requested Federal grants and is privately funded. The sharing of eggs or young with other breeding projects does not present a problem as far as we can determine. We believe it is better management not to rely entirely on one facility when the entire breeding of peregrines in the West can be appropriately distributed amongst two (or several) projects. This lessens the chance of the destruction of one large breeding project through calamity, and encourages the investigation of various breeding techniques, thereby increasing chances for successful and productive breeding operations. In fact, we are favorably disposed toward the idea and establishment of private funding of projects which contribute to the survival of endangered species.

Questions were raised by Mr. White and the OSA about Richard Graham's experience and expertise as a falcon breeder. We refer ICAC to what was presented in the permit

application. The incubation and breeding responsibilities by UPS are handled by Dr. Greg Hayes (D.V.M.), in a temperature controlled room. The overall breeding facilities are comparable to those of successful breeding projects, including a double entry door system which safeguards the birds from inadvertent escape. UPS has Federal and State permits for breeding peregrine falcons.

Mr. White also questions cross-fostering techniques which Col. Graham used during the past and which were never reviewed or commented on by the Recovery Team. He also voiced concern over hybridization. These concerns have been satisfied. The permit issued to UPS (copy attached) does not authorize cross-fostering. In addition, any activity proposed by UPS regarding release of progeny to the wild mist be consistent with the Rocky Mountain/Southwest Peregrine Falcon Recovery Plan and must be approved by the U.S. Fish and Wildlife Service (Region 6) and the Colorado Division of Wildlife.

Accordingly, it is the opinion of the Federal Wildlife Permit Office that all applicable statutory and regulatory criteria and standards for issuance of the permit have been met. The concerns raised in the ICAC letter of May 27, 1981, simply establish that the scientific community holds divided views on the specific questions faced in this permit application. Nonetheless, the permit decision, based on the best available data, was made only after a reasoned and scrutinizing process which led the Acting Deputy Director to recommend granting of the permit by the Service's Federal Wildlife Permit Office.

Dated: September 11, 1981.

Richard M. Parsons,

Chief, Federal Wildlife Permit Office.

[FR Doc. 81-29877 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-55-M

Geological Survey

Advisory Committee on Water Data for Public Use; Meeting

Pursuant to Public Law 92-463, effective January 5, 1973, notice is hereby given that an open meeting of the Advisory Committee on Water Data for Public Use will be held November 3-5, 1981, at the International Hotel in New Orleans, Louisiana. The Committee is made up of representatives of water-resources oriented groups, including national, State, and regional organizations, professional and technical societies, and the academic community. Its principal responsibility is to represent the interests of the non-Federal community on plans, policies, and procedures related to water-data programs. The Director of the U.S. Geological Survey is chairman of the Committee.

The meeting will convene at 8:00 a.m. on Tuesday, November 3. Some specific items on the agenda include (1) a review of significant coordination program developments in 1981; (2) a preview of planned Geological Survey and Water Division activities in the 1980's; (3) subcommittees and working groups to assist in implementing a more effective water data coordination program; (4) projects for the Advisory Committee on Water Data for Public Use in the 1980's, and (5) progress in river quality assessment.

A field trip to the Geological Survey's Gulf Coast Hydroscience Center at Bay St. Louis, Mississippi is scheduled for the afternoon of Wednesday, November 4. Included as part of the tour will be the Hydrologic Research Center and the Hydrologic Instrumentation Facility. The meeting will adjourn at noon on Thursday, November 5.

The meeting will be open to the public and any person or persons wishing to attend or desiring more information should contact Porter E. Ward, chief, Office of Water Data Coordination, U.S. Geological Survey, 417 National Center, Reston, Va. 22092 (telephone 703-860-6931).

Nancy Lopez,

Acting Chief, Office of Water Data Coordination.

[FR Doc. 81-29912 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Receipt of Proposed Development and Production Plan

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Exxon Company, U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS 032 and 033, Blocks 18 and 19, Grand Isle Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Sections 25 of the OCS Land Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: October 7, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-30035 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Texaco U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 2580, Block 380, Vermilion Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested

parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: October 7, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-30038 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Gulf Oil Exploration and Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS 0820, Block 169, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the code of Federal Regulations.

Dated: October 7, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-30037 filed 10-15-81; 8:45 am]

BILLING CODE 4310-31-M

Bureau of Land Management

[CA 2268]

California; Termination of Proposed Withdrawal and Reservation of Land

October 8, 1981.

Notice of Bureau of Reclamation application CA 2268 for withdrawal and reservation of the following described land from all forms of appropriation under the public land laws including the mining laws (30 U.S.C. Ch. 2), was published as FR Doc. 74-22007 on page 34083 of the issue of September 23, 1974, and republished as FR Doc. 77-17004 on page 30548 of the issue of June 15, 1977. The applicant has cancelled its application in its entirety.

Mount Diablo Meridian

Modoc National Forest

T. 46 N., R. 7 E.,
Sec. 27, SE¼SW¼ and SW¼SE¼.

The area described aggregates 80 acres in Modoc County, California.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2-5(b)(1), these lands shall at 10:00 a.m. on November 17, 1981, be relieved of the segregative effect of the above mentioned application.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

[FR Doc. 81-30036 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

[N-33613]

Nevada; Airport Lease Application

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214), Vincent Silvestri has applied for an airport lease for the following land:

Mount Diablo Meridian

T. 13 S., R. 71 E.,
Sec. 10, Lots 7, 8 and 9.

The area described comprises 83.57 acres in Clark County, Nevada. The application was filed on June 24, 1981, and on that date the land was segregated from all other forms of appropriation under the public land laws.

Interested persons may submit comments to the District Manager, Bureau of Land Management, P.O. Box 5400, Las Vegas, Nevada 89108.

Lacel Bland,

Acting Chief, Division of Technical Services.

October 7, 1981.

[FR Doc. 81-30021 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

[NM-A 29460 TX]

New Mexico; Lignite Coal Lease Offering by Sealed Bid

October 7, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: On September 24, 1981, Robert F. Burford, Director, Bureau of Land Management, made the decision to lease approximately 6,445 acres of Federal lignite reserves underlying Camp Swift Military Reservation in Bastrop County, Texas. Accordingly, notice is hereby given that the lignite resources in the lands hereinafter described will be offered for competitive lease by sealed bid to the qualified bidder of the highest cash amount per acre.

The lands are being offered as a single tract; therefore, a bid must be for all of the lands in this offer. No bid will be considered which is less than $240.00 per acre and no bid will be accepted for less than fair market value as determined by the authorized officer.

DATE: The sale will be held on November 10, 1981 at 10:00 a.m. Sealed bids will be accepted at the Bureau of Land Management in Santa Fe (see address below) provided that they arrive no later than the close of business, 4:30 p.m., on November 6, 1981 or sealed bids may be hand delivered between the hours of 8:00 a.m. and 10:00 a.m. on the day of the sale to Bureau of Land Management personnel at the place designated for the sale (see address below).

ADDRESS: The sale will be held in the Nueces Room of the Sheraton Crest, 111 East First Street, Austin, Texas.

Sealed bids submitted to Santa Fe must be received by the Cashier, Room 3031, Bureau of Land Management, New Mexico State Office (P.O. Box 1449) Joseph M. Montoya Federal Building and U.S. Post Office, South Federal Place, Santa Fe, New Mexico 87501 by the close of business on November 6, 1981.

Sealed bids to be hand delivered on the day of the sale must be given to Bureau of Land Management personnel at the place of sale in the Nueces Room at the Sheraton Crest, 111 East First Street, Austin, Texas, between the hours of 8:00 a.m. and 10:00 a.m.

FOR FURTHER INFORMATION CONTACT: For information on the lease sale contact Tessie R. Anchondo, Chief, Mining Section, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501, telephone (505) 988-6306, (FTS)476-6306. For single copies of

the Record of Decision and information on the leasing decision document contact Carol A. MacDonald, Energy Environmental Coordinator, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501, telephone (505) 988-6214, (FTS)476-6214.

SUPPLEMENTARY INFORMATION: Sealed bids must be received on or before 4:30 p.m. on November 6, 1981, for those submitted to the Bureau of Land Management in Santa Fe, New Mexico and on or before 10:00 a.m. for those hand delivered on the day of the sale, November 10, 1981, to Bureau of Land Management personnel at the place of sale in Austin, Texas. Bids received after the times specified will not be considered.

Sealed bids may not be modified or withdrawn unless such modification or withdrawal is received in Santa Fe on or before 4:30 p.m. on November 6, 1981, for those bids submitted to Santa Fe, and on or before 10:00 a.m. in Austin for those bids hand delivered in Austin.

The successful bidder is obligated to pay for the newspaper publication of the Notice.

This offering is being made as a result of an application filed in accordance with the provisions of the Mineral Leasing Act for Acquired Lands of August 7, 1947, as amended, 30 U.S.C. 351-359 et seq., and the Department of Energy Organization Act of August 4, 1977 (91 Stat. 565, 42 U.S.C. 7101).

Lignite Coal Offered. The lignite resource to be offered is contained in four seams which are part of the Calvert Bluff Member or the Rockdale Formation of the Wilcox Group in the following tracts within Camp Swift in Bastrop County, Texas:

(Army Corps of Engineers Real Estate Tract Numbers)

A-21	G-318
D-145	G-329.
G-193 (Parts 1 & 2)	D-137
G-324.	D-153
A-22	G-319
D-146	G-330.
G-314	D-139
G-325.	D-165
A-31	G-320
D-146A	G-331.
G-315	D-140
G-326.	D-166
A-37	G-321
D-147	G-332 (Parts 1 & 2).
G-316	D-141
G-327.	D-171
D-131	G-322
D-151	G-350.
G-317	D-142
G-328.	G-104
D-133	G-323
D-152	Open Tract 100.

Excluding therefrom:

1. A right-of-way for Texas Utilities Fuel Company's buried natural gas pipeline plus a buffer zone containing 4.314 acres.

The area to be leased contains approximately 6,445 acres.

All bidders should be aware that the Lower Colorado River Authority, Austin, Texas, has raised a question as to the title of the United States in Open Tract 100. The United States does not warrant title to the interest in the lands covered by the proposed sale.

The total underground recoverable reserves are estimated to be 95,555,000 tons of strippable lignite reserves. The areas mentioned below have been assessed as unsuitable for surface mining. However, should they be assessed suitable at a future date the minable coal underlying these areas, may be included in the recoverable tonnage figure for a revised total of 98,335,000 tons.

1. A right-of-way for Farm-to-Market Road (F.M.) 2336, plus a 100-foot buffer zone north of the road (16.093 acres; 630,000 tons of minable coal).

2. The University of Texas System's Cancer Center's surface lease and buffer zone located south of F.M. 2336 (78.153 acres; 2,015,000 tons of minable coal).

3. Three small cemeteries, including 100-foot buffer zones (2.36 acres; 135,000 tons of minable coal).

Note.—The acreages for the above areas are included in the acreage to be leased.

The lignite is lignite A and averages (as-received) 6,706 Btu/1b with 0.98 percent sulfur and 13 percent ash. The average lignite thickness varies from 2 to 7 feet.

Rental and Royalty. The lease issued as a result of this offering will provide for payment of an annual rental of $3.00 per acre and a royalty payable to the United States at the rate of 12.5 percent of the value of the lignite mined by surface methods. The value of the lignite shall be determined in accordance with 30 CFR 211.63.

Special Qualifications. This offering covers acquired lands set apart for military purposes. Therefore, in accordance with 43 CFR Part 3472 a bidder must be a qualified governmental entity located in the State of Texas that is producing electrical energy for sale to the public in that State.

Detailed Statement of Sale. A detailed statement of the sale, including bidding instructions and the terms of the lease, is available in Room 3031 at the Bureau of Land Management Office in Santa Fe (see address). All case file documents and written comments submitted by the public on fair market value or royalty rates, except those portions identified as proprietary which meet the exemptions stated in the Freedom of Information Act, will be available for public inspection at the same Bureau of Land Management Office.

Larry L. Woodard,

Associate State Director.

[FR Doc. 81-30019 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

[UT-910-4310-84]

Utah; Extension of Call for Expression of Leasing Interest in Coal

AGENCY: Bureau of Land Management (BLM) Interior.

ACTION: Extension of time to submit expression of leasing interest in coal.

SUMMARY: The Phase I call for expression of leasing interest in coal in the Uinta-Southwestern Utah Coal Region was made September 11, 1981. Responses were to be received by October 31, 1981. By this notice the date for submission of data is extended 30 days.

DATE: Response to this notice may be received until November 30, 1981.

ADDRESS: Responses should be sent to State Director (930), Bureau of Land Management, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111, *and* to District Conservation Division, 2070 Administration Building, 1745 West 1700 South, Salt Lake City, Utah 84104.

FOR FURTHER INFORMATION CONTACT:

Max Nielson, Coal Project Manager, Utah State Office, BLM, 136 East South Temple, Salt Lake City, Utah 84111; telephone (801) 524-5326.

Morgan Jensen, District Manager, Cedar City District, BLM, 1579 North Main, Cedar City, Utah 84720; telephone (801) 586-2401.

SUPPLEMENTARY INFORMATION: This is to advise all interested parties that the official call for expressions of interest in Federal coal leasing, for Phase I (Uinta-Southwestern Utah Coal Region) is being extended 30 days to allow for more study and analysis. Data will be accepted until November 30, 1981. The areas covered in the Phase I call include BLM's Escalante/Paria/Zion Planning Units in Southern Utah. The coal fields (KRCRA's) include the Kaiparowits, Alton-Kanab and Kolob.

Readers of this notice should see the September 11, 1981 notice (**Federal Register**, Vol. 46, No. 176, Pg. 45429) for complete details on submitting an expression of leasing interest.

Dated: October 9, 1981.

Dean E. Stepanek,

Associate State Director, Utah Bureau of Land Management.

[FR Doc. 81-30005 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

Canon City District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Canon City District Advisory Council Meeting.

SUMMARY: Notice is hereby given, in accordance with Pub. L. 94-579, that a meeting of the Canon City District Advisory Council will be held on Thursday, November 19, 1981.

The meeting will be from 9:30 a.m. to 3:30 p.m. at the Sirloin Room, Penrose Stadium, 1045 West Rio Grande, Colorado Springs, Colorado.

The agenda includes discussion of Northeast Resource Area Management Plan Criteria, status of wilderness study, Denver Basin Coal Management Program, and the District's Fiscal Year 1982, Annual Work Plan/Budget.

The meeting will be open to the public. Interested persons may make oral statements to the council, or file written statements for the Council's consideration beginning at 2:00 p.m. and lasting at least one hour. The District Manager may establish a time limit for oral statements depending on the number of people wishing to speak.

ADDRESS: Anyone wishing to address the council should notify the District Manager, Bureau of Land Management, 3080 E. Main (P.O. Box 311), Canon City, Colorado 81212, phone (303) 275-0631, by November 13, 1981.

Summary minutes of the meeting will be available for public inspection and reproduction at the District Office during regular business hours (7:45 a.m. to 4:30 p.m.) within 30 days following the meeting.

Stuart L. Freer,

Acting District Manager.

[FR Doc. 81-30006 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

Carson City District Grazing Advisory Board; Meeting

SUMMARY: The Board will meet November 17, 1981 in the District Office.

LOCATION: Carson City District Office, 1050 Highway 50 East, Suite 344, Carson City, Nevada

Agenda

9:30 a.m. Call to order

9:45 a.m. Range Improvement Projects by Resource Area, Fiscal 1981, 1982, 1983

11:30 a.m. Break for lunch

1:00 p.m.—New BLM Range Improvement Policy

—Allotment Management Plans

—Wild Horse Update

—New BLM Grazing Management Policy

2:30 p.m. General Discussion and Public Statements—Adjournment

The five-member Board is elected biennially by Carson City District grazing permittees to provide the District Manager with advice on the development of allotment management plans and the utilization of range betterment funds. The meeting is open to the public.

FOR FURTHER INFORMATION CONTACT: Stephen Weiss, Public Affairs Officer, Bureau of Land Management, Carson City District, 1050 E. William St., Suite 335, Carson City, Nevada, 89701, telephone (702)882-1631.

Dated: October 6, 1981.

Roy S. Jackson,

Acting District Manager.

[FR Doc. 81-30020 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

Eugene District Advisory Council; Meeting

Notice is hereby given in accordance with section 309 of the Federal Land Policy and Management Act of 1976 that a meeting of the Eugene District Advisory Council will be held on December 15, 1981. This postpones meetings earlier scheduled for November 24 and December 1 and announced in the **Federal Register** on 9-23-81 (Vol. 46, No. 184).

The meeting will be held at 9:00 a.m. Pacific Standard Time in Room 227 in the Federal Building at 211 E. 7th, Eugene, Oregon. It will conclude at 3:30 p.m.

The primary topic to be covered at the meeting is further progress on the District's Management Framework Plan (MFP), including a presentation of a draft preferred land use alternative.

The Council will also discuss subjects for its future attention and make arrangements for the next meeting.

The meetings are open to the public and interested persons may make statements to the Council between 3:00 p.m. and 3:30 p.m. on December 15, or file written statements for the Council's consideration. To assure that adequate time is allotted for statements, those wishing to make oral statements should notify the District Manager, Bureau of Land Management, 1255 Pearl Street, Eugene, Oregon 97401, by December 7, 1981. Depending on the number of persons wishing to speak, a per person time limit may be established by the District Manager.

Summary minutes of the Council meeting will be maintained in the District Office and be available for public inspection and production (during regular business hours) by 30 days following the second session.

Dated: October 6, 1981.

Frank Schiller,

Acting District Manage.r

[FR Doc. 81-30013 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

[1601.7 HMRA-H]

Henry Mountain Planning Area; Coal Unsuitability Study; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public participation meeting.

SUMMARY: Notice is hereby given that the following public participation meeting will be held to discuss a draft Coal Unsuitability Report for the Henry Mountain Planning Area in Wayne and Garfield Counties, Utah. The meeting will be held on November 18, 1981 at 1:00 p.m. in the Utah State Office, Thirteenth Floor Conference Room, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah.

DATES: Recommendations and maps will be available from the Bureau of Land Management, Richfield District, 150 East 900 North, Richfield, Utah 84701 after October 30, 1981. Comments will be accepted in writing until December 5, 1981.

SUPPLEMENTARY INFORMATION: The Bureau of Land Management in accordance with the Federal Land Policy and Management Act of 1976 and the Surface Mining Control Act of 1977 has the responsibility to assess the unsuitability or the acceptability of Federal lands for coal leasing and development. The coal study for the Henry Mountain Planning Area is being conducted in conjunction with the ongoing preparation of a Management Framework Plan. The study area consists of 41,098 acres in the Henry Mountain Known Recoverable Coal Resource Area and 102,702 additional acres identified from coal outcrop data supplied by the U.S. Geological Survey and the Utah Geologic and Mineral Survey. Within the study area, BLM administers the mineral leasing rights on

126,709 acres of public lands and 480 acres of private land. The remaining acreage consists of 1,440 acres of private minerals and 15,170 acres of State-administered land.

BLM has applied the Coal Unsuitability Criteria, 43 CFR Part 3460, to the lands in the coal study area and is now seeking comment on the preliminary recommendations.

Following the incorporation of the public comments into the coal unsuitability recommendations, BLM will publish the final recommendations.

Comments should be submitted to Public Information Officer, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701.

Donald L. Pendleton,

District Manager.

October 7, 1981.

[FR Doc. 81-30015 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

Moab District Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting, Moab District Grazing Advisory Board.

Notice is hereby given, in accordance with Pub. L. 92-463, that a meeting of the Moab District Grazing Advisory Board will be held December 11, 1981 at 10 a.m. in the Moab District Office Conference Room, 125 West 200 South in Moab, Utah. The meeting is open to the public.

The agenda for the meeting will include:

1. Discussion on Range Improvement (RI) and Policy.

a. Proposed construction of new RI for fiscal year 1982 based on annual work plan funding.

b. Maintenance of existing RI for fiscal year 1982.

c. Review of RI projects completed in District.

2. Report on Monitoring.

a. Number of studies on allotments.

b. Evaluation of some of the allotments.

3. Discuss status of Price River EIS and progress of allotment categorization.

4. Discussion of Allotment Management Plans (AMP) Revision.

Interested persons may make oral statements to the Board between 2 and 3 p.m., or may file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 970, Moab, Utah 84532 by December 9, 1981.

Summary minutes of the board meeting will be maintained in the Moab District Office and will be available for reproduction and inspection (during regular business hours) within 30 days following the meeting.

C. Delano Backus,

Acting District Manager.

October 5, 1981.

[FR Doc. 81-30007 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

Moab District Advisory Council; Meeting

SUMMARY: The Council will conduct committee meetings on November 12, with formal recommendations being made in a meeting on November 13. Both meetings will begin at 9 a.m.

LOCATION: Moab District Office, 125 West Second South, Moab, Utah.

SUPPLEMENTARY INFORMATION: The agenda is scheduled as follows:

November 12

9 a.m. to 11 a.m.—Nuclear Waste Committee and Land and Water Use Evaluation Committees: Presentation by Department of Energy on Current Status of National Waste Terminal Storage (NWTS) Program

11 a.m. to 12 p.m.—Nonrenewable Resources Committee: Tar Sands, Humates, Chevron Pipeline

Range EIS Committee: Proposed Grazing Regulations amendments

12 p.m. to 1 p.m.—Lunch

1 p.m. to 3 p.m.—Land and Water Use Evaluation Committee: Grand RMP, Westwater withdrawal Status, Montezuma Creek Water Quality Assessment, Firewood

Wilderness Committee: Final Wilderness Management Regulations, Current Status of Wilderness Study

November 13

9 a.m. to 11 a.m.—Reports and recommendations from previous day's meetings by committee chairmen

11 a.m. to 12 p.m.—Presentation on need for a highway to Vernal

12 p.m. to 1 p.m.—Lunch

1 p.m. to 2 p.m.—Public Statements

2 p.m. to 3 p.m.—New Business, Including 1982 Annual Work Plan

3 p.m. to 4 p.m.—Recommendations formalized Statements by Council Chairman and District Manager Adjournment

FOR FURTHER INFORMATION CONTACT: Mary Plumb, Public Affairs Officer, Bureau of Land Management, 125 West Second South, P.O. Box 970, Moab, Utah 84532, 801-259-6111.

All Advisory Council meetings are open to the public. Written statements may be filed, or verbal statements may be made at 1 p.m. on November 13. Anyone wishing to make a verbal statement must contact the District Manager by November 10. Depending on the number of statements, a per person time limit may be established so that all may be heard. Summary minutes for the meeting will be maintained in the District Office and be available for public inspection within thirty days following the meeting.

Kenneth V. Rhea,

Acting District Manager.

[FR Doc. 81-30008 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

[M 589, M 10419, M 13977, and M 23321]

Montana; Termination of Proposed Withdrawal and Reservation of Lands; Correction

A description of lands in FR Doc. 81-23541, dated August 5, 1981, appearing on page 40937 in the issue of Thursday, August 13, 1981, in the second column under M 13977 (Entire Relinquishment) reads "Section 25, E½SW¼." This should be corrected to read "E½NW¼."

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-30011 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

[M 23322]

Montana; Termination of Proposed Withdrawal and Reservation of Land; Correction

October 5, 1981.

A description of lands in FR Doc. 81-22742, dated July 28, 1981, appearing on page 39899 in the issue of Wednesday, August 5, 1981, in the third column under T. 18 N., R. 29 W., reads "Section 10, Lots 1, 2, 3, 4, 7, 8, and 9." Lot 4 should be changed to read Lot 5 so that the corrected description reads "Section 10, Lots 1, 2, 3, 5, 7, 8, and 9."

Roland F. Lee,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-30012 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

[Realty Action—Exchange CA 11524]

Public Lands in Humboldt County, Calif.

The following described public land has been determined to be suitable for disposal under the provisions of Pub. L. 91-476, an Act to provide for the establishment of the King Range National Conservation Area (84 Stat. 1067), and sec. 206 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2756).

Humboldt Meridian

T. 1 S., R. 4 E.,
Sec. 7, NE¼SE¼.
T. 2 S., R. 1 W.,
Sec. 4, Lot 2.
T. 1 S., R. 2 W.,
Sec. 1, Lots 5 and 6.
T. 2 S., R. 2 W.,
Sec. 22, SE¼SW¼ and SW¼SE¼;
Sec. 26, Lots 4, 5, 12, 13 and 14.
Containing 485.20 acres.

Robert A. Dunaway and Robert C. McKee, P.O. Box 144, Whitethorn, California 95489, have filed an application to acquire the above described public lands in exchange for the following privately owned lands.

Humboldt Meridian

Tract "A"

All that property situated in Humboldt County, California, and described as follows:

Parcel one: All of the South Half of the Southeast Quarter of Section 13, Township 2 South, Range 3 West, Humboldt Meridian, lying South of the County Road.

Parcel two: Lots 1, 2 and 3, the North Half of the Southeast Quarter and the Northeast Quarter of Section 24, Township 2 South, Range 3 West, Humboldt Meridian.

Parcel three: Lots 1 and 2 of the Northwest Quarter of Section 19, and the North Half of Lots 1 and 2 of the Southwest Quarter of Section 19, all in Township 2 South, Range 2 West, Humboldt Meridian.

Excepting from Parcel Two and Three above described that portion thereof described as follows:

That portion of Lots 1 and 2 of the Northwest Quarter and the North Half of Lots 1 and 2 of the Southwest Quarter of Section 19, Township 2 South, Range 2 West, Humboldt Meridian, and the Northeast Quarter of Section 24, Township 2 South, Range 3 West, Humboldt Meridian, described as follows:

Beginning at the Northwest corner of said Section 19,

Thence South 7 degrees 14 minutes 30 seconds East, 1,308.0 feet;

Thence South 25 degrees 54 minutes 30 seconds West, 184.89 feet;

Thence South 70 degrees 02 minutes 45 seconds West, 327.79 feet;

Thence South 21 degrees 39 minutes 15 seconds East, 213.13 feet;

Thence South 84 degrees 50 minutes East 154.67 feet to the West line of said Section 19;

Thence South 0 degrees 02 minutes 45 seconds East, along said West line, 2,129.85 feet to the Southwest corner of the North half of Lots 1 and 2 of the Southwest Quarter of Section 19;

Thence South 89 degrees 40 minutes 05 seconds East, along the South line of said North half of Lots 1 and 2 of the Southwest Quarter, 2,684.5 feet to the Southeast corner thereof;

Thence North 0 degrees 02 minutes 59 seconds West, along the East line of the Southwest Quarter and the East line of the Northwest Quarter, 3,982.50 feet to the Northeast corner of said Northwest Quarter of Section 19;

Thence South 89 degrees 08 minutes 19 seconds West, along the North line of said Section 19, a distance of 2,678.45 feet to the point of beginning.

Parcel four: Beginning at the Southwest corner of the North Half of Lots 1 and 2 of the Southwest Quarter of Section 19, Township 2 South, Range 2 West, Humboldt Meridian;

Thence North 89 degrees 38 minutes 38 seconds East, along the South line of said North Half of Lots 1 and 2 of the Southwest Quarter of Section 19, a distance of 1,677.88 feet;

Thence North 42 degrees 27 minutes 09 seconds East 139.37 feet;

Thence North 11 degrees 39 minutes 51 seconds East 382.97 feet to the Southerly line of the land granted to Richard P. Scheinman and wife by deed recorded February 16, 1977 under Recorder's Serial No. 3290, Humboldt County Records.

Thence along said southerly line, South 89 degrees 43 minutes 53 seconds West 102.1 feet, north 29 degrees 57 minutes 30 seconds west 583.10 feet, North 44 degrees 30 minutes west 1,578.87 feet and North 84 degrees 50 minutes west 134.2 feet to the west line of said Section 19;

Thence South 0 degrees 12 minutes 07 seconds east, along said west line, 2,129.85 feet to the point of beginning.

Tract "B"

In Township 2 South, Range 3 West, Humboldt Meridian:

Lot 4 and the South Half of the Southwest Quarter of Section 24;

Lot 1 and the Northeast Quarter of Section 25.

Tract "C"

Parcel one: Lots 2, 3 and 4 and the Northwest quarter of the Southeast quarter of Section 25 in Township 2 South of Range 3 West, Humboldt Meridian.

Parcel two: The South half of Lot 2 of the Southwest quarter and the South half of Lot 1 of the Southwest quarter of Section 30 in Township 2 South, Range 2 West, Humboldt Meridian; and

The South half of the Southeast quarter of Section 25 in Township 2 South, Range 3 West, Humboldt Meridian.

Parcel three: The Northeast quarter of the Southeast quarter of Section 25, Township 2 South, Range 3 West, Humboldt Meridian.

Containing 1,156.14 acres

The public lands, excepting the NE¼SE¼ Sec. 7, T. 1 S., R. 4 E., are determined to be valuable for oil and gas, and there will be a reservation of oil and gas to the United States in those public lands, with the right to prospect, mine, and remove such deposits from the same under applicable law.

As to the privately owned lands, no minerals will be reserved except on those lands shown under Tract "C", where all oil and gas and other hydrocarbons will be reserved.

There will also be reserved to the United States in the applied for lands, a right-of-way thereon for ditches and canals constructed by the authority of the United States (43 U.S.C. 945).

Non-exclusive easements will be reserved on the privately owned lands.

The value of the lands to be exchanged is approximately equal and the acreage will be adjusted or money will be used to equalize the values upon completion of the final appraisal.

The purpose of the exchange is to acquire non-Federal land within the King Range National Conservation Area, is in conformance with Bureau planning, and in the public interest.

The publication of this notice in the **Federal Register** shall segregate the applied for public lands from all other forms of appropriation under the public land laws and the mining laws for a period of two years. The exchange is expected to be consummated before the end of that period.

Detailed information concerning the exchange, including the environmental analysis and the record of public participation, is available for review at the Bureau of Land Management's California State Office, 2800 Cottage Way, Sacramento, California 95825, and at the Ukiah District Office, 555 Leslie Street, Ukiah, California 95482.

On or before November 30, 1981, interested parties may submit comments to the State Director, Bureau of Land Management, 2800 Cottage Way, Room E-2841, Sacramento, California 95825. Any adverse comments will be evaluated by the State Director, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become

the final determination of the Department of the Interior.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

October 7, 1981.

[FR Doc. 81-30009 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

[Realty Action—Exchange CA 6956]

Public Lands in Lassen County Calif.

The following described public lands have been determined to be suitable for disposal by exchange under section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Mount Diablo Meridian

T. 27 N., R. 15E.,
Sec. 1, Lot 3;
Sec. 3, Lots 2, 3, 4, SE¼NW¼;
Sec. 4, Lots 1, 2, 3, 4, SE¼NW¼, N½SW¼, NE¼SE¼;
Sec. 9, E½;
Sec. 13, S½N½, S½;
Sec. 14, S½SE¼;
Sec. 15, NW¼;
Sec. 23, Lots 1, 2, N½, N½SE¼;
Sec. 25, Lots 1, 3;
Sec. 27, Lot 6.
T. 28 N., R. 15 E.,
Sec. 32, Lot 1;
Sec. 33, Lots 1, 2, 3, 4, 5;
Sec. 34, Lots 1, 2, 3;
Sec. 35, Lot 1.
T. 26 N., R. 16E.,
Sec. 3, SW¼;
Sec. 10, E½, NW¼, N½SW¼;
Sec. 11, All;
Sec. 12, All;
Sec. 13, NE¼SE¼;
Sec. 14, N½, NE¼SW¼, N½SE¼;
Sec. 20, S½NW¼, N½SW¼.
T. 27 N., R. 16 E.,
Sec. 8, Lot 7;
Sec. 17, S½;
Sec. 20, W½NE¼, NW¼, NW¼SW¼, SE¼.
T. 28 N., R. 16 E.,
Sec. 8, SE¼NE¼, NE¼SE¼.
T. 26 N., R. 17 E.,
Sec. 6, Lot 7;
Sec. 7, Lots 1, 2, 3, 4, N½NE¼, E½W½.
T. 27 N., R. 17 E.,
Sec. 9, S½SW¼;
Sec. 12, NW¼NW¼;
Sec. 13, W½NW¼;
Sec. 14, Lots 1, 2;
Sec. 15, NW¼, W½SW¼;
Sec. 23, Lots 5, 6;
Sec. 25, Lots 2, 3, 4, W½NE¼, NW¼, W½SW¼;
Sec. 26, Lots 3, 6;
Sec. 34, W½.
T. 28 N., R. 17E.,
Sec. 18, Lot 4;
Sec. 33, N½NE¼.
Containing 7,940.64 acres.

The State Lands Commission, State of California, 1807 13th Street, Sacramento, California 95814, has filed an application to acquire the above-described lands in exchange for the following State-owned lands.

Mount Diablo Meridian

T. 35N., R. 8 E.,
Sec. 36, All.
T. 31. N., R. 13 E.,
Sec. 36, All.
T. 32 N., R. 13 E.,
Sec. 36, W½E½, SE¼NE¼, E½W½, SW¼NW¼, NW¼SW¼, NE¼SE¼.
T. 31 N., R. 14 E.,
Sec. 16, All.
T. 33 N., R. 15 E.,
Sec. 36, All.
T. 29 N., R. 16 E.,
Sec. 36, All.
T. 30 N., R. 16 E.,
Sec. 16, All.
T. 31 N., R. 16 E.,
Sec. 36, N½.
T. 36 N., R. 16 E.,
Sec. 36, NE¼NE¼, SE¼SW¼, SE¼.
T. 25 N., R. 17 E.,
Sec. 36, Lots 1, 2, 3, NE¼NW¼, W½NE¼.
T. 29 N., R. 17 E.,
Sec. 16, All;
Sec. 36, All.
T. 30 N., R. 17 E.,
Sec. 16, All;
Sec. 36, All.
T. 31 N., R. 17 E.,
Sec. 36, All.
T. 32 N., R. 17 E.,
Sec. 16, All;
Sec. 36, All.
T. 33 N., R. 17 E.,
Sec. 16, All;
Sec. 36, All.
T. 34 N., R. 17 E.,
Sec. 16, All;
Sec. 36, All.
T. 35 N., R. 17 E.,
Sec. 36, All.
Containing 11,945.29 acres.

All minerals in the State and public lands will be exchanged.

The purpose of this exchange is to acquire non-Federal lands that have significant multiple use values, i.e., archaeological, wildlife, livestock grazing, and recreation, that outweigh the values found on Federal lands to be exchanged. The exchange will benefit the general public and the people of California, and provide improved management of Federal and State land. The exchange is consistent with Bureau of Land Management planning and has the approval of Lassen County and the State of California. The public interest will be well served by making the exchange.

The value of the lands to be exchanged is approximately equal and the acreage will be adjusted or money will be used to equalize the values upon completion of the final appraisal of the lands.

There will be reserved to the United States in the applied for lands, a right-of-way thereon for ditches and canals constructed by the authority of the United States (43 U.S.C. 945).

Certain of the applied for lands will be patented subject to rights-of-way heretofore granted by the United States, as hereinafter specified.

1. The W½W½NE¼, E½E½NW¼, NW¼SE¼, and S½SE¼ Sec. 11; the N½NE¼, SE¼NE¼, and NE¼SE¼ Sec. 14, T. 26N., R. 16E., and the SW¼ Sec. 34, T. 27N., R. 17E., as granted under Su 01390, for railroad purposes, to Western Pacific Railroad, its successors or assigns, under the Act of March 3, 1875 (43 U.S.C. 934–939).

2. The NE¼NE¼ Sec. 33, T. 28N., R. 17E., as granted under Su 02158, for railroad purposes, to Western Pacific Railroad, its successors or assigns, under the Act of March 3, 1875 (43 U.S.C. 934–939).

3. The E½NW¼, NE¼SW¼, and SW¼SE¼ Sec. 11; and the W½NE¼, SE¼NE¼, and NE¼SE¼ Sec. 14, T. 26N., R. 16E., as granted under S 046856, for road and highway purposes, to the State of California, its successors or assigns, under the Act of November 9, 1921.

4. The W½SW¼ Sec. 3; and the W½W½NW¼, and W½W½NW¼SW¼ Sec. 10, T. 26N., R. 16E., as granted under S 050394, for road and highway purposes, to the State of California, its successors or assigns, under the Act of November 9, 1921.

The E½NE¼NW¼ Sec. 10, T. 26N., R. 16E., will be patented subject to a sanitary landfill lease, issued under S 079547 to the County of Lassen pursuant to the Act of June 4, 1954, as amended (43 U.S.C. 869 et seq.).

The publication of this notice in the **Federal Register** shall segregate the applied for public lands from all other forms of appropriation under the public land laws and the mining laws for a period of two years. The exchange is expected to be consummated before the end of that period.

Detailed information concerning the exchange, including the environmental analysis and the record of non-Federal participation, is available for review at the Bureau of Land Management's California State Office, 2800 Cottage Way, Room 2841, Sacramento, California 95825, and at the Susanville District Office, 705 Hall St., Susanville, California 96130.

On or before November 30, 1981, interested parties may submit comments to the State Director, Bureau of Land Management, 2800 Cottage Way, Room E-2841, Sacramento, California 95825. Any adverse comments will be evaluated by the California State

Director, Bureau of Land Management, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the State Director, this realty action will become the final determination of the Department of the Interior.

Joan B. Russell,

Chief, Lands Section, Branch of Lands and Minerals Operations.

September 30, 1981.

[FR Doc. 81-30017 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

Realty Action—Exchange; Public Lands in Graham and Greenlee Counties, Ariz.

The following described public lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

T. 5 S., R. 30 E.,

Gila and Salt River Meridian

Sec. 31, Lot 7, Greenlee County.

T. 8 S., R. 26 E.,

Sec. 21; NE¼NE¼, W½NE¼, E½NE¼NW¼, E½W½NE¼NW¼, SE¼NW¼NE¼SW¼, W½SW¼ NW¼SE¼;

Sec. 28, NW¼NW¼ Graham County.

Containing 427.75 acres more or less.

In exchange for these lands, the Federal government will acquire non-Federal land from Mr. Kenyon Udall. This non-Federal land is in Greenlee County. The description of the non-Federal land is as follows:

T. 4 S., R. 28 E.,

Gila and Salt River Meridian

Sec. 3, Lot 2, 3, 4, S½N½, S½;

Sec. 4, Lot 1, 2, 3, 4, S½,N½, S½;

Sec. 5, Lot 1, 2, 3, 4, 5, SE¼NE¼, E½SE¼

Less 5 acres for ranch site.

T. 5 S., R. 29 E.,

Sec. 29, N½NW¼;

Sec. 33, S½S½.

T. 6 S., R. 30 E.,

Sec. 4, Lot 1.

Containing 1847.1 acres more or less.

The purpose of the exchange is to acquire non-Federal lands which contain valuable riparian habitat. These lands contain outstanding wildlife and recreation values. The exchange is consistent with the Bureau's planning for the land involved. The exchange has been discussed with Graham and Greenlee County officials. The public interest will be well served by making the exchange.

Lands to be transferred from the United States will be subject to the following reservations, terms and conditions: There will be reserved to the United States rights-of-way for ditches and canals pursuant to the Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945. Reservations concerning the mineral estate will be made following the completion of a mineral survey.

Detailed information concerning the exchange, including the environmental assessment and the record of public input, is available for review at the Safford District Office, 425 East 4th Street, Safford, Arizona 85546-2092.

For a period of 60 days, interested parties may submit comments to the Secretary of the Interior, LLM-320, Washington, D.C. 20240. Any adverse comments will be evaluated by the Secretary, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary, this realty action will become the final determination of the Department.

Lester K. Rosenkrance,

Acting State Director.

[FR Doc. 81-30018 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

[W-12617]

Wyoming; Termination of Classification of Public Lands for Multiple-Use Management

1. On August 8, 1968 (FR Vol. 33, No. 154, pages 11303 and 11304), the public lands described in the notice aggregating approximately 467,902.68 acres, were classified for multiple-use management under the Act of September 19, 1964, were segregated as follows: (a) The public Lands described in paragraphs 3 and 5 of the notice were segregated from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. 334) and from sales under section 2455 of the Revised Statutes, 28 Stat. 687, (formerly 43 U.S.C. 1171); and (b) the public lands described in paragraph 4 of the notice were segregated from appropriation only under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. 334).

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classification referred to under paragraph 1 above, is hereby terminated. This action will restore all of the public lands to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

3. The lands have been open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, P.O. Box 1828, Cheyenne, Wyoming 82001.

Dated: October 8, 1981.

F. William Eikenberry,

Associate State Director.

[FR Doc. 81-30016 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

[W-19140]

Wyoming; Termination of Classification of Public Lands for Multiple-Use Management and Mineral Segregation

October 7, 1981.

1. On May 28, 1970, (FR Vol. 35, No. 104, pages 8398 thru 8400), corrections published in the Federal Register, June 11, 1970, (Vol. 35, No. 113, page 9035), and on December 18, 1970, (FR Vol. 35, No. 245, page 19197) the public lands described in the notices aggregating 750,000 acres, were classified for multiple-use management under the Act of September 19, 1964, and segregated as follows: (a) all of the described lands except those listed in paragraph 4 of the notice were segregated from appropriation under the agricultural land laws (43 U.S.C. Parts 7 and 9; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes, 28 Stat. 687, (formerly 43 U.S.C. 1171); (b) the lands described in paragraph 4 of the notice were not segregated from the desert land entry laws but were segregated from all other agricultural land laws (43 U.S.C. Part 7; 25 U.S.C. sec. 334), and from sales under section 2455 of the Revised Statutes, 28 Stat. 687, (formerly 43 U.S.C. 1171); (c) the lands described in paragraph 5 of the notice of May 28, 1970, and paragraph 3 of the notice of December 18, 1970, were further segregated from appropriation under the general mining laws (30 U.S.C. 21).

2. Pursuant to the regulations set forth in 43 CFR 2461.5(c)(2), the classification referred to under paragraph 1 above, is hereby terminated. This action will restore all of the lands to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law.

3. The lands described in paragraphs 3 and 5 of the notices, which were further segregated from appropriation under the general mining laws (30 U.S.C. 21), will be open to location under the United States mining laws at 7:45 a.m. on November 20, 1981, subject to valid existing rights. The lands aggregate approximately 23,000 acres in Sublette County, Wyoming.

4. The lands have been and will continue to be open to the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, P. O. Box 1828, Cheyenne, Wyoming 82001.

F. William Eikenberry,

Associate State Director.

[FR Doc. 81-30022 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

Elko District, Nev. Wilderness Study Area; Acreage Corrections

In the process of using an electric planimeter, it became apparent that some earlier published acreage figures for the lands in the Elko District still in the wilderness review process were erroneous. The purpose of this notice is to publish the correct acreage figures.

WILDERNESS STUDY AREAS

Name	Number	Erroneous acreage	Correct acreage
Red Spring	NV-010-088	9,430	10,009
Cedar Ridge	NV-010-091	6,400	7,847
Bluebell	NV-010-027	63,150	55,665
Goshute Peak	NV-010-033	68,440	69,770
South Pequop	NV-010-035	39,900	41,090
Owyhee Canyon	NV-010-106	17,170	21,875
Little Humboldt River	NV-010-132	40,100	42,213
Rough Hills	NV-010-151	6,300	6,685
Bad Lands	NV-010-184	9,000	9,100

UNITS UNDER APPEAL

South Pequop	NV-010-035	1,500	5,307
Rock Creek	NV-010-130	37,060	39,820
Hank's Creek	NV-010-197	37,640	39,909

STATELINE INTENSIVE INVENTORY UNITS

Little Owyhee	NV-010-102	[1]53,260	[1]53,384
Devil's Corral	NV-010-103	[1]8,960	[1]9,319
Devil's Corral	NV-010-103-A	[1]10,880	[1]7,842
Little Goose Creek	NV-010-164	[1]7,695	[1]8,276
Cottonwood-Salmon Falls	NV-010-179	[1]11,790	[1]10,276

[1] Nevada acres only.

FOR FURTHER INFORMATION CONTACT: Gene L. Drais, Wilderness Coordinator, Elko District, Bureau of Land Management, 2002 Idaho Street, P.O. Box 831, Elko, Nevada 89801. Phone 702-738-4071.

Dated: October 8, 1981.

Merle N. Good,

Acting District Manager.

[FR Doc. 81-30014 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

[A 9339]

Arizona; Order Providing for Opening of Public Lands

1. In an exchange of lands made under the provisions of Section 206 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2756, 43 U.S.C. 1716, the following lands have been reconveyed to the United States:

Gila and Salt River Meridian Arizona

T. 13 N., R. 12 E.,
Sec. 25, S½SW¼, NW¼SW¼,
Sec. 33, E½, SE¼SW¼.

The area described aggregates 480 acres in Coconino County.

2. Upon acceptance of titles to such lands they became part of the Coconino National Forest and are subject to all the laws, rules, and regulations applicable thereto.

3. At 10 a.m., on October 30, 1981, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

4. Inquiries concerning the lands shall be addressed to the Forest Supervisor, Coconino National Forest, 2323 E. Greenlaw Lane, Flagstaff, Arizona 86001.

Mildred C. Kozlow,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-29971 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

[A 9281]

Arizona; Order Providing for Opening of Public Lands

October 9, 1981.

1. In an exchange of lands made under the provisions of Section 206 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2756, 43 U.S.C. 1716, the following lands have been reconveyed to the United States:

Gila and Salt River Meridian Arizona

T. 13 N., R. 13 E.,
Sec. 7, S½S½S½NE¼, SE¼.

The area described contains 180 acres in Coconino County.

2. Upon acceptance of title to such lands, they became part of the Sitgreaves National Forest and are subject to all the laws, rules and regulations applicable thereto.

3. At 10 a.m., on October 30, 1981, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

4. Inquiries concerning the lands should be addressed to the Forest Supervisor, Sitgreaves National Forest, P.O. Box 640, Springerville, Arizona 85938.

Mildred C. Kozlow,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-29972 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

[Serial Number: A 17000-T]

Arizona; Classification of Public Lands for State Idemnity Selection

1. The Arizona State Land Department has filed a petition for classification and application to acquire the lands described in Paragraph 5 below, under the provisions of the Act of June 20, 1910 (36 Stat. 557), as amended, in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. This application has been assigned the serial number A 17000-T.

2. The Bureau of Land Management well examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer. Those lands found suitable for transfer will be held to be classified until December 15, 1981. Classification is pursuant to Title 43 Code of Federal Regulations, Subpart 2400 and Section 7 of the Act of June 28, 1934.

3. Information concerning these lands and the proposed transfer to the State of Arizona may be obtained from the District Manager, Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 (602-241-2854).

4. For a period of 60 days from the date of publication of this notice in the **Federal Register** (until December 15, 1981) all persons who wish to submit comments on the above classification may present their views in writing for consideration to the Phoenix District Manager, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. As provided by Title 43 Code of Federal Regulations, Subpart 2462.1, a public hearing will be scheduled by the District Manager if he determines that sufficient public interest exists to warrant the time and expense of a hearing.

5. The lands included in this classification are located in Maricopa and Yuma Counties, Arizona and are described as follows: (footnotes correspond to numbered authorized users or applicants listed in Paragraph 6).

Application A 17000-T

Gila and Salt River Meridian, Arizona

T. 1N., R. 5 W.,

Section 9: W½NE¼, E½SW¼, W½SE¼, SE¼SE¼ (*10*), (*15*)
Section 27: E½NW¼, NE¼SWW¼ (*10*), (*15*)
Section 29: W½NW¼ (*1*), (*11*), (*15*)
Section 31: W½SE¼ (*2*), (*3*), (*11*), (*15*)

T. 1 N., R. 7W.,

Section 1: N½NW¼SW¼, N½SE¼W¼ SW¼ (2), (3), (4), (11), (16)
Section 2: N½NE¼SE¼ (3), (11)

T. 1 S., R. 5 W.

Section 3: S½N½ (2), (3), (10), (12)

T. 1 S., R. 6 W.

Section 4: Lots 3, 4, NE¼SE¼, E½SW¼ (5), (11), (17)

T. 4 N., R. 17 W.

Section 28: N½SE¼NE¼, NE¼NE¼, S½NE¼NW¼NE¼, S½NW¼NE¼, E½NE¼SE¼NW¼m SE¼SE¼NE¼ NW¼, SE¼SE¼NE¼NW¼, N½SW¼NE¼ (2), (4), (6), (7), (13)

T. 4 N., R. 18 W.

Section 14: S½S½SE¼, S½SE¼SW¼ (14)
Section 23: N½NE¼NW¼ (7), (14)

T. 8 S., R. 14 W.

Section 17: Lots 6, 7, E½NE½SW¼, N½SE¼SW¼, W½NE¼NW¼SE¼, NW¼NW¼SE¼, SW¼SE¼ (3), (4), (8), (9)

The total acreage described above in application A 17000–T is approximately 1,323.43 acres of public land.

6. The following listed corporations and individuals are holders of or applicants for leases, permits, and/or rights-of-way on the public lands described in Paragraph 5 above:

Rights-of-Way

(1) Salt River Project, P.O. Box 1980, Phoenix, AZ 85001—A 9653, A 10213 (Apln.)

(2) Arizona Public Service Company, P.O. Box 21666, Station 3172, Phoenix, AZ 85036—A 6581, A 10205, PHX 034915

(3) Mountain States Telephone & Telegraph, R/W Department, Room 806–A, 3033 North 3rd Street, Phoenix, AZ 85012—A 10151, AR 012828, AR 024205, AR 031315

(4) Arizona Department of Transportation, 206 South 17th Avenue, Phoenix, AZ 85007—A 4334, A 7472, AR 02818, AR 04800, AR 016979, AR 031625, AR 032250, PHX 013039, PHX 082818, PHX 082820, PHX 086772

(5) Southern California Edison Company, 2244 Walnut Grove Avenue, Rosemead, CA 91720—A 9878

(6) Southwestern Telephone, Box 238, Salome, AZ 85348—A 8829, A 16483

(7) American Telephone & Telegraph, 74 New Montgomery Street, San Francisco, CA 94119—PHX 083392

(8) Wellton Mohawk Irrigation and Drainage District, Route 1, Box 19, Wellton, AZ 85356—A 6046

(9) Southern Pacific Company, 65 Market Street, San Francisco, CA 94105—PHX 086521, AR 023718

Grazing Leases

(10) David L. Keck, Apt. 101, 222 E. Indianola Ave., Phoenix, AZ 85012

(11) Carter Gable, P.O. Box 150, Arlington, AZ 85322

(12) Warren C. Gable, P.O. Box 150, Arlington, AZ 85322

(13) Crowder-Weisser Cattle Company, 902 W. Monte Vista Road, Phoenix, AZ 85007

(14) Frank Scott, P.O. Box 114, Quartzsite, AZ 85346

Oil & Gas Leases & Applications

(15) Emerald Oil Company, 1570 C.S.B. Tower, 50 South Main, Salt Lake City, UT 84101—A 14236

(16) Marshall R. Young Oil Company, 750 W. Fifth Street, Fort Worth, TX 76102—A 15346

(17) Great Eastern Energy and Development Corporation, 701 E. Byrd Street, Suite 2100, Richmond, VA 23219)A 16349

7. Rights-of-way granted by BLM will transfer with the land. Oil and gas leases will remain in effect under the terms and conditions of the lease. State law and Land Department procedures (R 12–5–154 D Administrative Rules and Regulations, Arizona State Land Department) provide for the offering to holders of BLM grazing permits the first right to lease lands that are transferred to the State. This constitutes official notice to grazing lessees that their Bureau of Land Management leases will be terminated in part upon transfer of the land to the State of Arizona.

Dated: October 9, 1981.

William K. Barker,

Acting State Director.

[FR Doc. 81-29970 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. A 17000-E]

Arizona; Classification of Public Lands for State Indemnity Selection

1. The Arizona State Land Department has filed a petition for classification and application to acquire the lands described in Paragraph 5 below, under the provisions of the Act of June 20, 1910 (36 Stat. 557), as amended, in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. This application has been assigned the serial number A 17000–E.

2. The Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer. Those lands found suitable for transfer will be held to be classified until December 15, 1981. Classification is pursuant to Title 43 Code of Federal Regulations, Subpart 2400 and Section 7 of the Act of June 28, 1934.

3. Information concerning these lands and the proposed transfer to the State of Arizona may be obtained from the District Manager, Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017 (602–241–2854).

4. For a period of 60 days from the date of publication of this notice in the **Federal Register** (until December 15, 1981), all persons who wish to submit comments on the above classification may present their views in writing for consideration to the Phoenix District Manager, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. As provided by Title 43 Code of Federal Regulations, Subpart 2462.1, a public hearing will be scheduled by the District Manager if he determines that sufficient public interest exists to warrant the time and expense of a hearing.

5. The lands included in this classification are located in Maricopa County, Arizona and are described as follows: (footnotes correspond to numbered authorized users or applicants listed in Paragraph 6).

Application A 17000–E, Gila and Salt River Meridian, Arizona

T. 1 N., R. 3 W.,
Section 3: N½SW¼, N½S½SW¼, E½SW¼SW¼SW¼, SE¼SW¼SW¼ (1)

T. 1 N., R. 4 W.,
Section 11: NE¼NE¼, S½NE¼, N½SE¼ (2), (3), (11), (18)
Section 12: SW¼NW¼NW¼NE¼, NW¼SW¼NW¼NE¼, S½SW¼NW¼NE¼, N½NW¼SW¼NE¼, N½NW¼, N½N½S½NW¼ (4), (11), (18)
Section 13: NW¼NW¼NE¼, S½N½SE¼NW¼, S½SE¼NW¼ (3), (5), (6), (7), (8), (18)

T. 1 N., R. 5 W.,
Section 2: E½E½SW¼, W½SE¼ (7), (8), (9), (11), (12)
Section 8: E½NE¼, W½NW¼, NW¼SW¼ (13), (15), (18)
Section 11: NE¼, E½E½NW¼ (12), (18)
Section 12: SW¼ (12), (19)
Section 24: N½SW¼SW¼, SW¼SW¼SW¼ (12), (18)
Section 25: W½NW¼NW¼, NW¼SW¼NW¼, N½SW¼SW¼NW¼, S½SW¼SW¼SW¼, E½SW¼SW¼ (5), (12), (19)
Section 26: E½NE¼, S½SW¼SW¼NE¼, SE¼SW¼NE¼ (12), (19)

T. 1 N., R. 6 W.
Section 1: E½SE¼ (3), (5), (13), (18)

T. 1 N., R. 4 W.
Section 31: Lots 3, 4, E½SW¼, SE¼ (2), (11), (18)
Section 32: All (2), (3), (11), (16)
Section 33: S½ (3), (11), (18)
Section 34: All (11), (18)

T. 2 N., R. 5 W.
Section 23: E½E½NE¼NE¼NE¼, E½SE¼1NE¼1NE¼, E½E½SE¼NE¼, E½E½NE¼SE¼, E½NE¼SE¼SE¼, SW¼NE¼SE¼SE¼, E½SW¼SE¼SE¼, SW¼SW¼SE¼SE¼, SE¼SE¼SE¼(3), (11), (20)
Section 26: E½NE¼, S½NE¼NW¼NE¼, SE¼NW¼NE¼, S½S½SW¼SW¼NE¼, E½SW¼NE¼, SE¼SE¼SE¼ SE¼NW¼, E½NE¼NE¼SW¼, S½NE¼

NE¼SW¼, SE¼SW¼NE¼SW¼SE¼ NE¼SW¼, SE¼SW¼(2), (11), (20)
Section 31: Lot 4 (3), (5), (8), (11), (20)
Section 36: E½, NW¼, SE¼NE¼SW¼, E½SE¼ (2), (9), (11)
T. 2 N., R. 6 W.
Section 25: S½ (5),(11), (15), (17), (18)
Section 36: All (5), (8), (11), (13)
T. 1 S., R. 5 W.
Section 10: SW¼ (14)
Section 11: NW¼SE¼, S½SE¼ (5), (14)
Section 14: W½NE¼, SE¼NE¼, W½, SE¼ (3), (14), (21)
Section 15: All (3), (14), (22)
Section 22: E½NE¼, SW¼NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, N½SE¼ (3), (14)
Section 23: N½NE¼, SW¼NE¼, NW¼, N½SW¼, SE¼SW¼, NW¼SE¼ (3), (10), (14)
T. 3 S., R. 4 W.
Section 11: Lot 36 (8), (11)
T. 5 S., R. 8 W.
Section 4: N½SW¼NE¼, N½S½ SW¼NE¼, N½SE¼NW¼, N½S½ SE¼NW¼ (11)

A total of 7,470.77± acres.

6. The following listed corporations and individuals are holders of or applicants for leases, permits, and/or rights-of-way on the public lands described in Paragraph 5 above:

Rights-of-Way

(1) Sunora Development Company, Box 5, Goodyear, AZ 85338: A 10869.

(2) American Telephone & Telegraph, 74 New Montgomery Street, San Francisco, CA 94119: PHX 083322.

(3) Arizona Public Service Company, P.O. Box 21666, Station 3172, Phoenix, AZ 85036: PHX 080356, AR 08551, AR 031719, A 8920, A 10827.

(4) Bureau of Reclamation, Suite 2200, Valley Bank Center, Phoenix, AZ 85073: A 10987 (Apln.).

(5) Mountain State Telephone & Telegraph Company, R/W Department, 3033 North 3rd Street, Room 806–A, Phoenix, AZ 85012: AR 023561, AR 031346, AR 031358, A 4569, A 6737, A 10990.

(6) Western Tele-Communications, Inc., Call Box 22595, Wellshire Station, Denver, CO 80222: A 10756.

(7) Flood Control District of Maricopa County, 3335 W. Durango Street, Phoenix, AZ 85009: A 6961.

(8) Arizona Department of Transportation, 205 South 17th Avenue, Phoenix, AZ 85007: AR 05251, AR 031626, A 6979.

(9) Salt River Project, P.O. Box 1980, Phoenix, AZ 85001: A 9653, A 10213 (Apln.).

(10) Wayne King, Star Route 1, Box 108, Buckeye, AZ 85326: A 13984 (Apln.).

Grazing Leases

(11) Ted Hazen, Box 54, Star Route, Buckeye, AZ 85326.

(12) David L. Keck, Apt. 101, 222 E. Indianola Ave., Phoenix, AZ 85012.

(13) Carter Gable, Box 150, Arlington, AZ 85322.

(14) Warren C. Gable, Box 150, Arlington, AZ 85322.

Range Improvements and Cooperative Agreements

(15) Fence, # D3–0811 (Co-op).
(16) Corral, # 4492 (R. I.).
(17) Tank, # 2234 (R. I.).

Oil and Gas Leases and Applications

(18) Emerald Oil Company, 1570 C.S.B. Tower, 50 South Main, Salt Lake City, UT 84101: A 14231, A 14233, A 14236, A 14239, A 14240.

(19) Columbia Gas Development Corp., Box 1350, Houston, TX 77001: A 12852.

(20) First Mississippi Corp., P.O. Box 1249, Jackson, MS 39205: A 14238.

(21) Freeport Oil Company, P.O. Box 61922, New Orleans, LA 70160: A 15744.

(22) Harry H. Cullen, P.O. Box 3331, Houston, TX 77001: A 15152.

7. Rights-of-way granted by BLM will transfer with the land. Oil and gas leases will remain in effect under the terms and conditions of the lease. State law and Land Department procedures (R 12–5–154 D Administrative Rules and Regulations, Arizona State Land Department) provide for the offering to holders of BLM grazing permits the first right to lease lands that are transferred to the State. This constitutes official notice to grazing lessees that their Bureau of Land Management leases will be terminated in part upon transfer of the land to the State of Arizona.

Dated: October 9, 1981.

William K. Barker,
Acting State Director.

[FR Doc. 81–29969 Filed 10–15–81; 8:45 am]
BILLING CODE 4310–84–M

Southeast Oklahoma Management Framework Plan; Availability of Draft, Request for Comments, and Public Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of Draft MFP Amendment; Public Meeting; and Request for Comments on Fair Market Value.

SUMMARY: This notice will serve three purposes: (1) To advise the public that the Albuquerque, New Mexico, District Office of the Bureau of Land Management (BLM) has released a draft amendment to the Southeast Oklahoma Management Framework Plan (MFP) and opened the thirty-day public review and comment period; (2) To notify the public of a meeting scheduled for November 2, 1981, to present the findings of the amendment and hear comments; and (3) To solicit written public comment concerning the fair market value of the coal resources presented in the amendment.

FOR FURTHER INFORMATION CONTACT: Michael Cyr, (405) 231–4481, Oklahoma Resource Area Office, Bureau of Land Management, Room 548, 200 NW Fifth Street, Oklahoma City, Oklahoma 73102.

SUPPLEMENTARY INFORMATION:

1. Availability of Draft MFP Amendment

Prepared in response to a competitive lease application by Dahlgren Contracting, Inc., the MFP amendment covers an 80-acre area in LeFlore County, Oklahoma, three miles east of the town of McCurtain, and is described as:

Indian Meridian, Oklahoma

T. 8 N., R. 23 E.,
Sec. 20: S½ SW¼.

The amendment incorporates the lease application area into the Southeast Oklahoma MFP. Application of unsuitability criteria (43 CFR Part 3461), interrelationships with existing land use decisions, coordination with other state and federal agencies, and analysis of those values that could be impacted by coal development have been addressed in the amendment. Comments on the draft MFP amendment should be addressed to the Oklahoma Resource Area Office (address above) to arrive no later than 30 days from the date of this notice.

2. Public Meeting

A public meeting will be held Monday, November 2, 1981, at 7:30 p.m. in the Bokoshe High School Cafetorium in Bokoshe, Oklahoma. The purpose of the meeting is to present the findings of the MFP amendment, application of unsuitability criteria, and to hear comments from the public on the proposal and analysis. During the public meeting, the U.S. Geological Survey will be available to answer questions on the economic evaluation and the mining methods to be used in recovery of the coal. Comments received at the meeting, both oral and written, will be considered in preparation of the final MFP amendment.

3. Request for Public Comment on Fair Market Value of the Coal Resource

The public is invited to submit written comments concerning the fair market value of the coal resource in the lease application area to the BLM and to the U.S. Geological Survey. Public comments will be used in establishing fair market value for the coal resources in the area described above. Comments should address specific factors related to fair market value including, but not limited to: the quantity and quality of the coal resource; the price that the mined coal would bring in the market

place; the cost of producing the coal; the probable timing and rate of production; the interest rate at which anticipated income streams would be discounted; depreciation and other accounting factors; the expected rate of industry return; the value of the surface estate (if private surface); and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similiar market transactions, including location, terms, and conditions may also be submitted at this time. These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.1-2. If any information submitted is considered proprietary by the person submitting it, the information should be labeled as such and stated in the first page of the submission. Comments on fair market value should be sent to both the State Director, New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico, 87501, and to the Conservation Manager, South Central Region, Conservation Division, U.S. Geological Survey, P.O. Box 26124, Albuquerque, New Mexico, 87125, to arrive no later than 30 days after the date of this notice.

The coal resource to be evaluated consists of all the coal minable by surface methods in the 80-acre lease application area. The estimated total strippable reserves are 133,000 tons. The quality of the Upper Hartshorne coal bed is as follows: 13,900 British Thermal Units (Btu) per pound, 2.6 percent sulfur, and 8.0 percent ash. The quality of the Lower Hartshorne coal bed is as follows: 14,800 Btu per pound, 1.4 percent sulfur, and 5.7 percent ash. The Upper Hartshorne coal bed averages 2.3 feet in thickness, and the Lower Hartshorne coal bed averages 3.0 feet, with the parting separating the two coal beds averaging 1.2 feet. The area underlain by surface minable coal is approximately 15.5 acres.

L. Paul Applegate,

Albuquerque District Manager.

[FR Doc. 81-29973 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

[C-0102703, C-26516]

Colorado; Partial Termination of Proposed Withdrawal and Opening of National Forest Land

Notices of Bureau of Reclamation, United States Department of the Interior applications for withdrawal and reservation of land for reclamation purposes in connection with the Fryingpan-Arkansas Project, were published on June 12, 1969, as FR Doc. 69-6906, and October 7, 1971, as FR Doc. 71-14710. The applicant agency has cancelled these applications insofar as they affect the following described land:

San Isabel National Forest Sixth Principal Meridian

T. 10 S., R. 80 W.,
Sec. 31: E½SE¼.
Sec. 32: SW¼SW¼.
T. 11 S., R. 80 W.,
Sec. 6: Lots 1, 2, 6, SW¼NE¼.
Sec. 7: NW¼NE¼, NE¼NW¼.

The area aggregates 344.66 acres in Lake County.

Therefore, pursuant to the regulations contained in 43 CFR 2091.2-4(b)(1), at 7:45 a.m. on November 17, 1981, the described lands shall be relieved of the segregative effect of these applications and open to such forms of appropriation as may by law be made of National Forest land, subject to any valid existing rights.

Questions regarding this land should be directed to Chief, Withdrawal Section, Bureau of Land Management, 1037—20th Street, Denver, Colorado 80202.

Robert D. Dinsmore,

Chief, Branch of Adjudication.

October 8, 1981.

[FR Doc. 81-30025 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

Idaho Falls District; Wilderness MFP Amendments and Environmental Impact Statement

The Idaho Falls and Burley District are beginning the process of amending the Little Lost-Birch Creek, Big Desert, Caribou-Bear Lake and Pocatello Management Framework Plans (MFP). The amendments will consider Wilderness Study Areas (WSA) within these planning areas for their suitability as wilderness. Wilderness values were not fully addressed in the development of these MFPs because wilderness inventories and studies were then incomplete.

This notice is in accordance with Pub. L. 94-579 section 603 and 43 CFR Part 1601. Pub. L. 94-579, or the Federal Land Policy and Management Act, requires the Bureau of Land Management to review lands under its jurisdiction to determine their wilderness suitability and report through the Secretary of the Interior to Congress which areas should be designated as wilderness. 43 CFR Part 1601 are regulations for the development, approval, maintenance, amendment and revision of resource management plans for public lands administered by the Bureau of Land Management. This notice is also in accordance with 40 CFR 1501.7 which relates to the process for determining the scope of issues to be addressed and identifying significant issues.

The intensive wilderness inventory has been completed and a final decision on areas to be classified as WSAs was released by the State Director January, 1981. That decision established the following WSAs.

Hawley Mountain	WSA	32-4	Idaho Falls District
Black Canyon	WSA	32-9	Do.
Cedar Butte	WSA	33-4	Do.
Hell's Half Acre	WSA	33-15	Do.
Worm Creek	WSA	37-77	Do.
Petticoat Peak	WSA	28-1	Burley District.

WSAs are managed to preserve their wilderness values under BLM's Interim Management Policy.

The Little Lost-Birch Creek, Big Desert, Pocatello, and Caribou-Bear Lake MFPs are being amended in order to:

(1) Determine, through the Bureau's planning system, areas suitable or non-suitable for addition to the existing Wilderness System.

(2) Take prompt action to amend MFPs rather than waiting for revisions which would normally occur several years in the future.

(3) Modify MFP decisions, if necessary, to resolve conflicts and protect areas determined to be suitable for wilderness until Congress acts.

The Little Lost-Birch Creek unit includes about 398,000 acres of public land in portions of Butte, Clark and Lemhi counties 70 miles northwest of Idaho Falls. The Big Desert Unit includes about 1,162,000 acres of public land in Bingham, Blaine, Bonneville, Butte and Power counties from 7 to 75 miles west of Idaho Falls. The Pocatello unit includes about 92,000 acres of public land in Bannock County. The Caribou-Bear Lake unit includes 145,000 acres of public lands in Caribou, Bear Lake, Franklin, Bingham and Bonneville counties. The Worm Creek WSA is a 40 acre tract adjacent to a Forest Service area being considered for wilderness.

An environmental impact statement (EIS) will be prepared to identify probable impacts of wilderness suitability determinations in the MFP amendments. The EIS will also consider the Worm Creek WSA in the Bear Lake unit, Idaho Falls District, and the Petticoat Peak WSA in the Pocatello-Malad unit, Burley District. A total of six WSAs will be included in the Wilderness EIS. The Draft EIS will be completed by October 1, 1982.

The general issues anticipated or identified to date can be categorized as

either promoting development or preservation. Issues will be further refined throughout the plan amendment and EIS process. Public comments will be sought using a variety of means. They may include news releases and mailings, meetings, or public hearings. An interdisciplinary team will prepare the Wilderness EIS. The team will include individuals with knowledge of rangeland management, wildlife biology, outdoor recreation, geology and minerals, forest management, and other disciplines. The general range of alternatives to be included in the Wilderness EIS are:

(1) All Wilderness; all six Wilderness Study Areas would be recommended as suitable for wilderness.

(2) No Wilderness; all six WSAs would be recommended as nonsuitable for wilderness.

(3) No Action; this alternative would continue present levels of resource use and management and would not designate public lands for wilderness designation.

(4) Partial Wilderness; some of the WSAs would be recommended for wilderness, but others not. More than one partial wilderness alternative may be formulated to assess impacts in the range between no wilderness and all wilderness.

Planning documents are available at the Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, and at the Burley District Office, 200 South Oakley Hiway, Burley, Idaho. The MFPs will be amended by February, 1982 and a preliminary Draft EIS will be completed by Sept. 30, 1982. For further information contact O'Dell A. Frandsen or Donald Watson, Bureau of Land Management, 940 Lincoln Road, Idaho Falls, Idaho 83401-2196. Telephone: (208) 529-1020.

Dated: October 5, 1981.

Harold E. Isaacson,

Acting District Manager.

[FR Doc. 81-30023 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

Rock Springs Grazing Advisory Board; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Rock Springs Grazing Advisory Board.

SUMMARY: Notice is hereby given in accordance with Pub. L. 92-463 of a meeting of the Rock Springs Grazing Advisory Board.

DATES: Meeting will be held November 19, 1981, at 9:30 a.m.

ADDRESS: Meeting November 19, 1981, Holiday Inn, 1675 Sunset Drive, Rock Springs, Wyoming in the conference room.

FOR FURTHER INFORMATION CONTACT: Donald H. Sweep, District Manager, Rock Springs District, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901 (307-382-5350).

SUPPLEMENTARY INFORMATION:

The agenda for the meeting will include:

1. An update of projects planned for Fiscal Year 1982 for construction with Range Betterment funds.

2. An update on the wild horse program and its impacts on AMP's.

3. Briefing on the Sandy ES AMP implementation.

4. Reading of written statements and public comment period.

The meeting is open to the public. Interested persons may make oral statements to the Board between 2:30 and 3:30 p.m., or file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901 by November 18, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the board meeting will be maintained in the District Office and be available for public inspection and reproductions (during regular business hours) within 30 days following the meeting.

Jerry K. Ostrom,

Assistant District Manager.

[FR Doc. 81-30010 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Boston National Historical Park; Advisory Commission Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act, Pub. L. 92-463, that a meeting of the Boston National Historical Park Advisory Commission will be held October 27, 1981, on the third floor, Faneuil Hall, Boston, Massachusetts, beginning at 11 a.m.

The Commission was established by Pub. L. 93-431, to advise the Secretary of the Interior on matters relating to the development of the Boston National Historical Park.

The matters to be discussed at this meeting include:

1. Tour of Faneuil Hall—briefing on condition of building and plans for operation and maintenance

2. Review of park budgeting process

3. Report on park Education Committee

4. Plans for 1982 Symposium

5. Report on USS CASSIN YOUNG

6. Report on Boston African American NHS

7. Report on visitor programs during 1981 and plans for 1982

8. Report on Dorchester Heights NHS

9. Review and discussion of park administration

The meeting will be open to the public. However, space and facilities are limited, and it is expected that not more than 50 persons will be able to attend the session. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information about this meeting, or who wish to submit written statements, may contact the Superintendent, Boston National Historical Park, at 617-242-5644.

Dated: October 2, 1981.

Hugh D. Gurney,

Superintendent, Boston National Historical Park.

[FR Doc. 81-30008 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-70-M

Bureau of Reclamation

Anderson Ranch Powerplant Third Unit, Boise Project, Idaho; Notice of Public Hearing on a Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed Anderson Ranch Powerplant Third Unit, Boise Project, Idaho. This statement (INT DES 81-37, dated September 17, 1981) was made available to the public on that date.

This statement analyzes the environmental consequences of a proposal for the Bureau of Reclamation to increase power generation at the existing Anderson Ranch Powerplant located in Elmore County, Idaho, on the South Fork of the Boise River. Other water and land related project functions evaluated and included in the potential plans are fish enhancement, outdoor recreation, and environmental quality.

Three alternatives for development were evaluated, one of which was adopted as the proposed plan. The key feature of the proposed plan would be the installation of a 30-megawatt generator at the existing Anderson Ranch Powerplant. The proposed plan also includes features and measures to

(1) improve year-round minimum instream flows in the South Fork Boise River, (2) enhance fish and aquatic insect production and survival in the South Fork and its tributaries, (3) improve environmental conditions along the South Fork Boise River below Anderson Ranch Dam, (4) improve existing recreation facilities at Anderson Ranch Reservoir, and (5) develop additional campsites at Anderson Ranch Reservoir. The affected environment is described, and the nature and impacts of the three alternatives for development are discussed.

The public hearing on the draft environmental statement will be held in two sessions. The first session is on Wednesday, November 18, 1981, at the Mountain Home High School at 7:00 p.m. The second session will take place the next evening, Thursday, November 19, in Boise, Idaho, at 7:00 p.m. in the east conference room in the State Office Building at 700 North State Street.

The hearing sessions are provided to receive views and comments from interested organizations and individuals relating to the environmental impacts of the proposed action. Oral statements at each session will be limited to a 10-minute period for each individual. Speakers will be encouraged not to trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comments after all persons desiring to comment have been heard. The speaking order at each session will be determined by the order in which the letter requests are received by the Bureau. Requests for scheduled presentation will be accepted up until 5:00 p.m. on November 16, 1981. Requests to make oral statements will also be accepted at each session and persons making those requests will be permitted to speak for 10 minutes on a first-come-first-served basis after each person who submitted a letter request has been permitted to make an initial presentation.

Organizations or individuals desiring to present their statements at the hearing should write to the Regional Director, Attention: Code 150, Pacific Northwest Region, Bureau of Reclamation, Department of the Interior, Box 043, 550 West Fort Street, Boise, Idaho 83724, or telephone (208) 334-1209 and announce their intention to participate. Written comments for the hearing record from those unable to attend and those wishing to supplement their oral presentation at the hearing should be received by December 16, 1981.

Dated: October 9, 1981.

Darrell D. Mach,

Acting Assistant Commissioner.

[FR Doc. 81-30002 Filed 10-15-81; 8:45 a.m.]

BILLING CODE 4310-09-M

Contract Negotiations With Lake Havasu Irrigation and Drainage District; Intent To Enter Into a Contract for Delivery of Water to Anasazi Pueblo, Inc., and Horizon Six Improvement District

The Department of the Interior, through the Bureau of Reclamation (Bureau), intends to enter into an amendatory water delivery contract with Lake Havasu Irrigation and Drainage District (District), Lake Havasu City, Arizona. The proposed contract will amend an existing contract between the District and the United States to provide for an additional delivery of up to 301 acre-feet of Colorado River water per year through District conveyance works to serve the domestic needs of the residential developments of Anasazi Pueblo Inc. (Anasazi), and Horizon Six Improvement District (Horizon). The proposed contractual arrangements will allow Anasazi and Horizon to avoid the cost of constructing duplicate water delivery facilities to the new developments.

The proposed contract will be written pursuant to the Act of Congress approved June 17, 1902 (32 Stat. 388), and acts amendatory thereof and supplementary thereto, particularly the Boulder Canyon Project Act approved December 21, 1928 (45 Stat. 1057).

The Arizona Water Commission (now the Arizona Department of Water Resources) has requested that a water allocation be granted for Anasazi of 131 acre-feet per year and for Horizon of 170 acre-feet per year. The water will be utilized to satisfy the domestic needs of the residential developments which are located adjacent to the District.

Negotiation sessions will be open to public observation. Upon completion of negotiations, the proposed contract will be made available to the public for review and written comments for 30 days after it has been declared available for such review. If there is little or no public interest shown during the negotiations as indicated by the response to this notice and press releases, the availability of the proposed contract for public review and comment will not be published in the **Federal Register.**

All written correspondence pertaining to the proposed contract will be made available for review pursuant to the Freedom of Information Act (80 Stat. 383), as amended.

Inquiries or comments concerning the proposed contract should be directed to the Regional Director, Lower Colorado Region, Bureau of Reclamation, P.O. Box 427, Boulder City, Nevada 89005, or call Mr. Ralph Pederson at (702) 293-8652.

Dated: October 9, 1981.

R. N. Broadbent,

Commissioner of Reclamation.

[FR Doc. 81-30001 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-09-M

[Supplement to Int-Des 81-44]

Creston Generating Station, Creston, Washington; Availability of Supplement to the Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior, jointly with the State of Washington Energy Facility Site Evaluation Council, has prepared a supplement to the draft environmental statement on the proposed Creston Generating Station (Creston Steam Electric Station) to be constructed and operated by the Washington Water Power Company. The Bonneville Power Administration, the Rural Electrification Administration, and the Interstate Commerce Commission cooperated in the preparation of the statement (INT-DES-81-35) which was dated August 21, 1981, and was made available to the public on that date. Written coments on the draft environmental statement and the supplement may be submitted by November 30, 1981, to Mr. William Fitch, Executive Secretary, Energy Facility Site Evaluation Council, PY-11, Olympia, Washington 98504.

On September 10, 1981, Washington Water Power Company filed an amendment to their application for site certification with the State of Washington Energy Facility Site Evaluation Council. This amendment provides an additional transmission alternative not considered in the draft environmental impact statement. This alternative consists of a double circuit 230-kv transmission line to be located on the southern corridor from Creston to the Marshall Substation in addition to the Bell Substation along the Bonneville Power Administration right-of-way (Northern Corridor Alternative).

This alternative is a compromise alternative that meets the electrical needs of the Washington Water Power Company in a cost effective manner and satisfies the policy requirements of the

Bonneville Power Administration. The environmental impacts of using both the northern and southern corridors have previously been identified in the draft environmental impact statement.

Copies are available for inspection at the following locations:

Department of the Interior, Office of Environmental Affairs, Room 7622, Bureau of Reclamation, Washington, DC 20240, Telephone (202) 343-4991.

Grand Coulee Project Office, Bureau of Reclamation, P.O. Box 620, Grand Coulee, Washington 99133, Telephone (509) 633-1360.

Office of Regional Director, Bureau of Reclamation, Box 042—550 W. Fort Street, Boise, Idaho 83724, Telephone (208) 334-1208.

Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, Telephone (503) 234-3361.

Energy Facility Site Evaluation Council, PY-11, Olympia, Washington 98504, Telephone (206) 753-7384.

A copy of the supplement is being distributed to all recipients of INT-DES-81-35. Single copies of the supplement may also be obtained upon request to the Commissioner or Regional Director, Bureau of Reclamation, or the Executive Secretary, Energy Facility Site Evaluation Council. Copies will also be available for inspection in libraries in the project vicinity.

Dated: October 13, 1981.

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 81-30000 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-09-M

Draft Environmental Impact Statement; Proposed Creston Generating Station, Creston, Washington; Public Hearing

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, as amended, the Department of the Interior has prepared a draft environmental statement jointly with the State of Washington Energy Facility Site Evaluation Council on the proposed Creston Generating Station (Creston Steam Electric Station) to be constructed and operated by the Washington Water Power Company. The Bonneville Power Administration, the Rural Electrification Administration, and the Interstate Commerce Commission cooperated in the preparation of this statement, (Int-DES 81-35), which was dated August 21, 1981, and was made available to the public on that date.

This statement analyzes the environmental consequences of a proposal by the Washington Water Power Company to construct and operate a coal-fired steam electric station which is intended to assist in meeting regional energy supply deficiencies projected to occur in the years following 1987.

The proposed project would be located in eastern Washington near the town of Creston and would consist of four 500 MW units and related facilities. Coal for the plant would be shipped in by rail from a source in Wyoming or Alberta, Canada. Water for the project (average 43 CFS) would be obtained from a well field adjacent to Franklin D. Roosevelt Lake and piped to the project.

Alternatives considered in the environmental statement include (1) no action; (2) conservation; (3) expanded use of existing facilities; (4) alternative power sources, fuel sources and generating methods.

Principal environmental consequences of the project include micro-weather changes, air quality degradation, acid precipitation, possible surface and groundwater contamination, increased noise, land use changes, transportation changes and socioeconomic impacts. Proposed mitigation measures are included in the statement.

Environmental studies and preparation and processing of the environmental impact statement for this proposed project has been in accordance with provisions of the National Environmental Policy Act of 1969 (NEPA) and the Washington State Environmental Policy Act (SEPA) and is being accomplished under CEQ (Council on Environmental Quality) Regulations, and under Title 463 State of Washington Administrative Code relating to siting energy facilities. A Memorandum of Agreement between the Department of Interior and the Washington State Energy Facility Site Evaluation Council has been signed to facilitate the preparation of a joint environmental impact statement.

The joint public hearing will be held in two sessions. The first session will be in the Spokane Health District Building, Room 140 at W. 1101 College Avenue, Spokane, Washington, 7:30 p.m. on November 16, 1981, and the second at the Creston Public School, Creston, Washington, at 7:30 p.m. on November 18, 1981. The hearing sessions are provided to receive views and comments from interested organizations and individuals relating to the environmental impacts of the proposed action.

Requests to make oral statements or presentation will be accepted at each session and persons making those requests will be permitted to speak on a first come—first served basis. Speakers generally will not be limited to any specific time period; however, speakers with unusually long presentations may be asked to continue after all other speakers have been heard.

Written comments for the hearing record from those unable to attend and those wishing to supplement their oral presentation at the hearings should be received by November 30, 1981. Comments should be addressed to Mr. William Fitch, Executive Secretary, Energy Facility Site Evaluation Council, PY-11, Olympia, Washington 98504.

Dated: October 9, 1981.

Darrell D. Mach,

Acting Assistant Commissioner of Reclamation.

[FR Doc. 81-29999 Filed 10-15-81; 8:45 am]

BILLING CODE 4310-09-M

[Finance Docket No. 29742]

Providence and Worcester Rail Systems Inc.—Control—Providence and Worcester Railroad Co.; Exemption

October 9, 1981.

Providence and Worcester Company (P&W Co.) and its wholly owned subsidiaries Providence and Worcester Rail Systems, Inc. (P&W Systems), and Providence and Worcester Railroad Company (P&W RR) jointly filed a notice of exemption of P&W Co.'s proposed transfer of all of the stock of P&W RR to P&W Systems.

P&W RR will dividend its shares of Vermont and Massachusetts Railroad Company (V&M) stock, its beneficial interest in V&M, and its Warwick Railway Company stock to P&W Systems.

This is a transaction within a corporate family which is exempt because it does not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with carriers outside the corporate family (49 CFR 1111.5(c)(3)). As a condition to use of the exemption, any P&W RR employees affected by this transaction shall be protected pursuant to *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 ICC 60 (1979). This will satisfy the statutory requirements of 49 U.S.C. 10505(g)(2).

By the Commission, Gary J. Edles, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-29952 Filed 10-15-81; 8:45 am]

BILLING CODE 7035-01-M

INTERSTATE COMMERCE COMMISSION

[Vol. No. 23]

Applications, Alternate Route Deviations, and Intrastate Applications

Republications of Grants of Operating Rights Authority Prior to Certification Notice

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the **Federal Register**.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** notice. Such pleading shall comply with Special Rule 247(e) of the Commission's *General Rules of Practice* (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

MC 30032 (Sub-8) (Republication), filed April 14, 1978, published in the **Federal Register** issue of August 3, 1978, and republished this issue. Applicant: GRANE TRANSPORTATION LINES, LTD., 1011 S. Laramie Avenue, Chicago, IL 60644. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. A Decision of the *Entire Commission*, decided October 2, 1980 and served October 20, 1980, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, in the transportation of *general commodities* (except household goods as defined by the Commission, articles of unusual value, classes A and B explosives, commodities requiring special equipment, and motor vehicles) between Chicago, IL, on the one hand, and, on the other, points in Ozaukee, Washington, Dodge, Jefferson, Waukesha, Dane, Green, Rock, Milwaukee, Walworth, Racine, and Kenosha Counties, WI, Allegan, Barry, Van Buren, Kalamazoo, St. Joseph, Cass, and Berrien Counties, MI, and Lake, Porter, Newton, Jasper, Benton, Warren, Tippecanoe, Clinton, Tipton, Carroll, Howard, Elkhart, White, Cass, Miami, Wabash, Huntionton, Pulaski, St. Joseph, Fulton, Whitley, Starke, Marshall, Kosciusko, LaPorte, Noble, and La Grange Counties, IN; that applicant is fit, willing, and able properly to perform the service and to conform to statutory and administrative requirements. The purpose of this republication is to delete the terminology "within 100 miles of the Chicago commercial zone."

Motor Carrier Intrastate Application(s) Notice

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to Section 10931 (formerly Section 206(a)(6)) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's *General Rules of Practice* (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall *not* be addressed to or filed with the Interstate Commerce Commission.

Kansas Docket No. 35,669M, Route 3353, filed August 19, 1981. Applicant: JEROME R. CAUGHRON, d.b.a. HOLTON TRUCK LINE, Box 431, Holton, KS 66436. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities, over irregular routes, except those of unusual value and except dangerous explosives, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 MCC 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Osage City, Kansas, on the one hand, and on the other, points in Osage County, Lyon County, and Coffee County; and between points in Osage County, Lyon County, and Coffee County; with express authority to tack the routes herein sought to existing Route No. 3353 and Route No. 171, so as to permit a through service to, from and between all points authorized to be served by the applicant. Intrastate, interstate and foreign commerce authority sought. Hearing: November 12, 1981, at Topeka, KS, State Office Bldg., 4th FL, at 10:00 A.M. Request for procedural information should be addressed to the State of Kansas Corporation Commission, 4th FL., State Office Bldg., Topeka, KS 66612, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-6374, filed September 22, 1981. Applicant: A.C.U. TRANSPORT INC., 131 E. Broad Street, Box 1077, Utica, NY 13503. Representative: Murray J. S. Kirshtein, Esq., 118 Bleeker Street, Utica, NY 13501. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities—Between all points in the Counties of Albany, Fulton, Herkimer, Montgomery, Oneida, Otsego, Rensselaer, Schenectady, and Schoharie. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Request for procedural information should be addressed to New York State Department of Transporation, 1220 Washington Ave., State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-9936, filed September 22, 1981. Applicant: R J D DELIVERY INC., 360 Lake Shore Drive, Massapequa Park, NY 11762. Representative: Richard DiLeonardo, 360 Lake Shore Drive, Massapequa Park, NY 11762. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: General commodities—Between all points in the City of New York and Nassau and Suffolk Counties. Intrastate, interstate and foreign commerce authority sought. Hearing: Date, time and place not yet fixed. Request for procedural information should be addressed to New York State Department of Transportation, 1220 Washington Ave., State Campus, Albany, NY 12232, and should not be directed to the Interstate Commerce Commission.

South Carolina Docket No. 81-92-T, filed March 9, 1981. Applicant: TRAMMELL CROW DISTRIBUTION CORPORATION, Post Office Box 1380, West Columbia, SC 29171. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: Commodities in General (Usual Exceptions): Between points and places in South Carolina, for customers of the distribution centers owned, operated, or managed by Trammell Crow Distribution Corporation. Restricted: To shipments owned by customers of Trammell Crow Distribution Corporation. Intrastate,

interstate and foreign commerce authority sought. Hearing: September 21, 1981. Request for procedural information should be directed to Public Service Commission of South Carolina, 111 Doctors Circle, P.O. Drawer 11649, Columbia, SC 29211, and should not be directed to the Interstate Commerce Commission.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-29949 Filed 10-15-81; 8:45 am]

BILLING CODE 7035-01-M

[AB 1 SDM]

Chicago and North Western Transportation Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Chicago and North Western Transportation Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 1 SDM. The Commission on September 23, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 1 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-29944 Filed 10-15-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-156 (Sub-12]

Delaware and Hudson Railway Co.—Abandonment—in Lackawanna, Wayne, and Susquehanna Counties, Pa.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Delaware and Hudson Railway Company to abandon that portion of its former main line, First Subdivision, located in the Counties of Lackawanna, Wayne, and Susquehanna, PA, and extending from milepost A-176.5(Val. Sta. 1833+18.9) in the City of Carbondale, Lackawanna County, PA near the Carbondale station to milepost A-141.5 (Val. Sta. 3717+04.8) in the Township of Harmony, Susquehanna County, PA near the Jefferson Junction Station constituting a total distance of 184,800 feet or 35.00 miles, subject to certain conditions. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers; and other documents used in preparing Exhibit (§ 1121.45 of the regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to § 1121.38(b)(2) and (3) of the regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date of the certificate.

Agatha L. Mergenovich,

Secretary.

FR Doc. 81-29948 Filed 10-15-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

Lease and Interchange of Vehicles by Motor Carrier

Decided: August 12, 1981.

International Transport, Inc. (MC-113855), an irregular-route common carrier, and its commonly controlled affiliate, International Transport of Texas, Inc., an intrastate carrier that holds no authority from this Commission, have filed a petition for waiver of Paragraph (c) of § 1057.12 of the Lease and Interchange of Vehicles Regulations (49 CFR Part 1057) with respect to equipment augmented between them.

Findings

1. The fact that International Transport of Texas is a commonly-owned affiliate of International Transport provides reasonable assurance that it is aware of the Commission's regulations and those of the U.S. Department of Transportation pertaining to safety.

2. Petitioners jointly administer their safety programs.

3. Waiver of the 30-day requirement promotes efficient and economical operation.

It is ordered

The petition of International Transport, Inc., and International Transport of Texas, Inc., for waiver of Paragraph (c) of § 1057.12 with respect to equipment augmented between them is granted.

By the Commission, Motor Carrier Leasing Board, Board Members Joel E. Burns, Robert S. Turkington, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-29945 Filed 10-15-81; 8:45 am]

BILLING CODE 7035-01-M

[AB 3 SDM]

Missouri Pacific Railroad Co.; Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Missouri Pacific Railroad Company has filed with the Commission its amended color-coded system diagram map in docket No. AB 3 SDM. The Commission on October 7, 1981, received a certificate of publication as required by said regulation which is considered the effective date on which the system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 3 SDM.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-29947 Filed 10-15-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Finance Applications; Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We Find

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

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.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is ordered

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Krock, Joyce and Dowell.

MC-FC-78964 (First Supplemental), by decision of June 25, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. Review Board Number 3 approved the transfer to Walco Transport, Inc., of Duluth, MN of Certificate No. MC-143032 (Sub-Nos. 17, 21, 28, 29, 31, 32, and 33) issued in April and December 1980 and February, March, and April 1981 to Thomas J. Walczynski, of Duluth, MN, authorizing the transportation (1) roofing granules, crushed stone, and granulated slag, from and to named shipper facilities or WI, MN, IL, OH, and IN; (2) iron and steel articles or materials and supplies used in their manufacture from named shipper facilities to points in the U.S. and return or from named shipper facilities at Gary, IN, and three specified points in IL, to points in MN, and WI (except three named counties); (3) lumber and lumber wood, and forest products from designated facilities of Potlatch Corp. to points in 13 States; (4) iron and steel articles and commodities used in their manufacture between points in Monroe County, MI, on the one hand, and, on the other, points in the United States; and (5) lime and salt from points in Douglas County, WI, to points in five Midwestern States and from points in St. Louis County, MN, to points in the same five midwestern States. Applicant's representative is: James B. Houland, Suite M-20, 400 Marquette Avenue, Minneapolis, MN 55402.

Note.—The purpose of this publication is to authorize the transfer of recently issued certificates that were pending at the time of approval of the original application by Review Board Number 5.

MC-FC-78964 (Second Supplemental), by decision of October 1, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to WALCO TRANSPORT, INC. of Certificate No. MC-143032 (Sub-Nos. 35, 37, 38, and 39) issued May 26, June 17, and 11, and August 10, 1981, respectively to Thomas J. Walczynski d/b/a WALCO TRANSPORT authorizing the transportation of (1) *metal products, between points in Muscatine County, IA, on the one hand, and, on the other, points in the United States; (2) lumber and wood products,* between points in St. Louis and Beltiami Counties, MN Price County, WI, and Pulaski County, AR, on the one hand, and, on the other, points in the United States, (3) *general commodities* (except classes A and B explosives), between the facilities of ABEX Corporation, on the one hand, and, on the other, points in the United States, and (4) *lumber and wood products, pulp and paper products,* and *forest products,* between the facilities of Patlatch Corporation at points in Minnesota, on the one hand, and, on the other, points in the United States. Applicant's representative is: James B. Hovland, Suite M-20, 400 Marquette Avenue, Minneapolis, MN.

Notes.—(1) The purpose of this publication is to authorize the transfer of recently issued certificates that were pending at the time of the approval of the original application by Review Board Number 5 (2) The approval in MC-FC-78964 published March 18, 1981, by former Review Board Number 5 contained an inadvertent error. A Certificate issued under Ex Parte No. MC-107, "shall not be transferable by sale or otherwise." In all other respects that decision notice shall remain in full force and effect.

Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's general rules of practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application *or* to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed).

appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

MC-144710 (Sub-1F) (Republication), filed April 3, 1979. Applicant: Monroe Contractors Equipment, Inc., 1640 Penfield Road, Rochester, NY 14625. Applicant's representative: S. Michael Richards, 44 North Avenue, P.O. Box Webster, NY 14580. The application was originally published at 44 FR 25724 and 25725 on May 2, 1979 as a gateway elimination application directly related to the finance proceeding in No. MC-F-13601. In No. MC-F-13601, Monroe Contractors Equipment, Inc. sought to purchase the operating rights of Canadaiqua Express, Inc., of Canadaiqua, NY. The authority below was granted as new authority under 49 U.S.C. 1922(b) based on shipper support, rather than as a directly related gateway application. Because the prior publication may not have provided adequate notice, the Commission is publishing this notice of the nature of authority actually granted. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting such commodities which because of size or weight require the use of special equipment, between points in Monroe, Ontario, Wayne, and Yates Counties, NY, on the one hand, and, on the other, points in Connecticut, Massachusetts, New Jersey and Pennsylvania. An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission within 30 days after the date of this **Federal Register** publication. This pleading shall comply with 49 CFR 1100.247, and include copies of intervenor's interests in the proceeding. A copy of the pleading shall be served concurrently upon the carrier's representative. All material previously submitted by the parties to this proceeding will remain a part of the record and will be considered by the Commission.

Note.—This proceeding is also related to the finance proceeding in MC-FC-77349.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-29851 Filed 10-15-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Finance Applications; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Dated: October 6, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell. (Board Member Krock not participating in MC-F-14704).

Agatha L. Mergenovich,

Secretary.

MC-F-14684, filed August 21, 1981. Applicant: RUAN TRANSPORT CORPORATION (Ruan) (666 Grand Avenue, Des Moines, IA 50309) CONTINUANCE-IN-CONTROL-LAMBERT TRANSFER COMPANY (Lambert) (P.O. Box 855, Des Moines, IA 50304). Representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Ruan seeks authority to continuance in control of Lambert upon the institution of operations by Lambert under certificate No. MC-154234. Such control will exist through Ruan's stock control of Schumer Transportation Company, Inc., a non-carrier, which controls Lambert through stock ownership. John Ruan, who controls Ruan, joins the application, also seeking to continue in control of Lambert through the transaction. Lambert is authorized, as a common carrier, to transport *cement* between points in Minnesota and Wisconsin.

MC-F-14690, filed by August 31, 1981. Applicant: TRANS STATE BUS, INC. (Trans State) (Route 1, Hwy. 156, Larned, KS 67550)—PURCHASE (PORTION)—CONTINENTAL TRAILWAYS, INC. (Trailways) (1500 Jackson, Dallas, TX 75201). Representative: Eugene W. Hiatt, 207 Casson Bldg., 603 Topeka, Topeka, KS 66603. Trans State seeks to purchase a portion of the operating rights and properties of Trailways. The interstate operating rights to be acquired by Trans State are contained in Trailways certificate No. MC-109780, which authorizes the transportation as a *common carrier*, by motor vehicle over regular routes, of *passengers and their baggage, and express, and newspapers*, in the same vehicle with passengers (1) between Great Bend, KS, and Hutchinson, KS, (2) between Stockton, KS and Great Bend, KS, and (3) between McPherson, KS and Hutchison, KS.

MC-F-14700, filed September 21, 1981. Applicant: MARK E. YODER, INC. (Mark) (P.O. Box 346, Route 61, Schuylkill Haven, PA 17972)—PURCHASE—H. A. DAUB, INC. (Daub) (P.O. Box 40, Tower City, PA 17980). Representative: Christian V. Graf, 407 N. Front St., Harrisburg, PA 17101. Mark seeks authority to purchase the operating rights of Daub. Thomas E. Yoder, sole stockholder of Mark, seeks authority to acquire control of said rights through the transaction. Mark is purchasing Daub's authority as issued in MC-95473 (Sub-Nos. 1, 6, 8, 9, 11, 12, 13 and 16) which authorizes the common carrier transportation of (1) *anthracite rice coal*, from points in Northumberland and Schuylkill Counties, PA, to Wango, MD, (2) *coal*, (a) from points in Schuylkill County, PA, to points in Bronx County, NY, and (b) from points in Wiconisco Township (Dauphin County), PA, to Bronx, NY, (3) *sand*, in bulk, from Perryville, MD and points in Cecil County, MD within 10 miles thereof, to points in Berks and Schuylkill Counties, PA, (4) *stone*, in bulk, in dump trucks, from point in Berks County, PA, to points in MD, (5) *sand*, in bulk, from points in Cecil County, MD, to points in DE, (6) (a) gravel, in bulk from points in Cecil County, MD, to points in Sussex County, MD and (b) sand and gravel from the origin into (a) points in PA (except those in Lebanon, Dauphin, Lancaster, York, Chester and Philadelphia Counties, PA, (7) coal, in bulk, (a) from Trevorton Colliery, Trevorton, and Northumberland County, PA, to points in Bronx County, NY, (b) from Ralston, PA, to points in NY (except those in Bronx and Westchester Counties), and (c) from points in Wisconisco Township, Dauphin County, PA, to points in NJ north and east of Burlington County, NJ, and points in NY (except those in Bronx and Westchester Counties, NY) (8) *coal briquettes*, in bulk, in dump vehicles, from Lykens, PA, to points in NY (except those in Bronx and Westchester Counties, NY), points in NJ north and east of Burlington County, NJ, points in MD and Revere and Swampscott, MA, and (9) *stone*, from points in Berks County, PA, to points in DE. Mark is a motor common carrier pursuant to certificates issued in MC-110541 and sub-numbers thereunder.

Supplemental Federal Register Summary

MC-F-14497F filed October 29, 1980. CONVOY COMPANY (CONVOY)—Merger—TAT, Inc. (TAT) Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111. By decision of October 1, 1981, Review Board Number 3 granted Convoy's petition for reopening and authorized merger of TAT's Certificate MC-115357 Subs 10 and 15 into Convoy.

Note.—This proceeding was previously published in the **Federal Register** issue of November 24, 1981. The purpose of this publication is to authorize the inclusion of the above cited recently issued certificates that were pending at the time of the approval of the application by former Review Board Number 5.

MC-F-14704, filed September 25, 1981. NEAL F. CARRANO AND FRANK J. CARRANO (Individuals)—CONTINUANCE IN CONTROL—CUSTOM CONTRACT CARRIER, INC. (Custom). Representative: Chandler L. van Orman, 1729 H Street, NW., Washington, DC 20006. Individual seeks authority to continue in control of Custom upon the institution by Custom of operations, in interstate or foreign commerce, as a motor common carrier. By decision served June 5, 1981, in MC-154055 Custom was granted authority to operate as a common carrier, over irregular routes, transporting *general commodities* (except classes A and B explosives) between points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, OH, IN, IL, VA, WV, DE, MD, KY, MO, and DC. A certificate has not yet been issued. Individuals also control Carrano Express, Inc., which holds authority in MC-99398 to transport general commodities over a series of regular routes in CT, MA, RI, and NJ, and over irregular routes between points in CT and NJ, on the one hand, and, on the other, points in NH, ME, VT, and NY.

[FR Doc. 81-29962 Filed 10-15-81; 8:45 am]

BILLING CODE 7035-01-M

Notice of Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b). (1) Parent corporation and address of principal office: Becker Specialties and Manufacturing, Inc., 3238 East 45th Street, Tucson, AZ 85713. (2) Wholly-owned subsidiaries which will participate in the operations, and State of incorporation: Becker Industries, Inc., An Arizona Corporation. (1) Parent corporation and address of principal office: The Coca-Cola Company, P.O. Drawer 1734, Atlanta, Georgia 30301. (2) Wholly-owned subsidiaries which will participate in the operations, and State of incorporation: Subsidiary and State Of Incorporation: (a) Coca-Cola Bottling Company of New England, Massachusetts; (b) Coca-Cola Bottling Company of California, Delaware; (c) Pacific Coca-Cola Bottling Company, Washington; (d) Coca-Cola Bottling Company of Michigan, Michigan; (e) General Bottling Company, Georgia; (f) The Atlanta Coca-Cola Bottling Company, Georgia; (g) General Beverage Company, Delaware; (h) Gonzales & Co., Inc. d.b.a. The Monterey Vineyard, California; (i) Sterling Vineyards, California; (j) The Taylor Wine Company, Inc., New York; (k) Presto Products, Incorporated, Wisconsin; (l) Caribbean Refrescos, Inc., Delaware; (m) Coca-Cola Interamerican Corporation, Delaware; (n) The Coca-Cola Export Corporation, Delaware; (o) Coca-Cola Ltd., Ontario, Canada; (p) Coca-Cola Bottling Company of Puerto Rico, Inc., Delaware; (q) The Coca-Cola Trading Company; Delaware; (r) Belmont Springs Water Co., Inc., Massachusetts; (s) Lasrevinu, Inc., Nevada; (t) Winkler/Flexible Products, Inc., California; (u) Appletiser TM Company, Texas. (1) Parent corporation and address of principal office: NORANDEX, INC., 7120 Krick Road, Cleveland, OH 44146. (2) Wholly-owned subsidiaries which will participate in the operations, and States of Incorporation: NTL TRUCK LINE, INC. (a Delaware corporation).

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-29943 Filed 10-15-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisons Vol. No. 180]

Motor Carriers; Restriction Removals Decision-Notice

Decided: October 7, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR Part 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 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 808 (Sub-68)X, filed October 1, 1981. Applicant: ANCHOR MOTOR FREIGHT, INC., 30800 Telegraph Road, Suite 4900, Birmingham, MI 48010. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. Sub-No. 67 permit: broaden motor vehicles to "transportation equipment."

MC 59570 (Sub-51)X, filed September 25, 1981. Applicant: HECHT BROTHERS, INC., 2075 Lakewood Rd., Toms River, NJ 09753. Representative: Jean R. Hecht (same address as applicant). Sub-No. 47F certificate (1) broaden the commodity description (a) from sand, gravel, silica powder, abrasive materials, bricks, glass beads, reclaimed dust, mined products, sand blasting materials, granules, stones, asphalt mix, plastic mix, gravel mix, mortar mix, minerals, grits, asphalt mix sealer, concrete bonding compounds, pebbles, grinding blocks, building blocks, and slag, to "ores and minerals, coal and coal products, petroleum, natural gas and their products, rubber and plastic products, clay, concrete, glass or stone products, waste and scrap materials not identified by industry producing chemicals and related products, metal products, mined products, building materials, and commodities in bulk"; and (b) from materials, equipment and supplies used in the manufacture and distribution of the commodities (except liquid commodities in bulk) in Sub 47F, to "materials, equipment and supplies used in the manufacture and distribution of the commodities in the broadened description above," in its nonradial authority to serve the eastern U.S.

MC 106074 (Sub-186)X, filed September 1, 1981. Applicant: B AND P MOTOR LINES, INC., Shiloh Rd. and U.S. Hwy 221–S, Forest City, NC 28043. Representative: Larry Lawing (address same as above). Subs 86F, 90F, 91F, 93F, 94F, 97F, 105F, 106F, 107F, 113F, 114F, 117F, 118F, 120F and 124F: Broaden (A)(1) Sub 90F to, "containers and container ends" from plastic containers and plastic lids; (2) Sub 93F, "clay, concrete, glass or stone products" from glass containers; (3) Sub 105F, "containers and container closures" from metal containers and metal container accessories; (4) "food and related products" from (a) Subs 94F and 107F, foodstuffs, (b) Sub-117F, canned goods, (c) Sub 118, foodstuffs (except in bulk) and confectionery, (d) Sub 124F, foodstuffs and canned meats, (e) Sub 106, animal feed and feed ingredients (except commodities in bulk), and (5) "animal foods" from, animal feed Sub 113F; (B) city-wide or county-wide authority: Sub 86F, Dallas County, TX (facilities Irving,); Sub 90F, Rutherford County, NC (facilities-Forest City); Subs 91F and 114F Rutherford County, NC (Forest City); Sub 93F, LaSalle County, IL (facilities-Streator); Sub 94F, St. Louis MO (facilities-St. Louis); Sub 97F, Jasper County, IA (facilities-Newton); Sub 105F, Tarrant County, TX (facilities-Mansfield); Sub 106F, Reno County, KS, Coles County, IL and Franklin County, OH (facilities-Hutchinson, KS, Mattoon, IL and Columbus, OH); Sub 107F, Milwaukee County, WI (facilities-Milwaukee); Sub 113F, Jefferson County, WI (facilities-Jefferson); Sub 117F, Smith County, TX (facilities-Lindale); Sub 118F, St. Louis, MO and DuPage County, IL (facilities- St. Louis and Itasca, IL); Sub 120F, Cook County, IL and Chattanooga, TN (facilities-Cicero and Broadview, IL and Chattanooga, TN); Sub 124F, Dekalb County, GA (Tucker); and (c) to radial authority, in all Subs.

MC 113063 (Sub-12)X, filed September 14, 1981. Applicant: RALPH H. BURNS & SON, INC., Box 38, Hillsboro, WV 24946. Representative: Theodore Polydoroff, 1307 Dolley Madison Blvd., McLean, VA 22101. Applicant seeks to remove restrictions in its lead and Sub-Nos. 7, 8F, 10 and 11 certificates to (1) broaden the commodity description to "petroleum, natural gas and their products and coal products" from petroleum and petroleum products in the lead; asphaltic concrete, liquid asphalt and their by-products in Sub-No. 7; fuel oil, asphaltic concrete, and liquid asphaltic and their by-products in Sub-No. 8F; asphaltic cement and liquid asphalt and their by-products in Sub-No. 10; to "chemicals and related products" from fertilizer in the lead; and to "clay, concrete, glass or stone products" from cement in Sub-No. 11 (2) broaden authority from Harrisonburg, VA and points within one mile thereof to Harrisonburg, VA in the lead; from Catlettsburg, KY to Boyd County, KY in Sub-No. 8F, (3) remove facilities limitation in (a) Sub-No. 7 at Roanoke, VA and (b) in Sub-No. 10 and replace Marietta, OH with Washington County, OH, (4) remove in bulk, in tank vehicles restriction in the lead, and Sub-Nos. 7 and 10 and (5) change one-way to radial authority in the lead and Sub-Nos. 7, 8F and 10.

MC 119315 (Sub-36)X, filed September 28, 1981. Applicant: FREIGHTWAY CORPORATION, 131 Matzinger Rd., Toledo, OH 43612. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. Lead certificate: broaden various food items to "food and related products," and from specific types of containers to "containers;" replace Decatur, IN and Freemont and Findlay, OH to Adams County, IN, and Hancock and Sandusky Counties, OH; authorize round-trip authority.

MC 124920 (Sub-19)X, filed September 15, 1981. Applicant: LA BARS, INC., 771 Scott Street, Wilkes Barre, Wilkes Barre, PA 18702. Representative: Peter Wolff, 722 Pittston Avenue, Scranton, PA 18505. Applicant seeks to remove restrictions in its lead and Sub-Nos. 1, 3, 4, 5, 8, 12, 15F, 17F, and 18 certificates to (1) broaden the commodity descriptions from (a) playground apparatus, and equipment, materials, and supplies used in the manufacture thereof, to "athletic, gymnastic, and sporting goods" in the lead; (b) fibreboard, paper, paperboard, plastic milk or food containers, plastic wax, materials or supplies used in the

manufacture thereof, to "pulp, paper and related products and rubber and plastic products" in the lead; (c) playground and athletic equipment, swimming pools, tools, accessories, materials, and supplies used in the manufacture thereof, to "athletic, gymnastic, and sporting goods, metal products, and materials and supplies used in the manufacture thereof" in Sub-No. 1; (d) trading stamps to "printed matter" in Sub-No. 3; (e) flagstone to "ores and minerals" in Sub-No. 4; (f) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in Sub-No. 5; (g) iron and steel tubing to "metal products" in Sub-No. 8; (h) plastic containers and materials and supplies used in the manufacture thereof, to "rubber and plastic products, materials and supplies used in the manufacture thereof" in Sub-No. 12; (i) paper, paper products, and materials and supplies used in the manufacture thereof, to "pulp, paper, and related products, materials and supplies used in the manufacture thereof" in Sub-No. 15; (j) printed matter, materials and supplies used in the manufacture and distribution thereof, to "pulp, paper, and related products, and materials and supplies used in the manufacture and distribution thereof," in Sub-No. 17; (k) iron and steel tubing to "metal and metal products" in Sub-No. 18; (2) delete an in bulk restriction in Sub-No. 15, in bulk, in tank vehicle restriction in Sub-No. 17, and those requiring special equipment in Sub-No. 18; (3) broaden cities to counties in the lead, Wilkes-Barre, PA to Luzerne County, PA, Berwick, PA, to Columbia County, PA, Oakland, CA, to Alameda, CA; in Sub-No. 3, Scranton, PA, to Lackawanna County, PA, Danville, IL, to Vermilion County, IL, and Redwood City, CA, to San Mateo County, CA; in Sub-No. 5, Scranton, PA, and points within 15 miles, to Lackawanna, Luzerne, Waye, and Wyoming Counties, PA; in Sub-No. 8, Cleveland, OH, to Cuyahoga County, OH, and Wikes-Barre, PA, to Luzenrne County, PA; in Sub-No. 12, Savaga, MD, to Howard County, MD, Westbrook, ME, to Cumberland County, ME, Gardner, MA, to Worcester County, MA, Cleveland, OH, to Cuyahoga County, OH, Coshocton County, OH, Marshall, and Starlington, VA, to Arlington, and Fauquier Counties, VA; in Sub-No. 15, Scranton and Wilkes-Barre, PA, to Lackawanna and Luzerne Counties, PA, Chicago, IL, to Cook and Du Page Counties, IL, Detroit, Grand Rapids and Lansing, MI, to Wayne, Kent, Ingham, Eaton and Clinton Counties, MI, Cleveland and Solon, OH, to Cuyahoga County, OH; in Sub-No. 17, Exeter, PA, to Luzerne County, PA, Mobile and Birmingham, AL, to Jefferson and Mobile Counties, AL, Phoenix and Tuscon, AZ, to Pima and Maricopa Counties, AZ, Little Rock, AR, to Pulaski County, AR, Downey, Long Beach, Los Angeles, San Francisco, and Whittier, CA, to Los Angeles and San Francisco Counties, CA, Denver, CO, to Denver County, CO, Cutler Ridge, Jacksonsville, Miami, Pensacola, Plantation, West Hollywood, and West Palm Beach, FL, to Broward, Dade, Duval, Escambia and Palm Beach Counties, FL, Columbus, GA, to Muscogee County, GA, Indianapolis and South Bend, IN, to Marion and St. Joseph Counties, IN, Chicago, Freeport, and Springfield, IL, to Cook, Du Page, Sangamon and Stephenson Counties, IL, Kansas City, KS, to Wyandotte County, KS, Jackson, MS, to Hinds and Rankin Counties, MS, St. Louis, MO, to St. Louis County, MO, Cincinnati, Cleveland, Columbus, and Dayton, OH, to Cuyahoga, Franklin, Hamilton, and Montgomery Counties, OH, Tulsa, OH, to Tulsa and Osage Counties, OK, Murfreesboro, TN, to Rutherford County, TN, Arlington, Austin, Fort Worth, Laredo, and Lubbock, TX, to Johnson, Lubbock, Tarrant, Travis, and Webb Counties, TX; in Sub-No. 18, Newton Falls, OH, to Trumbull and Columbiana Counties, OH, and Wilkes-Barre, PA, to Luzerne County, PA; (4) authorize radial service in lieu of existing one-way authority between the counties named above and various States in the lead, and Sub-Nos. 3, 4, and 8; (5) remove plantsite restrictions in Sub-Nos. 3, 8, 12, 15, 17, and 18; and (6) eliminate originating at or destined to restrictions in Sub-Nos. 12 and 17.

MC 133085 (Sub-20)X, filed August 14, 1981, previously noticed in the **Federal Register** of September 2, 1981, republished as follows: Applicant: TRENCO, INCORPORATED, P.O. Box 697, Williamsport, PA 17701. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-No. 16F certificate to (1) eliminate the restriction prohibiting the transportation of (a) commodities in bulk, in tank vehicles, and (b) traffic to AK and HI; and (2) replace facilities authority with city-wide authority; facilities at or near Des Plaines, IL, with Cook, Lake, and DuPage Counties, IL. The purpose of this republication is to correct the territorial broadening in part (2).

MC 138076 (Sub-22)X, filed September 14, 1981. Applicant: HEAVY HAULING, INC., 100 West Grand, Salina, KS 67401. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. Subs 2, 4, 8F, 10F, 12F, 14F, 15F, 18F, 19F and 22 certificates and Sub 21 permit: Broaden: to "machinery" from reciprocal engines, turbine engines, grain handling equipment and fertilized handling equipment, electrical substations, distribution transformers and agricultural implements and supplies, in Subs 2, 4, 8F, 10F, 12F and 22; to "metal products" from castings, steel plates and shafting, electrical wire, iron and steel articles (and fabricated) (with exceptions) in Subs 2, 8F, 10F, 12F, 14F parts (1) and (2), 15F, 18F and 19F; to "clay, concrete, glass or stone products" from prestressed concrete articles in Sub 14F, part 3; broaden Subs 2 and 8F from Salina, KS facility to Saline County, KS; Sub 4 from Minneapolis, KS facility to Ottawa and Mitchell Counties, KS; Sub 18F from Wichita, KS facility to Sedgwick County, KS; Sub 22 from Spearville, KS to Ford County, KS; replace one-way with radial in Subs 4, 10F, 12F, 14F, 15F, 18F and 22; and remove originating-at/destined-to restriction in Sub 22.

MC 138875 (Sub-312)X, filed September 11, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, 11900 Franklin Road, Boise, ID 83709. Representative: David E. Wishney, Attorney At Law, P.O. Box 837, Boise, ID 83701. Applicant seeks to remove restrictions in its Sub-Nos. 1, 21, 22, 25, 27, 32, 33, 37, 41, 44, 45, 46, 47, 48, 55, 56, 59, 62, 64, 65, 67, 70, 72, 74F, 75F, 80F, 82F, 84F, 85F, 88F, 90F, 91F, 92F, 93F, 94F, 96F, 100F, 107F, 108F, 109F, 110F, 111F, 112F, 113F, 114F, 115F, 116F, 118F, 122F, 123F, 125F, 126F, 127F, 132F, 133F, 140F, 141F, 147F, 149F, 150F, 151F, 153F, 154F, 155F, 160F, 161F, 187F, 189F, 194F, 195F, 196F, 203F, 206F, 207F, 208F, 211F, 212F, 214F, 223F, 237F, 239F, 240F, 241F, 248F, 249F, 251F, 252F, 262F, 263F, 264F, 270F, 271F, 275F, 276F, 277F, 278F, 279F, 283F, 284F, 285F, 286, 288F, 289F, and 209F certificates to (1) broaden the commodity descriptions to (a) "building materials and lumber and wood products" from laminated wooden beams in part No. 13 of Sub-No. 1 and Sub-Nos. 88F and 123F; lumber, lumber mill products, paneling and gypsum board in Sub-No. 21; lumber, lumber mill products, wood products and composition board in Sub-Nos. 27 and 37; hardwood in Sub-No. 276F; trusses constructed of wood and steel combined, and laminated wood beams in part no. (1) of Sub-No. 32 and Sub-No. 84F; lumber and laminated wood products in part (3) of Sub-No. 84F; doors in part no. (2) of Sub-No. 93F; lumber, wood and steel trusses and

laminated wood beams, wooden trusses, veneer and lumber and lumber products in parts (1), (3), (9), (10) and (11) of Sub-No. 1; (b) "building materials, clay, concrete, glass or stone products, and rubber and plastic products" from aluminum extrusions, glass, windows, screenings, sash and vinyl in Sub-No. 75F; (c) "building materials, construction materials, equipment and supplies, rubber and plastic products, metal products, clay, concrete, glass or stone products and commodities which because of size or weight require the use of special handling or equipment" from building materials and supplies, pipe, construction equipment and size and weight commodities in part no. (6) of Sub-No. 1; (d) "lumber and wood products and metal products" from wood and steel trusses in parts (7) and (12) of Sub-No. 1; (e) "building materials, construction materials, equipment and supplies and those commodities which because of their size or weight require the use of special handling or equipment" from building materials, and supplies, construction supplies and materials, construction equipment and size and weight commodities in part no. (1) of Sub-No. 93F, construction supplies and materials and size and weight commodities in part (4) of Sub-No. 1; (f) "building materials, lumber and wood products" from lumber, lumber mill products, wood products, paneling, millwork and composition board in Sub-No. 72; (g) "building materials, lumber and wood products, metal products" from doors and door hardware and accessories in Sub-Nos. 46, 47, 110F, 111F, 194F and 214F; doors and door hardware in Sub-No. 45F; door hardware and accessories in Sub-No. 90F; door hardware and accessories for doors in Sub-No. 133F; and doors in Sub-No. 263F; (h) "metal products" from steel tubing and steel components in part No. (2) of Sub-No. 64F; copper wire, copper rod, and copper cable in Sub-No. 118F; steel pipe, sheet metal pipe and sheet metal tanks in Sub-No. 289F; aluminum pipe and pipe fittings in Sub-No. 48; (i) "building materials", from roofing and roofing materials in Sub-No. 70; (j) "clay, concrete, glass or stone products" from china toilets in Sub-Nos. 80F and 125F; brick in Sub-No. 203F; (k) "rubber and plastic products" from plastic pipe in Sub-No. 94F; (l) "building materials," from (1) concrete joints, joint fillers, curing compounds and asphalt sheathings and (2) accessories for commodities in (1) above in Sub-No. 96F; (m) "building materials, clay, concrete, glass or stone products, materials, equipment and supplies used in the installation of the above" from (1) tile and tile products, and (2) materials and supplies used in the manufacture, distribution and installation of the commodities in (1) above in Sub-No. 108F; (n)(1) "clay, concrete, glass or stone products, ores and minerals, chemicals and related products, (2) clay, concrete, glass or stone products, ores and minerals and chemicals and related products, (3) clay, concrete, glass or stone products and ores and minerals, and (4) materials, equipment and supplies used in the installation of the commodities in (1), (2) and (3) above" from (1) brick, lime, stone, sand, mortar and mortar materials, (2) gypsum, gypsum board, plaster and joint systems, (3) sand and stone and (4) materials and supplies used in the manufacture, installation and distribution of the commodities in (1), (2) and (3) above in Sub-No. 112F; (o) "building materials" from insulation board in Sub-No. 154F; (p) "clay, concrete, glass or stone products and chemicals and related products" from brick and adhesives in Sub-No. 107F; lime, masonry materials and masonry supplies in Sub-No. 211F; and (1) brick and tile, (2) masonry materials and supplies in Sub-Nos. 206F and 207F; (1) brick and (2) masonry supplies in Sub-No. 208F; and adhesives, caulking, cement and cleaning compounds, mastic emulsions, sealing materials and solvents in Sub-No. 239F; (q) "building materials, clay, concrete, glass or stone products, metal products and rubber and plastic products" from plumbing fixtures in Sub-No. 212F; (r) "machinery" from heating and air conditioning units in Sub-No. 252F; (s) "clay, concrete, glass or stone products, metal products and rubber and plastic products" from pipe and pipe fittings in Sub-No. 277F; (t) "machinery, those commodities which because of their size or weight require the use of special handling or equipment and metal products" from heavy machinery and equipment and structural steel in Sub-No. 290F; (u) "building materials and such commodities as are dealt in or used by manufacturers of transportation equipment" from materials and supplies used in the manufacture of (a) buildings in sections (b) motor homes, (c) recreational vehicles, and (d) trailers designed to be drawn by passenger automobiles in Sub-Nos. 150F and 160F, and (1) materials and supplies used in the manufacture, distribution and installation of mobile homes, campers, recreational vehicles, and (2) building supplies in Sub-No. 161F; (v) "building materials", from insulation and insulation materials in Sub-No. 74; (w) "building materials and contractors' materials, equipment and supplies" from building materials and construction materials in Sub-Nos. 270F and 288F; (x) "petroleum, natural gas and their products" from asphalt in rolls in Sub-No. 196F; (y) "materials, equipment and supplies used in the manufacture, installation, distribution and sale of lumber and wood products" from steel tubing and steel components used in the manufacture, installation and distribution of trusses constructed of wood and steel combined and laminated wooden beams in part (2) of Sub-No. 32; (z) "materials, equipment and supplies used in the manufacture, distribution and sale of construction and mining equipment, materials and supplies" from materials and supplies used in the manufacture and distribution of construction and mining equipment in Sub-No. 140F; (aa) "waste or scrap materials not identified by industry producing" from scrap metal in part (5) of Sub-No. 1; (bb) "waste or scrap materials not identified by industry producing" from recyclable (a) scrap metals, (b) junk, (c) crushed auto bodies, (d) automobile engines and transmissions, and (e) glass and glass bottles in Sub-No. 22, recyclable scrap materials in Sub-Nos. 62, 113F and 114F, and recyclable (1) scrap metal, (2) junk and (3) crushed automobiles, engines and parts in Sub-No. 82F; (cc) "chemicals and related products" from fertilizer in part no. (2) Sub-No. 1 and glue in part no. (8) of Sub-No. 1, chemicals in containers and fertilizers in Sub-No. 33, chemicals, dies, fire retardants and materials and supplies used in the manufacture and distribution of the above in Sub-No. 284F and chemicals in Sub-No. 285F; (dd) "chemicals and related products and such commodities as are dealt in by drug stores" from drugs, toilet preparations, health care products, magnesium hydroxide and alumina calcined in Sub-No. 91F; (ee) "chemicals and related products, metal products, clay, concrete, glass or stone products, transportation equipment, machinery and miscellaneous products of manufacturing" from fire fighting equipment and supplies in Sub-No. 100F; (ff) "chemicals and related products" from soda ash and sodium bicarbonate in Sub-No. 155F; (gg) "chemicals and related products, materials, equipment and supplies used in the manufacture, installation and distribution of building materials and energy conservation products" from chemicals and materials and supplies used in the manufacture, installation and distribution of roofing and energy conservation products in Sub-No. 241F; (hh) "chemicals and related products and food and related

products" from beverage preparations and chemicals in Sub-No. 149F and chemicals and prepared food and beverage mixes in Sub-No. 275F; (ii) "metal products" from wheels, brakes, axles, axle assemblies and component parts in Sub-No. 85F; (jj) "metal products, machinery, clay, concrete, glass or stone products, rubber and plastic products" from metal tool boxes and tanks in Sub-No. 187F and metal tool boxes, tanks and material handling accessories in Sub-No. 251F; (kk) "metal products, clay, concrete, glass or stone products, pulp, paper and related products, rubber and plastic products, machinery, chemicals and related products" from (1) fabricated pipe and control panels and materials for nuclear energy systems and (2) materials and supplies used in the fabrication and distribution of commodities described in (1) above in Sub-No. 67; (ll) "metal products" from metal storage cabinets and steel shelving in Sub-No. 195F and metal shelving in Sub-No. 279F; (mm) "metal products, pulp, paper and related products, rubber and plastic products," from cans in Sub-No. 264F; (nn) "rubber and plastic products, metal products" from plastic and metal containers in Sub-No. 132F; (oo) "rubber and plastic products" from plastic and plastic articles in Sub-No. 141F; (pp) "rubber and plastic products and chemicals and related products" from foam rubber and polystyrene in Sub-No. 153F; (qq) "ores and minerals and materials, equipment and supplies used in the mining, processing and distribution of ores and minerals" from diatomaceous earth and materials and supplies used in the mining processing, and distribution of diatomaceous earth in Sub-No. 25; (rr) "ores and minerals" from diatomaceous earth in Sub-No. 41; (ss) "ores and minerals, clay, concrete, glass or stone products" from diatomaceous earth and ground clay in Sub-No. 237F; (tt) "such commodities as are dealt in or used by manufacturers of transportation equipment" from materials and supplies used in the manufacture of mobile homes, campers and recreational vehicles in Sub-Nos. 44, 127F, 147F and 189F, materials used in the manufacture of trailers in Sub-No. 92F; (uu) "textile mill products" from materials and supplies used in the manufacture and distribution of hosiery in Sub-No. 59; (vv) "textile mill products" from twine in Sub-No. 278F and binder or baler twine in Sub-No. 271F; (ww) "pulp, paper and related products" from pulpboard, fibreboard and boxes in Sub-Nos. 115F and 240F; (xx) "such commodities as are dealt in or used by manufacturers and distributors of construction and mining equipment" from materials and supplies used in the manufacture and distribution of construction and mining equipment in Sub-No. 140F; (yy) "clay, concrete, glass or stone products, chemicals and related products" from ground clay and floor sweeping compounds in Sub-No. 249F; (zz) "petroleum, natural gas and their products" from petroleum products in Sub-No. 122F; and (aaa) "forest products" from gum shellac in Sub-No. 262F; (2) replace cities and facilities with countywide authority: in Sub-No. 1, Portland, OR, with Clackamas, Multnomah, and Washington Counties, OR; Eugene, OR, with Lane County, OR; Hillsboro, OR with Washington County, OR; Los Angeles, CA, and Santa Rosa, CA with Los Angeles and Sonoma Counties, CA; Ft. Lupton, CO, with Weld County, CO; and Boise, ID with Ada County, ID; and facilities at Boise, ID with Ada County, ID; in Sub-No. 21, Weiser, ID, Berthoud, CO, Wellington, KS, Slayton, MN, Central City, NE and York, NE with Washington County, ID, Larimer County, CO, Summer County, KS, Murray County, MN and Merrick and York Counties, NE; in Sub-No. 22, Salt Lake City, UT and Las Vagas, NV with Salt Lake County, UT and Clark County, NV; in Sub-No. 25, facilities at Westfall, OR with Malheur County, OR; in Sub-No. 32, facilities at Eugene, OR, Hillsboro, OR, Ft. Lupton, CO, and Boise, ID with Lane and Washington Counties, OR, Weld County, CO and Ada County, ID; in Sub-No. 33, Nampa, ID, Pocatello, ID, Delhi, Lathrop and Richmond, CA with Canyon and Bannock Counties, ID, and Merced, San Joaquin and Contra Costa Counties, CA; in Sub-No. 41, facilities at Quincy, WA with Grant County, WA; in Sub-No. 44, facilities in Ada and Canyon Counties, ID with Ada and Canyon Counties, ID; in Sub-No. 45, facilities at Lindenhurst, NY and Williamsport, PA with Suffolk County, NY and Lycoming County, PA; in Sub-No. 46, facilities at Century, FL with Escambia County, FL; in Sub-No. 47, facilities at Terrell, TX with Kaufman County, TX; in Sub-No. 48, facilities at York, NE with York County, NE; in Sub-No. 55, facilities at Compton, CA, Boise, ID, Idaho Falls, ID and Great Falls, MT with Los Angeles County, CA, Ada and Bonneville Counties, ID and Casade County, MT; in Sub-No. 56, Palatine, IL, Keyport, NJ, Salem, NJ, Buffalo, NY, Coshocton, OH and Oneida, TN with Cook County, IL, Monmouth and Salem Counties, NJ, Erie County, NY, Coshocton County, OH and Scott County, TN, and facilities at Portland, OR and Seattle, WA with Clackamas and Multnomah Counties, OR and King County, WA; in Sub-No. 59, Patterson, NJ, Silver City NC, and Burlington, NC, with Passaic County, NJ, Chatham, and Alamance; Highpoint, NC, with Davidson, Guilford and Randolph Counties, NC; Hickory, NC, with Burke and Catawba Counties, NC; Louisville, KY with Jefferson County, KY; and Indianapolis, IN, with Marion County, IN; and facilities at Twin Falls, ID with Twin Falls County, ID; in Sub-No. 64, Salem, NJ with Salem County, NJ; and facilities at Salt Lake City, UT, Burley, ID, Idaho Falls, ID, Pocatello, ID and Twin Falls, ID with Salt Lake County, UT, Cassia, Bonneville, Bannock and Twin Falls Counties, ID; in Sub-No. 65, Pensacola, FL, Newark, NJ, Salem, NJ, Owensboro, KY, Beaver Falls, PA, Marrietta, PA, Dyersburg, TN and Houston, MS with Escambia County, FL, Essex and Salem Counties, NJ, Daviess County, KY, Beaver and Lancaster Counties, PA, Dyer County, TN and Chickasaw County, MS, and facilities in Ada and Canyon Counties, ID with Ada and Canyon Counties, ID; in Sub-No. 67, facilities at Meridian, ID with Ada County, ID; in Sub-No. 70, Camden, AR with Ouachita County, AR; in Sub-No. 74F, Waco, TX and Chilton, TX with McLennan and Falls Counties, TX; in Sub-No. 75F, facilities at Nampa, ID with Canyon County, ID; in Sub-No. 80F, Laredo, TX with Webb County, TX; in Sub-No. 84F, facilities at Phoenix, AZ with Maricopa County, AZ; in Sub-No. 85F, Elkhart, IN, Minerva, OH, and Seminole, OK with Elkhart County, IN, Carroll and Stark Counties, OH and Seminole County, OK and facilities at Chino, CA and McMinnville, OR with San Bernardino County, CA and Yamhill County, OR; in Sub-No. 90F, facilities at Greenbrook Township, NJ with Middlesex County, NJ; in Sub-No. 91F, Lewes, DE, Friendship, NC and Lakewood, NJ with Sussex County, DE, Guilford County, NC and Ocean County, NJ; in Sub-No. 92F, Azle, TX, with Parker and Tarrant Counties, TX; Fort Worth, TX, with Tarrant County, TX; Waco, TX, Chickasha, OK and Seminole, OK with McLennan Counties, TX and Grady and Seminole, Counties, OK; in Sub-No. 93F, Portland, OR with Clackamas and Multnomah Counties, OR; in Sub-No. 94F, Bakersfield, CA with Kern County, CA; in Sub-No. 96F, Cedar Hill, TX, Dallas, TX and Lewisville, AR with Dallas County, TX and Lafayette County, AR; in Sub-No. 100F, Ontario, CA and Boise, ID with San Bernardino County, CA and Ada County, ID; in Sub-No. 107F, facilities at Palatine, IL with Cook County, IL; in Sub-No. 108F, Minerva, OH with Carroll and Stark Counties, OH; in Sub-No. 109F, East Berlin, PA with Adams

County, PA, and facilities at Portland, OR and Seattle, WA with Clackamas and Multnomah Counties, OR and King County, WA; in Sub-No. 110F, Seattle, WA with King County, WA; in Sub-No. 111F, Alliance, OH, Dearborn, MI and Aurora, IL with Mahoning and Stark Counties, OH, Wayne County, MI and Kane County, IL; in Sub-No. 116F, facilities at Salem, NJ with Salem County, NJ; in Sub-No. 118F, facilities at Linden, NJ and West Jordan, UT with Union County, NJ and Salt Lake County, UT; in Sub-No. 122F, facilities at Multnomah County, OR with Multnomah County, OR; in Sub-No. 132F, Portland, OR and Salt Lake City, UT with Clackamas and Multnomah Counties, OR and Salt Lake County, UT; in Sub-No. 133F, Adrian, MI, Lincoln Park, MI; Tonawanda, NY, and Portland, OR with Lewanee and Wayne Counties, MI, Erie County, NY and Clackamas and Multnomah Counties, OR; in Sub-No. 140F, facilities at Pocatello, ID with Bannock County, ID; in Sub-No. 141F, facilities at Temple, TX with Bell County, TX; in Sub-No. 151F, facilities at Vails Gate, NY and Fullerton, PA with Orange County, NY and Lehi County, PA; in Sub-No. 203F, Fairbury, NE with Jefferson County, NE; in Sub-No. 248F, facilities at Los Angeles, CA, Denver, CO, Smyrna, GA, Bedford Park, IL, Albany, NY, Grand Prairie, TX and Portland, OR with Los Angeles County, CA, Denver County, CO, Cobb County, GA, Cook County, IL, Albany County, NY, Dallas and Tarrant Counties, TX and Clackamas and Multnomah Counties, OR; in Sub-No. 249F, facilities at Ripley, MS with Tippah County, MS; in Sub-No. 270F, facilities at Tracy, CA with San Joaquin County, CA; in Sub-No. 277F, facilities at Garden City, KS and York, NE with Finney County, KS and York County, NE; in Sub-No. 288F, facilities at Fremont, CA with Alameda County, CA; and in Sub-No. 289F, Portland, OR with Clackamas and Multnomah Counties, OR; (3) replace authority to serve (a) points within 10 miles of Pocatello, ID with Bannock, and Power Counties, ID, and points within 5 miles of Wendell, ID with Gooding County, ID in part (2) of Sub-No. 1; (b) points within 10 miles of Parma, ID with Canyon and Payette Counties, ID in part (6) of Sub-No. 1; (4) eliminate bulk and equipment restrictions wherever they appear in each certificate; (5) eliminate restrictions against foreign commerce in Sub-Nos. 93F, 289F and 290F; (6) eliminate restrictions against Mercer commodites in Sub-Nos. 48 and 277F; (7) eliminate restriction precluding service to the facilities of U.S. Gypsum Company in Sub-No. 112F; and (8) replace one-way authority with radial authority.

MC 143775 (Sub-167)X, filed September 14, 1981. Applicant: PAUL YATES, INC., P.O. Box 1059, Glendale, AZ 85301. Representative: E Stephen Heisely, 805 McLachlen Bank Building, 666 Eleventh St. NW., Washington, DC 20001. Applicant seeks to remove restrictions in its MC-143610 (Sub-Nos. 3, 5, 10, 11, 16, 17 and 18) and MC-143775 (Sub-No. 4) permits to (1) broaden the commodity descriptions from (a) meats, meat products, meat by-products and articles distributed by meat packinghouses to "food and related products" in Sub-No. 3, (b) foodstuffs to "food and related products" in Sub-No. 4, (c) canned goods to "food and related products" in Sub-No. 5, (d) foodstuffs, related advertising media, materials, equipment, and supplies used in the preparation and serving of foods in restaurants and commissaries, to "food and related products, related advertising media, materials, equipment, and supplies used in the preparation and serving of foods in restaurants or commissaries" in Sub-No. 10, (e) woodworking hand tools, automatic door-operating equipment, steel strapping, builders hardware, industrial hardware, and drapery hardware to "metal products, machinery, furniture and fixtures, and building materials" in Sub-No. 11, (f) foodstuffs, food treating compounds, chemicals, preservatives and additives (except in bulk), advertising paraphernalia, and materials, equipment and supplies used in the manufacture and distribution of spices, extracts, food dressing and foodstuffs and exempt commodities in mixed load with the aforementioned commodities to "food and related products, chemicals and related products and materials, equipment and supplies" in Sub-No. 16, (2) remove the exception to Alaska and Hawaii in Sub-Nos. 4, 16F, and 17F, (3) remove the in bulk restriction in Sub-Nos. 4 and 6 (4) remove the except to the transportation fo hides and commodities in bulk in Sub-No. 3 (5) change the territorial descrikption to "between points in the United States", under continuing contract(s) with named shippers in Sub-Nos. 3, 4, 5, 10, 11, and 18F, and (6) remove the restriction to the transportation of traffic between named facilities in Sub-No. 16F.

MC 144500 (Sub-3)X, filed September 28, 1981. Applicant: WALSH TRUCKING CO., INC., 2820 16th St., North Bergen, NJ 07047. Representative: Richard Rueda, 133 North 4th St., Philadelphia, PA 19106. Sub 1 permit: Broaden to between points in the U.S. under contract(s) with named shipper.

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[Permanent Authority Decisions Volume No. 181]

Motor Carrier Restriction Removals; Decision-Notice

Decided: October 9, 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, Ewing, and Shaffer.

Agatha L. Mergenovich,
Secretary.

FF-435 (Sub-2)X, filed September 29, 1981. Applicant: NATIONAL FORWARDING COMPANY, INC., 2800 Roosevelt Rd., Broadview, IL 60153. Representative: John P. Torpats (same as applicant). Sub-No. 1 permit: (1) broaden used household goods, and used automobiles to "household goods, furniture and fixtures, and transportation equipment"; and (2) delete export-import traffic restriction.

FF-477 (Sub-2)X, filed September 29, 1981. Applicant: CROWN OVERSEAS FORWARDERS, 2070 Burroughs St., San Leandro, CA 94577. Representative: Daniel W. Baker, Esq., 100 Pine St.,

#2550, San Francisco, CA 94111. Lead permit: (1) broaden used household goods, unaccompanied baggage, and used automobiles to "household goods, furniture and fixtures, and transportation equipment"; and (2) remove export-import traffic restriction.

MC 2428 (Sub-40)X, filed September 24, 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. In the Lead and Subs 13, 14, 16, 18, 19, 21, 25, 26, 27, 28, 29, 30, 31F, 32F and 33F permits: (1) broaden commodity descriptions: from various metal items such as silver and lead bars, copper ingots, etc., to "metal products" in lead and Subs 13, 14, 19, and 28; scrap metal and silver scrap, etc. to "waste or scrap materials" in lead and Subs 21 and 25; cupros oxide, selenium, etc., to "chemicals and related products" in lead and Subs 16, 18, 28, and 30; tellurium to "metal products and chemicals and related products" in lead; precious metals, silver, etc., to "ores and minerals" in lead; from roofing, and roofing materials and supplies to "building materials and supplies"; paint to "chemicals and related products"; shingles and insulation to "building and construction materials"; asbestos products to "clay, concrete, glass or stone products"; felt to "pulp, paper and related products"; cement to "clay, concrete, glass or stone products, chemicals and related products, petroleum, natural gas and their products"; asphalt to "ores and minerals, petroleum, natural gas and their products" in Subs 16, 18, and 30; mineral wool insulation to "clay, concrete, glass or stone products"; plastic siding to "rubber and plastic products"; insulation for plastic siding to "building and construction materials"; shutters to "building and construction materials"; accessories used in installations to "installation accessories" in Sub 19; asphalt to "ores and minerals, petroleum, natural gas and their products" in Sub 26; electric cord sets to "machinery" in Sub 28; composition board to "lumber and wood products" in Sub 29; (2) broaden the territorial description in all permits to "between points in the United States"; (3) remove restrictions: "in bulk, in tank vehicles" in Sub 16, "liquid asphalt, in bulk, in tank vehicles" in Sub 18, "in dump vehicles" in Subs 21 and 25, "except in bulk" in Subs 26, 28, 30, 31F and 32F, and household goods as defined by the Commission in Sub 33F.

MC 57393 (Sub-12)X, filed September 14, 1981. Applicant: WINTERS TRUCK LINE, INC., 2620 McCormick, Wichita, KS 67213. Representative: Jack B. Wolfe, 1600 Sherman St. #665, Denver, CO 80203. Subs 9 and 10 and 7 (acquired in MC-F-13670): Broaden (1) general commodities (with exceptions) to "general commodities (except classes A and B explosives)", in Subs 7 and 10; (2) to service at all intermediate points, in Subs 9 and 10, and (3) to county-wide for city-wide authority: (a) Pratt Air Force Base (4 miles north of Pratt), Coats, Sawyer, Zenda, Spivey, Nashville, and Isabel, KS to Pratt, Kingman and Barber Counties and points within a five mile radius of Wichita and Leon, KS to Sedgwick and Butler Counties Sub 7; points within ten miles of Garden City, KS to Kearney and Finney Counties, KS; points within ten miles of Liberal, KS to Stevens and Seward Counties, KS, Sub 9.

MC 67167 (Sub-13)X, filed August 19, 1981, previously noticed in the **Federal Register** of September 8, 1981, republished as follows: Applicant: E. D. FEE TRANSFER, INC., P.O. Box 1464, New Castle, PA 16103. 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-No. 12 certificates to: (1) broaden the commodity descriptions: (a) from roofing and roofing materials to "construction and building materials and supplies", on Sheet 1 of the lead certificate; (b) from nitre cake to "chemicals and related products" on Sheet 2 of the lead certificate; (c) from malt beverages, empty cream containers, steel, cream and empty malt beverage containers to "food and related products, metal products and containers" on Sheet 2 of the lead certificate; (d) from meats, meat products, meat by-products, dairy products and articles distributed by meat packing houses, as described in Sections A, B and C of *Appendix I* to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, to "food and related products" on Sheet 3 of the lead certificate; (e) from household goods, as defined by the Commission to "household goods, furniture and fixtures", on Sheet 3 of the lead certificate; (f) from lumber to "lumber and wood products" on Sheet 3 of the lead certificate; (g) from packinghouse products to "food and related products" on Sheet 3 of the lead certificate; (h) from grinding machinery and parts to "machinery and machinery parts" on Sheet 4 of the lead certificate; and (i) from packinghouse products and dairy products and rejected shipments of packing-house products and dairy products and empty containers to "food and related products and chemicals and related products" on Sheet 4 of the lead certificate, (2) change one-way regular route authority to two-way authority and authorize service to all intermediate points between Niagara Falls, NY, and New Castle, PA; Coverts, PA, and Buffalo, NY; and Buffalo, NY, and New Castle, PA, in the lead; (3) authorize radial authority for one-way authority in the irregular route portion of the lead and Sub-No. 12, and expand city to county-wide authority from New Castle to Lawrence County, PA; Beaver Falls, Monaca, and New Brighton to Beaver County, PA; Youngstown to Mahoning County, OH; Steubenville to Jefferson County, OH; North Tonawanda to Niagara County, NY; Buffalo to Eire County, NY; Pittsburgh to Allegheny County, PA; Dunkirk to Chautauqua County, NY; Cleveland, Canton, Akron, Barberton, Lowellville, and Massillon to Cuyahoga, Stark, Summit, and Mahoning Counties, OH; Sharon and Farrell to Mercer County, PA; Butler to Butler County, PA; (4) expand territorial description from Monaca, PA, and points within 15 miles of Monaca to Beaver, Lawrence and Allegheny Counties, PA, and Columbiana County, OH, in the lead Sheet 4; (5) remove the restrictions to a pool-car or pool truck distribution service, in the lead, sheet 3, and except those within 15 miles of Monaca, in the lead, sheet 4; and against transportation of traffic received from connecting motor carriers at New Castle, PA, in Sub-No. 12; and (6) broaden a territorial description reading "and points in that part of Washington County, PA, north of Pennsylvania Hwy 31" to "points in Washington County, PA" in Sub-No. 12. The purpose of this republication is to correct errors in the commodity and territorial descriptions and add part (6).

MC 69402 (Sub-5)X, filed October 1, 1981. Applicant: BEE LINE TRUCKING COMPANY, INC., 3300 Chouteau Ave., St. Louis, MO 63103. Representative: T. M. Tahan, 2001 South Seventh St., St. Louis, MO 63104. Sub-No. 3: Broaden general commodities (with exceptions), to general commodities, except Classes A and B explosives, household goods, and commodities in bulk.

MC 70477 (Sub-8)X, filed September 28, 1981. Applicant: M. J. SEIWERT CARTAGE CO., 3435 South Cicero Ave., Cicero, IL 60650. Representative: William D. Brejcha, 10 South LaSalle, Suite 1600, Chicago, IL 60603. Sub-No. 7F: remove all exceptions to general commodities, except Classes A and B

explosives; and change one-way to radial authority.

MC 93620 (Sub-14)X, filed September 21, 1981. Applicant: STERLING TRUCKING, INC., 721 Waverly St., Framingham, MA 01701. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Lead: (1) broaden (a) asphalt, bituminous road-building materials, and tar to "chemicals and related products, petroleum, natural gas and their products, ores and minerals, and coal and coal products" pages 1 and 2; and (b) liquid tar and liquid road tar to "chemicals and related products, petroleum, natural gas and their products, coal and coal products," page 3; (2) regular route portion, authorize service to all intermediate points and expand off-route points of East Providence and Providence, RI to Providence and Kent Counties, RI and Bristol County, MA, and points within 10 miles of Worcester, MA to Worcester and Middlesex Counties, MA; (3) irregular-route portions, broaden East Providence, RI to Providence County, RI and Bristol County, MA; Chelsea, MA to Suffolk, Essex and Middlesex Counties, and Providence, RI to Providence and Kent Counties, RI and Bristol County, MA; Worcester, MA to Worcester County, and Herkimer, NY, to Herkimer County; and (4) remove the restrictions against pick-up and delivery, page 1; "in bulk, in tank trucks" and the seasonal operation restriction, pages 2 and 3.

MC 109026 (Sub-33)X, filed September 24, 1981. Applicant: MANNING MOTOR EXPRESS, INC., P.O. Box 685, Glasgow, KY 42141. Representative: Henry E. Seaton, 929 Pennsylvania Bldg., 425 13th St., NW., Washington, DC 20004. Lead and Subs 11, 13, 15, 16, 19, 23, 26F, 28F, and 29: Broaden (1) to (a) "general commodities (except classes A and B explosives)" from general commodities (with exceptions), lead and Subs 11, 13, 15, and 19; (b) "printed matter and pulp, paper and related products" from printed matter and paper Sub 16; (c) "furniture and fixture, and metal products" from curtain rods (with or without fixtures) and iron or steel hooks, Sub 23; (d) "textile mill products, and materials, equipment and supplies used in the manufacture and distribution thereof" from wearing apparel and materials, equipment and supplies Sub 28F; and (e) "transportation equipment, and materials used in the manufacture thereof" from auto parts, and materials used in the manufacture of auto parts, Sub 29F; (2) off-route points to county-wide authority: Snow, Cartwright, Ida, Desda, Seventy-Six, Watauga and Marlow to Clinton, Cumberland, Wayne, and Russell Counties, KY and Oakley and Timothy to Overton and Clay Counties, TN, lead; and, plantsite near Louisville to Jefferson County, KY, Sub 11; (3) allow service at all intermediate points (except on alternate routes), lead and Subs 15 and 19; (4) Subs 16 and 23, remove facilities limitations and broaden Gallatin to Sumner County, TN, Sub 16, Glasgow to Barren County, KY, Subs 16 and 23, and Scottsville to Allen County, KY, Sub 23; (5) to radial authority, Sub 23; and (6) remove the following restrictions: (a) originating at or destined to lead and Sub 13; (b) for joinder only (except on alternate routes), lead and Sub 15; (c) against services between Louisville, KY, and Nashville, TN, between Louisville, KY, and Tompkinsville, KY, and to and from points in KY on U.S. Hwy 31E; and to service moving from, to or through Nashville, TN, lead; and (d) against service originating at, destined to, or interlined at points in Davidson County, TN, and, Louisville, KY, and points in its Commercial Zone, Sub 15.

Note.—Carrier's authority to tack will be governed by 49 CFR 1042.10(b).

MC 115694 (Sub-3)X, filed September 28, 1981. Applicant: J. BALLEW & SONS, INC., P.O. Box 47, Stuarts Draft, VA 24477. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107. Sub 1 certificate and MC-149074F permits: (1) Broaden blackstrap molasses to "food and related products" (Sub 1); and copper pipe connections and brass valves to "metal products" (permit); (2) remove in bulk, in tank vehicles (Sub 1) and in containers (permit); (3) change to radial authority; and (4) change to between points in the U.S. under contract(s) with a named shipper (permit).

MC 116073 (Sub-386)X, filed October 1, 1981. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Ave., Moorhead, MN 56560. Representative: Paul D. Borghesani, Katz & Borghesani, Suite 300, Communicana Bldg., 421 So. Second St., Elkhart, IN 46516. Subs 207, 213, 289 and 384X: broaden trailers designed to be drawn by passenger automobiles, in Subs. 207, 213 and 289; coach, house, display, cabin laboratory trailerts in Sub 289; and trailers in Sub 384X to "transportation equipment"; remove initial movements, towaway service, driveaway and truckaway restrictions in Subs 207, 213, and 289; replace places of manufacture in Chicago, IL with Cook, DuPage, Will and Lake Counties, IL; and Bourbon, IN with Marshall County, IN in Sub 289; replace one way with radial service in Subs. 207, 213 and 289.

MC 119498 (Sub-4)X, filed October 1, 1981. Applicant: WILMER RISTOW, d.b.a. RISTOW TRUCKING, W143 S6400 College Court, Box 12, Musketo, WI 53150. Representative: Michael S. Varda, 121 South Pinckney St., P.O. Box 2509, Madison, WI 53701. Lead and Subs 1, 2, and 3 permits: Broaden (1) Lead and Sub 3 to "food and related products" from malt beverages, fresh and fresh frozen fruits and vegetables, in containers, and to "containers," from empty malt beverage containers, racks, and empty containers; Subs 1 and 2 to "construction materials" from rock wool insulation products, and vermiculite; Sub 2 to "such commodities as are dealt in or used by manufacturers of fertilizer and fertilizer products," from compost manure regulated when moving in mixed loads with vermiculite, other than crude; Sub 3 to "such commodities as are dealt in or used by food manufacturers," from materials, equipment, and supplies used in the operation of canning plants, and (2) to between points in the United States under continuing contract(s) with the shippers named in Sub 2, and unnamed shippers in other permits.

MC 123965 (Sub-13)X, filed September 30, 1981. Applicant: KEAL DRIVEWAY COMPANY, 852 East 73rd St., Cleveland, OH 44103. Representative: Herbert A. Dubin, 818 Connecticut Ave. NW., Washington, DC 20006. Sub-No. 11: (1) broaden trucks and truck chassis to "transportation equipment" and (2) remove restrictions to secondary movements, in driveaway service.

MC 124170 (Sub-189)X, filed September 29, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521. Subs 77, 134F and 141F: alcoholic beverages (Sub 77) and meats, meat products and meat byproducts and articles distributed by meat packing houses, (Sub 134F) to "food and related products"; remove the "except in bulk" restriction (Subs 77 and 141F); remove "hides and commodities in bulk" restriction (Sub 134F); broaden Hartford, CT to Hartford County, Paducah, KY to McCracken County; and Detroit, MI to Monroe, Wayne, Macomb, Oakland and Wastenaw Counties (Sub 77); and New Haven, CT to New Haven County, (Sub 134F); Versailles, CT to New London County, and Charleston, SC to Charleston, Dorchester and Berkeley Counties; New Orleans, LA, to Orleans Parish, LA; Boston MA to Middlesex, Essex, Suffolk, Norfolk, and Plymouth Counties, Pitman, NJ to Gloucester

County, (Sub 141F); and change one-way to radial service (all Subs).

MC 124835 (Sub-31)X, filed September 28, 1981. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same as applicant). Sub 17F: (1) Broaden chemicals to chemicals and related products", (2) remove in bulk, in tank vehicles, (3) replace Chattanooga with Hamilton County, TN, and (4) change one-way to radial authority.

MC 128698 (Sub-24)X, filed September 24, 1981. Applicant: ERDNER BROS., INC., Davidson Rd., Swedesboro, NJ 08085. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW, Washington, DC 20005. Subs, 1M1F, 2, 4, 5, 7, 8, 11, 12, 13, 16, 17, 19, 20, 22 and 23: Broaden (1) to "food and related products" from (a) foodstuffs and ingredients, Sub. 1M1F; (b) foodstuffs or frozen foodstuffs Subs. 4, 5, 7, 8, 17, and 19; (c) bakery products, confectionery and pretzels, Sub. 11; (d) foods, food products, food ingredients, animal foods, animal food ingredients and meat by-products, Sub. 12; (e) frozen bakery goods, Sub. 16; (f) canned and preserved foodstuffs, Sub. 20, and to "chemicals and related products" from chemicals, Sub. 23F and remove all exceptions to general commodities (except Class A and B explosives), Sub. 2; (2)(a) Sub. 1M1F, from Milford, Bridgeville, Georgetown, and Milton DE to Sussex County; Milford, Clayton and Houston, DE, to Kent County; Wilmington, DE, to New Castle County, DE, Chester and Delaware Counties, PA, and Salem County, NJ; Whiteford, MD, to Harford County; Snow Hill, MD, to Worcester County; Hurlock and Cambridge, MD, to Dorchester County; Salisbury, MD to Wicomico County; Pocomoke City, MD, to Somerset and Worcester Counties; Chestertown, MD, to Kent and Queen Annes Counties; Ridgely and Goldsboro, MD to Caroline County; Trappe, MD, to Talbot County; Parksley and Exmore, VA, to Accomack and Northampton Counties; Centre Hall, PA, to Centre County; Bloomsburg, PA, to Columbia County; York, PA, to York County; Hanover, PA, to York and Adams Counties; Lancaster, PA, to Lancaster County; Downington, PA, to Chester County; Bridgeton, NJ, to Cumberland County; Swedesboro and Glassboro, NJ, to Gloucester County; Woodstown, NJ, to Salem County; Moorestown, NJ, to Burlington County; Camden, NJ, to Camden County, NJ and Philadelphia County, PA; Sumter, SC to Sumter County; and Napoleon, OH, to Henry County; (b) Sub. 7, from Woodstown and Salem, NJ to Salem County; Harrison, NJ to Essex and Hudson Counties; Swedesboro, NJ, to Glouchester County; Chambersburg, PA to Franklin County; Mechanicsburg, PA, to Cumberland County; Leetsdale, PA, to Alleghany and Beaver Counties and Pittsburgh, PA, to Alleghany, Washington and Westmoreland Counties; (c) Sub 19F from Napoleon, OH, to Henry County; (d) Sub. 22F Omaha, NE, to Douglas, Sarpy and Washington Counties and (e) Sub. 23F from Bridgeport, NJ to Gloucester County; Port Newark, Elizabeth and Linden, NJ, to Essex, Hudson and Union Counties; (3) remove facilities limitations and broaden (a) Sub. 4, Salisbury, MD, and Downington, PA to Wicomico County, MD, and Chester County, PA, (b) Sub. 5, Solon, OH to Cuyahoga County; (c) Sub. 8 Wellston, OH to Jackson and Vinton Counties; (d) Sub. 11 part (2) New Holland, PA, to Lancaster County; (e) Sub. 12, Scranton, PA, to Lackawanna County, and Allentown, PA, to Lehigh and Northampton Counties, (f) Sub. 16, Downers Grove, IL to DuPage County; (g) Sug. 20F Holland, MI, to Allegan and Ottawa Counties; (4) in Sub. 2, off-route points, from Auburn, Pedricktown, Centre Square, Repaupo and Bridgeport, NJ to Salem and Gloucester Counties; (5) remove in bulk, originating at/destined to, and foreign commerce only restrictions in various Subs; (6) Sub. 7, remove frozen foodstuffs exception; and (7) to radial authority in Subs. 4, 5, 7, 8, 11, 12, 16, 17, 19, 20F, and 23 (Sub-13 is subsumed in Sub. 4).

MC 129086 (Sub-38)X, filed September 28, 1981. Applicant: SPENCER TRUCKING CORPORATION, P.O. Box 254-A, Rt. #2, Keyser, WV 26726. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Sub 2, 4, 7, 9, 12, 13, 15, 18, 21, 23, 27F, 29F, and 30F: (1) broaden to "building materials and lumber and forest products" from stone, gravel, crushed stone, pugmill fine, lime, limestone, sand, asphalt and blacktop in Subs 7 and 12; to "highway construction materials" from materials and supplies used in the construction of roads in Sub 9; to "commodities in bulk" from slate cinders in Sub 18; (2) change to radial authority (3) broaden to county wide authority: in Sub 2, Mineral County (Beryl, WV); in Sub 4, Mineral and Pendleton Counties, WV (Keyser, Riverton and Beryl); in Sub 15, Prince William County, VA (Gainesville); in Sub 18, Amherst County, VA (facilities in Amherst County); in Sub 23, Mineral County, WV (Keyser), Beaver County, PA (facilities near South Heights); Sub 27F, Tucker and Mineral Counties, WV (facilities near Parsons and Ridgeley); Sub 30F Mineral County, WV and Allegany County, MD (Keyser, WV and Cumberland, MD); and (4) remove "bulk and/or dump vehicle" restrictions wherever they appear.

MC 129171 (Sub-19)X, filed October 5, 1981. Applicant: ARTHUR SHELLEY, INC., R.D. #2, Dallas, PA 18612. Representative: Joseph A Keating, Jr., 121 S. Main St., Taylor, PA 18517. Lead and Subs 6, 14, and 17: (1) broaden to "food and related products" from confectionery and bakery goods and candy (lead), chewing gum and lollipops (Sub 6), and confectionery and advertising materials and premiums (Sub 14); (2) remove except frozen foods and in vehicles equipped with mechanical refrigeration (lead); (3) remove facility and/or originating at/destined to limitations (Lead and Subs 14 and 17); (4) change one-way to radial authority (lead and Subs 6, 14 and 17); and (5) replace city-wide with county-wide authority: Union and Atlantic Counties, NJ (Elizabeth and Hammonton), Los Angeles and Alameda Counties, CA (Los Angeles and Oakland), Multnomah County, OR (Portland), King County, WA (Seattle), Northampton and Lehigh Counties, PA (Bethlehem), Cook County, IL (Chicago), and Denver County, CO (Denver), lead; Luzerene County, PA (Duryea), Multnomah County, OR (Portland), and Los Angeles and San Francisco Counties, CA (Los Angeles and San Francisco), Sub 6; Luzerene County, PA (Duryea) and Alameda County, CA (Hayward), Sub 14; and Bucks County, PA (Bristol), Sub 17.

MC 129184 (Sub-17)X, filed September 30, 1981. Applicant: KENNETH L. KELLER, P.O. Box 449, Blaine, WA 98320. Representative: Michael D. Duppenthaler, 211 S. Washington St., Seattle, WA 98104. Subs 1, 2, 3, 8, 10, 14, 15 and 16 permits: (1) broaden from liquor and cigarettes to "food and related products and tobacco products"; (2) authorize service between points in the United States under continuing contract(s) with named shippers; (3) remove the restriction in Subs 1, 2, 14 and 15 that specifies definite Canadian origins or destinations or port of entry points and (4) remove ex-water restriction in Subs 1, 2 and 14.

MC 135895 (Sub-127)X, filed May 29, 1981, previously published in the Federal Register of June 25, 1981, republished as follows: Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Applicant seeks to

remove restrictions in its numerous certificates. This Board previously broadened these authorities consistent with the provisions of 49 CFR 1137. Applicant also sought to broaden certain named points in a city's commercial zone to the city itself, but the Board denied this request pursuant to the Commission's decision in No. MC-115651 (Sub-No. 100)X, *Kaney Transportation, Inc.—Commodity and Territorial Broadening*, (not printed) served August 14, 1981. Applicant now requests to have these points expanded to the appropriate counties under 49 CFR 1137.24(a), as follows: (1) Harahan, LA to Jefferson, Orleans, and St. Charles Parishes, LA; (2) in Sub 21, Marietta, GA to Cobb and Fulton Counties, GA; (3) in Sub 26, Bossier City, LA to Bossier and Caddo Parishes, LA; Chalmette, LA to Jefferson, Orleans, Placquemines and St. Bernard Parishes, LA; (4) Subs 27, 41, & 54, Kenner, LA to Jefferson Orleans, and St. Charles Parishes, LA; (5) Sub 34, Irving, TX to Dallas and Tarrant Counties, TX; (6) Sub 62, Van Buren, AR to Crawford and Sebastian Counties, AR; (7) Sub 68, Mineral Wells, MS to DeSoto County, MS and Shelby County, TN; (8) Sub 83, Jackson, MS to Hinds, Madison and Rankin Counties, MS; and Collierville, TN to DeSoto County, MS and Fayette and Shelby Counties, TN; (9) Sub 86, Smyrna, GA to Cobb and Fulton Counties GA; (10) Sub 88, Arlington, TN to Fayette, Shelby and Tipton Counties, TN; and (11) Sub 105, Flowood, MS to Hinds and Rankin Counties, MS.

MC 140159 (Sub-21)X, filed September 28, 1981. Applicant: C. L. FEATHER, INC., P.O. Box 1190, Altoona, PA 16601. Representative: Thomas M. Mulroy, 1500 Bank Tower, 307 Fourth Ave., Pittsburgh, PA 15222. Subs 14, 15, and 16: Broaden (1)(a) Sub 14F, to "ores and minerals" from salt, and (b) Subs 15F and 16F, to "commodities in bulk" from coal, in bulk and/or in dump vehicles; (2) facilities to Retsof, NY, Sub 14F; and (3) to radial authority, all subs.

MC 142189 (Sub-50)X, filed September 25, 1981. Applicant: C. M. BURNS, d.b.a. WESTERN TRUCKING, P.O. Box 980, Baker, MT 59313. Representative: James B. Hovland, 525 Lumber Exchange Bldg., 10 S. 5th St., Minneapolis, MN 55402. Sub-Nos. 1, 2, 19, 20, 21, 23, 26, 27, 29, 35, 37, 39, 44 and 45: (a) in Sub 1 from lumber and composition board to "lumber and wood products," (b) in Sub 2(A) 1, from lumber, timber, poles, posts, pilings and hardboard to "forest products, lumber and wood products," (c) in Sub 2 (A) 2, from iron and steel and iron and steel articles to "metal products," (d) in Sub 2(A) 3, Subs 2(B) (6) and 2(B) (7), from tires and tubes to "rubber products," (e) in Sub 2(A) 4, from scrap iron to "metal products," (f) in Sub 2(A) 5, from lumber and lumber products to "lumber and wood products," (g) in Subs 2(B)(1), 2(B)(11) and Sub 20, from chemicals to "chemicals and related products," (h) in Sub 2(B) (2), from soda ash to "ores and minerals," (i) in Sub 2(B) (3) from dry cleaning and janitorial supplies and in Sub 21 from chemicals, dry cleaning and janitorial supplies and materials and supplies used in the manufacture of such commodities to "chemicals and related products, and janitorial supplies," (j) in Subs 2(B) (4) and (5) from lumber and lumber products to "lumber and wood products," (k) in Sub 2(B) (8) from animal feed supplements and in Sub 2(B) (9) from animal and poultry feed ingredients to "farm products," (l) in Sub 2(B) (10), from empty metal, plastic and cardboard containers to "metal products, rubber and plastic products, and pulp, paper and related products," (m) in Sub 19, from animal and poultry feed and animal and poultry feed ingredients to "farm products," (n) in Sub 22 from feed mill equipment and supplies to "machinery, farm products and those commodities which because of their size or weight require the use of special handling or equipment," (o) in Sub 23, from building, building materials and building supplies, to "metal products, such commodities which because of size or weight require the use of special equipment and building materials and related products," (p) in Sub 26 from agricultural chemicals to "chemicals and related products," (q) in Sub 27, from agricultural equipment and materials and sanitation equipment and materials to "those commodities which because of their size or weight require special handling or special equipment, metal products and machinery," (r) in Sub 29, from (1) feed and grain handling, feed and grain drying, and feed and grain storage equipment, (2) storage buildings and (3) accessories for the commodities named in (1) and (2), above to "machinery, metal products and commodities which, because of their size or weight require the use of special handling or special equipment," (s) in Sub 35, from iron and steel articles to "metal products," (t) in Sub 39, from lumber products, lumber mill products, wood and wood products to "lumber and wood products", (u) in Sub 44 from lumber, lumber products, wood products and forest products to "lumber and wood products and forest products"; (2) remove restrictions: (a) facilities limitations in Subs 2 and 35F; (b) originating at and destined to in Subs 2, 21, 35F, and 44F; (c) "against the transportation of size and weight" in Subs 2 and 22; (d) defined port of entry limitation; against transportation of dry fertilizer, dry fertilizer ingredients and feed ingredients from points in MN and SD; against transportation of liquid animal and poultry feed and ingredients, in bulk, in tank vehicles; and feed ingredients, soaps, cleaning compounds and toilet preparations in Sub 2; (e) against transportation of commodities in bulk and/or in tank vehicles in Sub-Nos. 20, 21 and 22; (f) against the transportation of traffic, by joinder, in Sub 21, (g) to transportation to points in Canadian Provinces of Alberta and Saskatchewan in Sub-No. 23; (h) except commodities which because of size or weight require the use of special equipment, agricultural and industrial machinery, agricultural implements, self-propelled vehicles, self-propelled irrigation equipment, foodstuffs, commodities in bulk, metal and plastic containers, paper and paper products, carbonated and malt beverages, and oil field and pipe line commodities as defined in Mercer Extension—Oil Field Commodities, 74 M.C.C. 459 (1946), and against transportation of building materials in Sub-No. 37F; and (3) broaden (a) White Sulphur Springs, MT to Meagher County, (b) Dayton, OH; Billings, Rudyard, Great Falls and Darby, MT; Rapid City, SD and Spokane, WA to Montgomery and Greene Counties, OH; Yellowstone, Hill, Cascade and Ravalli Counties, MT; Pennington County, SD and Spokane County, WA, (c) Chicago and Ringwood, IL; Minneapolis, MN and Helena, Butte, and Billings, MT to Chicago, IL; Hennepin, Ramsey, Anoka, Dakota, Scott, Carver and Washington Counties, MN and Meagher, Lewis and Clark, Silver Bow and Yellowstone Counties, MT, (d) Rapid City and Sioux Falls, SD; Midland and Luddington, MI; Madison, Hudson and Jaynesville, WI; Painesville, OH and Helena, Butte and Billings, MT to Pennington and Minnehaha Counties, SD; Midland, Bay and Mason Counties, MI; Dane, St. Croix and Rock Counties, WI; Lake County, OH and Meagher, Lewis and Clark, Silver Bow and Yellowstone Counties, MT, (e) Westvaco, WY and Helena, Butte and Billings, MT to Sweetwater County, WY and Meagher, Lewis and Clark, Silver Bow and Yellowstone Counties, MT, (f) Ashland, MT to Rosebud County, MT, (g) Philip and Spearfish, SD; Dickinson, ND and Lewiston, ID to Haakon and Lawrence Counties, SD; Stark County, ND and Nez Perce County, ID, (h) Dickinson, ND; Lewiston, ID; Philip, Spearfish and Rapid City, SD; Billings,

Great Falls, Helena, Missoula and Rudyard, MT and Spokane, WA to Stark County, ND; Nez Perce County, ID; Haakon, Lawrence and Pennington Counties, SD; Yellowstone, Cascade, Meagher, Lewis and Clark, Missoula and Hill Counties, MT and Spokane County, WA, (i) Hardin, MT to Big Horn County, MT, (j) LaPorte, IN, Van Wert, OH; St. Paul, MN; Sioux Falls, SD and Helena, MT to LaPorte County, IN; Van Wert County, OH; Ramsey, Hennepin, Anoka, Dakota, Scott, Carver and Washington Counties, MN; Minnehaha County, SD and Meagher and Lewis and Clark Counties, MT, (k) Joliet, Chicago and LaSalle, IL; Montpelier, IA; Barberton, OH; Lawrence, KS; Pine Bend and Minneapolis, MN; to Chicago, IL; Muscatine County, IA; Summit County, OH; Douglas, Jefferson and Leavenworth Counties, KS and Anoka, Dakota, Hennepin, Ransey, Scott, Carver and Washington Counties, MN, (l) Culbertson, MT to Roosevelt County, MT, (m) Great Falls and Billings, MT to Cascade and Yellowstone Counties, MT, (n) Wichita and Lawrence, KS; Rothschild, Green Bay, Eau Claire, Monticello and Madison, WI; Solvay and Niagara Falls, NY; Mosher and St. Louis, MO; Minneapolis, MN; Gabbs, NV; Columbus, MS; Mapleton, Peoria, Chicago and Ottawa, IL; Bauxite, AR; Copperhill, TN; Lake Charles, LA; Texas City, Seadrift and Brownville, TX; Boron, CA; and Wyandotte, MI to Sedgwick, Douglas, Jefferson and Leavenworth Counties, KS; Marathon, Brown, Eau Claire, Chippewa, Green and Dane Counties, WI; Onondaga and Niagara Counties, NY; St. Louis, MO, Hennepin, Ramsey, Anoka, Dakota, Scott, Carver and Washington Counties, MN; Nye County, NV; Lowndes County, MS; Peoria, Tazewell and Woodford and LaSalle Counties, IL; Saline County, AR; Polk County, TN; Calcasieu Parish, LA; Galveston, Calhoun and Cameron Counties, TX; Kern County, CA and Wayne County, MI, (o) Houghton, IA; Bluffton, IN; Zeeland, MI; Columbus, NE; Springfield, OH and Billings, MT to Houghton County, IA; Wells County, IN; Ottawa County, MI; Platte County, NE; Clark County, OH and Yellowstone County, MT, (p) Monticello, IA to Jones County, IA, (q) Billings, Sidney, Conrad, Great Falls, Bozeman and Ronan, MT with Yellowstone, Richland, Pondera, Cascade, Gallatin and Lake Counties, MT, (r) Jefferson, IA and Silver Lake, IN to Green County, IA and Kosciusko County, IN, (s) York, Elm Creek and Grand Island, NE; Crawfordsville and Bluffton, IN; and Webster City, IA to York, Buffalo and Hall Counties, NE; Montgomery and Wells Counties, IN and Hamilton County, IA, (t) Sterling, IL and Billings, MT to Whiteside County, IL and Yellowstone County, MT.

MC 143775 (Sub-166)X, filed September 16, 1981. Applicant: PAUL YATES, INC., P.O. Box 1059, Glendale, AZ 85301. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW, Washington, DC 20001–4594. Subs 5F, 8F, 9F, 10F, 111F, 12F, 21F, 25F, 29F, 38F, 41F, 42F, 43F, 44F, 45F, 46F, 55F, 57F, 58F, 59F, 60F, 61F, 66F, 67F, 69F, 70F, 71F, 81F, 83F, 84F, 85F, 86F, 87F, 88F, 96F, 104F, 105F, 110F, 11F, 112F, 114F, 115F, 116F, 119F, 120F, 121F, 122F, 125F, 126F, 127F, 128F, 129F, 130F, 131F, 132F, 133F, 134F, 135F, 138F, 139F, 140F, 143F, 147F, 148F, 149F, 150F, 151F, 152F, 153F, 155F, 156F, 157F, 158F, 160F, and 161F certificates broaden (A) to (1) "chemicals and related products" from (a) drugs, toilet articles and health aids, in Sub 5, (b) drugs, toilet preparations, health care products, alumina calcined and magnesium hydroxide, in Sub 9, (c) paradichlorobenzene, in Sub 25, (d) chemicals, in Sub 38, (e) toilet preparations, washing and scouring compounds, health and beauty care products, drugs and display racks, in Sub 42, (f) adhesives, sealants, solvents, stains, and wood preservatives, in Sub 59, (g) pesticides, in Sub 96, and (h) toilet preparations and soap, in Sub 134; (2) "food and related products" from (a) meat products and meat by-products and articles distributed by meat packinghouses, in Sub 12, (b) animal feed, in Sub 29, (c) fruit juices and apple products, in Sub 41, (d) foodstuffs, in Sub 43, (e) candy and materials, equipment and supplies used in the manufacture and distribution of candy, in Sub 55, (f) apple juice and sweet cider, in Sub 57, (g) frozen foods, in Sub 58, (h) frozen foods, in Sub 60, (i) canned mushrooms and tomato sauce, in Sub 71, (j) frozen food, in Sub 114, (k) meats, meat products, meat by-products and articles distributed by meat packinghouses, in Subs 119 and 139, (l) animal feed and feed ingredients, additives, supplements and materials and supplies used in the manufacture of animal feed, in Sub 120, (m) wheat germ meal and grain flour, in Sub 122, (n) canned and preserved foodstuffs, in Sub 135, (o) flour, cornmeal, edible flour, or meal preparations and flaked potatoes, in Sub 150, and (p) malt beverages, in Sub 160; (3) "pulp, paper and related products" from (a) paper and paper products, in Subs 66 and 85, (b) paper and paper bags, in Sub 70, and (c) paper and paper labels, in Sub 138; (4) "rubber and plastic products" from (a) plastic articles, in Sub 39, (b) rubber, in Subs 61, 111 and 153, (c) plastic pellets, in Sub 81, (d) plastic and plastic articles, in Subs 110 and 155, (3) plastic pellets, plastic granules and plastic flakes, in Sub 112, (f) expanded foam plastics and materials or supplies used in the manufacture of expanded foam plastics, in Sub 125, (g) plastic pipe, in Sub 132, and (h) plastic articles, in Sub 148 and Sub 149; (5) "metal products" from (a) metal wire, in Sub 45, (b) wire and cable, in Sub 46, (c) cabinet and security hardware, in Sub 83, and (d) metal wire and cable, in Sub 147; (6) "electrical equipment and machinery" from garage door openers and machinery, electrical switches and products used in the manufacture and installation of garage door openers in Sub 8; (7) "chemicals and related products and electrical machinery" from toilet preparations, beauty and health products, and equipment, personal electrical appliances and accessories and parts for these commodities, in Sub 10; (8) "electrical machinery and rubber and plastic products" from batteries, rubber tires and tubes and accessories for these commodities, in Sub 44; (9) "chemicals and related products and metal products" from toilet preparations, razor blades, and razor blade frames, in Sub 69; (10) "chemicals and related products and food and related products" from toilet preparations, foodstuffs, and chemicals, in Sub 84; (11) "chemicals and related products, rubber and plastic products, lumber and wood products" from adhesives, pastes, cleaning, preserving and sealing compounds, solvents, plastic carpeting, molding, materials, equipment and supplies, in Sub 86; (12) "chemicals, and related products, rubber and plastic products, and materials and supplies used in the manufacture and distribution of these commodities" from paint, varnish, thinners, solvents, shellacs, plastic articles, and materials and supplies used in the manufacture and distribution of these commodities, in Sub 87 (13) "machinery" from power saws, generators, gasoline engines, hedge trimmers and earth drilling machinery, in Sub 88; (14) "textile mill products, wood and lumber products, metal products, and chemicals and related products" from carpet strips, molding, staples, tools, nails, adhesives, sealants, solvents, stains, wood preservatives and materials, equipment and supplies, in Sub 104; (15) "chemicals and related products, textile mill products, and tools, parts and accessories used in the repair of automotive chassis" from polyester body filler, polishing and cleaning compounds, buffing pads and cleaning cloths, putty and paint, and tools, parts and accessories used in the

repair of automotive chassis, in Sub 105; (16) "furniture and fixtures" from new household goods, crated, and accessories for household goods, in Sub 115; (17) "food and related products and containers" from malt beverages and empty beverage containers, in Sub 116; (18) "machinery" from ice-making machines, cooling equipment and supplies and freezers, in Sub 121; (19) "transportation equipment, machinery, and supplies and materials used in the maintenance of these commodities" from automotive and industrial service equipment and supplies and materials used in the maintenance of these commodities, in Sub 126;

(20) "transportation equipment" from automobile and trucks wheels and parts and accessories used in the maintenance thereof and automotive and truck appearance accessories, in Sub 127; (21) "food and related products" from canned and preserved foodstuffs, in Sub 128 (22) "textile mill products, rubber and plastic products, and lumber and wood products" from floor coverings and materials and supplies used in the maintenance and installation of floor coverings, in Sub 129 (23) "electrical equipment and transportation equipment" from automotive electrical equipment and automotive accessories, in Sub 130 (24) "such commodities as are dealt in by grocery and food businesshouses and food and related products" from such commodities as are dealt in by grocery and food businesshouses and agricultural feed business houses, soy products, paste and flour products and diary products, in Sub 131 (25) "metal products, machinery, and parts, supplies and equipment used in the manufacture and distribution of these products" from welding rods, castings, metal alloys, and electrical welding machines, and parts, supplies and equipment used in the manufacture and sale thereof, in Sub 133 (26) "building materials, metal products, and furniture and fixtures" from building hardware, tools, and home accessories, in Sub 140 (27) "metal products and chemicals and related products" from carpet strip and adhesives and nails, in Sub 143 (28) "transportation equipment" from truck bodies, in Sub 152 (29) "clay, concrete, glass or stone products and materials, equipment and supplies used in the manufacture and distribution of these commodities" from glass containers and materials, equipment and supplies used in the manufacture and distribution of these commodities, in Sub 156 (30) "chemicals and related products and lumber and wood products" from charcoal and residuals in Sub 157 (31) "textile mill products, lumber and wood products, and rubber and plastic products" from floor coverings and materials and supplies used in the maintenance and installation of floor coverings, in Sub 158 and (32) "pulp, paper and related products, rubber and plastic products, and materials and supplies used in the manufacture and distribution of these commodities" from paper and paper articles, wood pulp, plastic and plastic products, and materials and supplies, in Sub 161; (B) to county-wide or city-wide authority (1) Allegan County, MI (Allegan), in Sub 5; (2) Miami County, OH (Covington), Macomb, Oakland, Wayne, Monroe and Washtenaw Counties, MI (Detroit), in Sub 8; (3) Sussex County, DE (Lewes); Ocean County, NJ (Lakewood); Guilford County, NC (Friendship); Alameda County, CA (San Leandro), in Sub 9; (4) New Haven and Fairfield Counties, CT (Cheshire, Milford and Stamford); Bergen County, NJ (Saddle Brook); Cheshire County, NH, Windham County, VT (Waspole, NH); Etowah County, AL (Gadsden); Cobb, De Kalb, Fulton and Clayton Counties, GA (Atlanta), in Sub 10; (5) Greenwood County, SC (Greenwood), in Sub 11; (6) Woodbury County, LA and Dakota County, NE (Sioux City) and Madison Counties, NE (Madison), in Sub 12; Ottawa and Allegan Counties, MI (Holland), in Sub 21; New Castle County, DE (Delaware City), Hudson County, NJ (Kearny) and Harris, Brazoria, Chambers, Fort Bend, Montgomery and Waller Counties, TX (Houston), in Sub 25; Los Angeles County, CA (Vernon and Cerritos), in Sub 29, Middlesex and Morris Counties, NJ (Avenel, Sewaren and Riverdale), in Sub 38, Chelan, Douglas and Yakima Counties, WA (Cashmere, Selah and Wenatchee), in Sub 41, Baltimore County, MD (Cockeysville), in Sub 42, Pulaski County, AR (Little Rock), Kings, Los Angeles, Ventura, Orange, San Mateo, and Santa Clara Counties, CA (Hanford, Los Angeles, Palo Alto, and Santa Fe Springs), Maricopa and Penal Counties, AZ (Phoenix), Allegany, MD and Mineral County, WV (Cumberland, MD), Hind, Madison and Ranklin Counties, MS (Jackson), Cascade County, MT (Great Falls), Summit, Portage, Stark, Wayne and Medina Counties, OH (Akron), Polk, Warren, Madison and Dallas Counties, IA (Des Moines), in Sub 44; Windham County, CT (Willimantic), Benton County, AR (Siloam Springs), and Buncombe County, NC (Euka), in Sub 45; Worcester County, MA (Shrewsbury), in Sub 46, Washington, Dakota and Ramsey Counties, MN (South St. Paul), in Sub 55, Newaygo County, MI (Fremont), in Sub 57, Grand Traverse and Leelanau Counties, MI (Traverse City), in Sub 58, Los Angeles County, CA (facilitiities in Los Angeles County), in Sub 59, Berrien, Benzie and Oceana Counties, MI (Benton Harbor, Frankfort and Hart), and St. Joseph County, IN (South Bend), in Sub 60, Montgomery and Greene Counties, OH (Dayton), Washington County, TN (Jonesboro) and Washoe County, NV (Sparks), in Sub 61, Allen County, IN (Fort Wayne) and Scott County, MO (Sikeston), in Sub 66, Ottawa and Ionia Counties, MI (Coopersville and Saranac) in Sub 67, Augusta County, VA (Verona), in Sub 69, Orange County, TX (Orange) in Sub 70, Chester County, PA (Oxford) in Sub 71, Harris, Brazoria, Chambers, Fort Bend, Montgomery and Waller Counties, TX, and Orange, Hardin and Jefferson Counties, TX (Houston and Beaumont), in Sub 81, Kent County, MI (Grandville), in Sub 83, Cobb, De Kalb, Fulton, and Clayton Counties, GA (Atlanta) and Washoe County, NV (Reno), in Sub 84, Kalamazoo County, MI (Kalamazoo) and Montgomery and Greene Counties, OH (Dayton), in Sub 86, Los Angeles, Marin, Alameda, San Mateo and San Francisco Counties, CA (Vernon, Compton and San Francisco), Union and Middlesex Counties, NJ (Linden and South Plainfield), Cobb, De Kalb, Fulton and Clayton, Counties, GA (Atlanta), Norfolk County, MA

(Randolph), King and Shohomish Counties, WA (Seattle), St. Louis County, MO (Berkeley), Hennepin County, MN (Plymouth), Cuyahoga County, OH (Middleburg Heights), Erie County, NY (Cheektowaga), in Sub 87, Los Angeles County, CA (Los Angeles) and Mohave County, AZ (Lake Havasu City), in Sub 88, Leavenworth and Johnson Counties, KS, and Cass, Jackson, Clay, and Platte Counties, MO (Kansas City, MO), in Sub 96, Imperial County, CA (Calexico) in Sub 104, Stark and Tuscarawas Counties, OH (Canton and Gnadenhutten), in Sub 105, Los Angeles County, CA (City of Industry) and Hudson, Essex, and Morris Counties, NJ (Kearney and Rockaway), in Sub 110, Portage, Summit, Medina, and Wayne Counties, OH (Kent and Barberton) and Washoe County, NV (Sparks) in Sub 111, Harris, Brazoria, Chambers, Fort Bend, Montgomery, Waller, Orange, Hardin and Jefferson Counties, TX (Houston and Beaumont), in Sub 112, Grady County, OK (Chickasha), in Sub 114, Grand Traverse and Leelanau Counties, MI (Traverse City), Hall County, NE (Grand Island), and Howard County, TX (Big Springs), in Sub 115; Ogle Kankakee, Kane, St. Clair, and Madison Counties, IL, and St.

Louis County, MO (Rochelle, Bradley, St. Charles and E. St. Louis, IL), in Sub 119, Northampton County, PA and Warren County, NJ (Easton, PA), Erie County, PA (Erie), Dickinson County, IA (Spirit Lake), Jefferson County, KY and Clark and Floyd Counties, IN (Louisville, KY), and Denton County, TX (Denton) in Sub 121; Piatt County, IL (Monticello), La Porte and Porter Counties, IN (Michigan City), Jasper County, MO (Carthage), Multnomah, Clackamas, and Washington Counties, OR and Clark County, WA (Portland), Harris, Brazoria, Chambers, Fort Bend, Montgomery and Waller Counties, TX (Houston), Monroe, St. Clair and Madison Counties, IL and Jefferson, St. Louis and St. Charles Counties, MO and St. Louis, MO (St. Louis, MO), Allegheny and Washington Counties, PA (Pittsburgh), Cobb, De Kalb, Fulton and Clayton Counties, GA (Atlanta), in Sub 122, Allen County, IN (Fort Wayne, IN), Delaware County, PA (Eddystone), Barnstable County, MA (Hyannis, MA), Luzerne County, PA (Hazelton), and Bergen County, NJ (Rutherford, NJ), in Sub 125, San Diego County, CA (San Diego), in Subs 126 and 127, Muscatine County, IA and Rock Island County, IL (Muscatline, IA), Johnson County, IA (Iowa City), San Joaquin County, CA (Tracy and Stockton), in Sub 128, Lancaster County, PA (Lancaster and East Hempfield Township), in Sub 129, Los Angeles County, (Los Angeles), in Sub 130, Cuyahoga, Lorain, Lake, Medina and Summit Counties, OH (Cleveland) and Los Angeles County, CA (Los Angeles), in Sub 132m Los Angeles County, CA (City of Industry and Santa Fe Springs), Washington and Allegheny Counties, PA (Pittsburgh) and Harris, Brazoria, Chambers, Fort Bend, Montgomery and Waller Counties, TX (Houston), in Sub 133, Allegheny and Washington Counties, PA (Pittsburgh), Los Angeles County, CA (La Mirada), Cobb, De Kalb, Fulton and Clayton Counties, GA (Atlanta), Tarrant, Denton, Collin, Rockwall, Kaufman, Ellis and Dallas Counties, TX (Dallas), Fairfield County, CT (Stamford), in Sub 134, Chelan County, WA (Wenatchee), Tarrant and Dallas Counties, TX (Grand Prairie), Greenville and Pickens Counties, SC (Greenville), Hudson and Essex Counties, NJ (Harrison), Johnson County, IA (Iowa City), Cumberland County, PA (Mechanicsburg), Washington and Allegheny Counties, PA (Pittsburgh), and Lucas, Wood and Ottawa Counties, OH and Monroe County, MI (Toledo), in Sub 135, Los Angeles County, CA (Azusa and Monrovia), in Sub 138, Maricopa and Pinal Counties, AZ (Phoenix), Los Angeles County, CA (Los Angeles), Hartford and Windham Counties, CT (Hartford and Plainfield), Orleans, St. Charles, St. Bernard, Jefferson and Plaquemine Parishes, LA (New Orleans), Suffolk, Norfolk, Middlesex, Essex and Plymouth Counties, MA (Boston), and Harris, Brazoria, Chambers, Fort Bend, Montgomery and Waller Counties, TX (Houston), in Sub 139, Buncombe County, NC (Asheville), in Sub 143, Worcester County, MA (Shrewsbury), in Sub 147, Grayson County, TX (Sherman), in Sub 150, Hamilton County, TN and Dade, Walker and Catoosa Counties, GA (Chattanooga), and Maricopa and Pinal Counties, AZ (Phoenix), in Sub 152, Johnson County, TX (Cleburne) in Sub 155, Monmouth County, NJ (Cliffwood), Okmulgee County, OK (Henrietta), Scott County, MN (Shakopee), Vigo County, IN (Terre Haute), and Houston County, GA (Warner Robins), in Sub 156, Pima County, AZ (Lukeville), in Sub 157, Murray and Floyd Counties, GA (Chatworth and Rome), Jefferson County, IN and Trimble County, KY (Madison, IN), Story County, IA (Ames), and Philadelphia, PA (Philadelphia and Willow Grove), in Sub 158, Macomb, Oakland, Wayne, Monroe and Wastenaw Counties, MI (Detroit), in Sub 160; (c) remove "in containers and in package" restrictions, in Sub Nos. 5, 8, 9, 10, 11, 12, 21, 29, 38, 41, 42, 55, 57, 81, 84, 87, 96, 105, 110, 112, 119, 131, 134, 148, 150, 151, 155, 157, and 161; (D) delete the "in refrigerated vehicles" restriction, in Sub-Nos. 9, 10, 25, 38, 61, 70, 84, 86, 111, and 153; (E) eliminate the "originating at, destined to or terminating at" restrictions, in Subs 9 (parts (1)(b) through (4)), 12, 25, 38, 60, 66, 71, 128, 129, and 135; and (F) broaden to radial authorities in all Subs, except Subs 5, 120, 131, 133, 138, 148, 151, 156, and 161.

MC 147681 (Sub-24)X, filed October 1, 1981. Applicant: HOYA EXPRESS, INC., P.O. Box 543, Rt. 18, West Middlesex, PA 16159. Representative: Michael P. Pitterich, P.O. Box 543, West Middlesex, PA 16159. MC-147681: (A) replace one-way authority with radial authority; (B) broaden chemicals to "chemicals and related products" and silica gel to "petroleum and petroleum products"; (C) expand Akron, OH to Summit County, OH; Fall River and New Bedford, MA to Bristol County; Naugatuck, CT to New Haven County; Paulsboro, NJ to Gloucester County; and (D) remove except motor vehicles and except in bulk restrictions.

MC 147995 (Sub-3)X, filed October 1, 1981. Applicant: C. R. RUDD & SONS, INC., 1532 Washington Ave., New Hyde Park, NY 11040. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Sub-No. 2F permit: broaden (1) wire rope, and fittings and reels for wire rope to "metal and metalproducts"; and (2) to points in the U.S. under continuing contract(s) with a named shipper.

MC 148613 (Sub-1)X, filed October 1, 1981. Applicant: I. PETERS TRANSPORT, LTD., 985 Dugald Road, Winnipeg, Manitoba, Canada R3BIN9. Representative: Robert S. Lee, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402. Lead: (1) change liquid fertilizer and liquid fertilizer ingredients, in bulk to "commodities in bulk" and potash, in bulk to "ores and minerals and chemicals and related products"; and (2) replace one-way with radial authority.

MC 149152 (Sub-5)X, filed October 5, 1981. Applicant: L & L MOTOR FREIGHT, INC., 1911 N.W. 1st Street, Oklahoma City, OK 73126. Representative: William P. Parker, 141 N.E. 38th Terrace, Oklahoma City, OK 73105. Sub 2F: Remove all exceptions except classes A and B explosives from its general commodities authority; and authorize service at intermediate points in its regular routes.

[FR Doc. 81-29963 Filed 10-15-81; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-54)]

Union Pacific Railroad Co.; Exemption for Contract Tariff ICC-UP-C-0007

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Provisional Exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: Union Pacific Railroad Company (UP) filed a petition on September 30, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we advance the effective date of its contemporaneously filed contract tariff ICC-UP-C-0007, now October 30, 1981, so that the effective date would be on one day's notice. The contract covers switch service of rail cars containing set-up motor vehicles onto UP's interchange trackage at Spokane, WA and movement a short distance to its

Fancher Road automobile unloading facility also at Spokane.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d) (1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition is granted. Union Pacific has entered into a contract with a shipper, a manufacturer of automobiles and other motor vehicles, dated October 20, 1981, for the provision of switch service into UP's Fancher Road automobile unloading facility at Spokane under specified rates and conditions. Under the terms of the contract, Union Pacific agrees to switch rail cars containing the shipper's set-up motor vehicles onto its interchange trackage at Spokane and move them the short distance to its Fancher Road facility. The contract also provides that Union Pacific will unload the motor vehicles, park them in an adjacent holding area, and return empty or rejected rail cars. The duration of the contract is from the date the contract takes effect under 49 U.S.C. 10713 until and including July 20, 1983.

While this contract is complete and separate from any other agreement, it does relate to an amendment to a transportation service contract between the shipper and another Class I rail carrier subject to the Interstate Commerce Act, which has been submitted to this Commission and will become effective October 1, 1981. The rail cars to be switched by Union Pacific will be moved into and out of Spokane via the other rail carrier pursuant to the amended terms of its transportation service contract with the shipper. Under these circumstances, a provisional exemption is warranted.

UP's contract tariff may become effective on one day's notice.

We will apply the following conditions which have been imposed in similar exemption proceedings:

If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

(49 U.S.C. 10505)

Dated: October 7, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor did not participate.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-29081 Filed 10-15-81; 8:45 am]

BILLING CODE 7035-01-M

[Nos. MC-C-4201 and MC-114019 (Sub-No. 199)]

Midwest Emery Freight System, Inc.; Proposed Consent Agreement

On August 6, 1981, a majority of the Commission authorized the Commission's general counsel to sign a proposed consent agreement which if ultimately accepted by the Commission would settle outstanding litigation between the Commission and Midwest Emery Freight System, Inc., and directed publication of the agreement in the **Federal Register.**

Attention is directed to those terms of the agreement providing that the Commission will entertain all comments on any public interest that may be involved with respect to the settlement. Comments must be filed in writing with the Commission no later than the 30th day after this date of publication of the agreement and must be provided to Midwest Emery and its counsel, who will have 15 days within which to respond. Thereafter, the Commission may accept, reject, or modify the settlement.

Commissioner Gresham would require payment of $100,000 over a one year period, as offered by Midwest Emery in its letters of April 17, 1980, and July 12, 1978. He notes that Midwest Emery was solvent enough to pay its parent and sole stockholder, Rentar Industries, Inc., management fees of $1.7 million in 1978, $2.0 million in 1979, and $1.4 million in 1980, and he dissents to the payment schedule approved by the majority.

The text of the proposed consent agreement follows:

CONSENT AGREEMENT

No. MC-C-4201

Midwest Emery Freight System, Inc.—Investigation and Revocation of Certificates

No. MC-114019 (Sub-No. 199), et al.

Midwest Emery Freight System, Inc.—Extension—Meats

It appearing, that the decision of the Commission in the above-entitled proceedings, 124 MCC 105, as affirmed by subsequent order served November 10, 1976 imposing certain penalties upon respondent Midwest Emery Freight System, Inc. has been appealed to the United States Court of Appeals for the District of Columbia, *Midwest Emery Freight System, Inc.* v. *United States of America and Interstate Commerce Commission*, Nos. 76-2078 and 2092;

It further appearing, that subsequent to the filing of briefs, but prior to oral argument, the Commission's general counsel and counsel for respondent Midwest Emery Freight System, Inc., with the permission of said Court, entered into negotiations in an effort to finally resolve all issues;

It further appearing, that the Commission's general counsel and said counsel for Midwest Emery Freight System, Inc. have reached a tentative settlement with the approval of this Commission which is hereby referred to and made a part hereof;

It is agreed and ordered, that the Interstate Division of Midwest Emery Freight System, Inc. will be prohibited from trip leasing motor vehicle equipment for a period of 180 days beginning 15 days subsequent to the effective date of this decision, and further prohibited from all interlining operations and interchange of traffic with other motor common carriers for a period of 30 days beginning 15 days subsequent to the effective date of this decision.

It is further agreed and ordered, that Midwest Emery Freight System, Inc. hereby acknowledges responsibility for the operations of its Interstate Division and all of its other divisions.

It is further agreed and ordered, that all pending applications of Midwest Emery Freight System, Inc. except the application in MC-114019 Sub-No. 198 be and they are hereby denied.

It is further agreed and ordered, that the application MC-114019 Sub-No. 198 be and it is hereby granted pursuant to previous orders in said proceeding determining that public convenience and necessity required the proposed operations so as to insure continuation of operations begun approximately eight years ago pursuant to Temporary Authority, thereby avoiding imposition of a penalty upon the shippers involved in said proceeding by depriving it of service presently available.

It is further agreed and ordered, that all proceedings presently pending against Midwest Emery Freight Systems, Inc. and, in particular, Case No. MC-C-4201 and MC-114019 Sub-No. 199 *et al.*, be and they are hereby terminated and all cease and desist orders entered against Midwest Emery Freight Systm, Inc. in these proceedings be

and they are hereby vacated and that future Midwest Emery applications for additional operating authority are to be considered in the same manner as those filed by any other carrier.

It is further agreed and ordered, that the appeals in *Midwest Emery Freight System, Inc.* vs. *U.S.A.*, 76-2078 and 2079 pending in the U.S. Court of Appeals for the District of Columbia shall be dismissed within 15 days after the effective date of this settlement.

It is further agreed and ordered, that Midwest Emery will pay a fine of $100,000.00 in four installments: $25,000.00 within fifteen (15) days of the effective date of this settlement; $25,000.00 within one (1) year thereafter; $25,000.00 two (2) years thereafter; and $25,000.00 three (3) years thereafter.

It is further agreed and ordered, that notice of the settlement shall be published in the **Federal Register**. The ICC will entertain all comments on any public interest that may be involved with respect to this settlement. Such comments must be filed in writing with the ICC no later than the 30th day after the Publication Date. Copies of all such comments will be provided to Midwest Emery and its counsel, who shall have fifteen (15) days within which to respond. Within sixty (60) days from the Publication Date, the ICC may accept, reject or modify this settlement. However, in the event that the ICC rejects or modifies this settlement, then this consent agreement shall have no force and effect whatsoever and the *status quo ante* between Midwest Emery, the ICC and the United States of America shall be restored. In the event that the ICC accepts this settlement, then it shall become binding upon the ICC, the United States of America and Midwest Emery.

It is further agreed and ordered, that the statutory effective and compliance date of this decision, be, and it is hereby fixed as , 1981.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-29900 Filed 10-15-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 387 (Sub-56)]

Richmond, Fredericksburg & Potomac Railroad Co.; Exemption for Contract Tariff ICC-RFP-C-0003

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e). The contract tariff to be filed may become effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: Richmond, Fredericksburg and Potomac Railroad Company (RFP) filed a petition on October 2, 1981, seeking an exemption under 49 U.S.C. 10505 from the statutory notice provisions of 49 U.S.C. 10713(e). It requests that we advance the effective date of its contract tariff ICC-RFP-C-0003, from October 31, 1981 to October 9, 1981, on one day's notice.

Tariff ICC-RFP-C-0003 provides for the transportation of privately-owned used motor vehicles between Alexandria, Virginia and Miami, Florida. This service will be provided by the nation's leading transporter of individually-owned automobiles using the rail facilities of the Richmond, Fredericksburg and Potomac Railroad, Seaboard Coast Line Railroad Company, and the Florida East Coast Railway Company who will furnish tri-level equipment for transportation under this contract. The transporter will use its existing facilities in the northeast to accept and deliver individually-owned vehicles. Customers will bring their cars to these facilities where they will be shuttled to Alexandria, VA by truck and loaded on tri-level automobile cars for railroad delivery in Miami, FL.

The old Auto-Train concept required people to drive their cars to Lorton, VA, located on the RF&P Railroad, where the cars and people were loaded on rail cars, which only went to Sanford, FL. This new concept permits people to use the service without having to do any driving whatsoever, and customers may personally travel to Florida by any mode they choose to use and they are not restricted to people who travel by rail.

Under 49 U.S.C. 10713(e), contracts must be filed on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. Cf. former section 10762(d)(1). However, the Commission has granted relief under our section 10505 exemption authority in exceptional situations.

The petition shall be granted. Petitioner has indicated it has been negotiating this contract for over three months, but due to the complexities involved in establishing this new concept, the parties could not iron out all the provisions until after the beginning of the shipping season. An October 9, 1981 effective date would permit the railroads the opportunity to handle additional business on an immediate basis. It will also permit the shipper to begin his service on this concept without his having to go to the trouble and expense of hiring over-the-road automobile carriers (with the resulting increase in fuel use) for this service until his contract becomes effective on statutory notice. The contract tariff to be filed can be made effective on one day's notice. Because of the RFP's lateness in filing the petition, however, the October 9 date can not be met.

We will apply the following conditions:

> If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking these exemptions under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register**.

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

[49 U.S.C. 10505]

Dated: October 8, 1981.

By the Commission, Division 2, Commissioners Gresham, Gilliam, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-29904 Filed 10-15-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** 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, preliminarly, that each applicant has demonstrated a public need for the proposed operations and that it 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. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the qualify 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 conferred 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."

Please direct status inquires to the Ombudsman's Office, (202) 275-7326.

Volume No. OPI-282

Decided: October 6, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 152671 (Sub-6), filed September 28, 1981. Applicant: ALL FREIGHT TRANSPORTATION, INC., P.O. Box 6699, Boise, ID 83707. Representative: Timothy R. Stivers, P.O. Box 1578, Boise, ID 83701 (208) 843-3071. Transporting, for or on behalf of the United States Government, *General commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY-2-192

Decided: October 6, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 67403 (Sub-13), filed September 21, 1981. Applicant: BROES TRUCKING CO., INC., Interstate Highway 295 & Dominick Lane, Paulsboro, NJ 08066. Representative: Martin S. Ettin, 499 Cooper Landing Rd., Cherry Hill, NJ 08002; 609-667-6000. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 143853 (Sub-15), filed September 10, 1981. Applicant: S.M.E. EXPRESS, INC., 101 E. Washington St., P.O. Box 507, Upland, IN 46989. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204 317-638-1301. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous, or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 152402 (Sub-2), filed September 25, 1981. Applicant: DALE KOTTWITZ, d.b.a. KOTTWITZ HAULING SERVICE, 1710 West Eighth St., Hastings, NE 68901. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501 (402) 475-6761. 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 158323F, filed September 18, 1981. Applicant: DOUGLAS W. PAGE, Route 3, Box 68, Janesville, MN 56048. Representative: Stephen F. Grinnell, 1600 TCF Tower, Minneapolis, MN 55402 (612) 333-1341. 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 motor vehicle in such vehicle, between points in the U.S.

MC 158413, filed September 22, 1981. Applicant: JARVIS TRUCKING LINES, 1210 East Washington St., Suffolk, VA 23434. Representative: Marie R. Duke, 112 South Suffolk St., Suffolk, VA 23434 (804) 539-6594. (1) Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions, and (2) Transporting *used household goods* for the account of the United States Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 158473, filed September 25, 1981. Applicant: HARRY R. BELL, 3540 S. Lawrence St., Philadelphia, PA 19148. Representative: Harry R. Bell (same address as applicant) 215-463-1900. As a *broker of general commodities* (except household goods) between points in the U.S.

MC 158482, filed September 25, 1981. Applicant: S & K BROKERAGE, 17140 Robert, Southfield, MI 48075. Representative: Keith Fishman (same address as applicant) (313) 872-0537. As a *broker of general commodities* (except household goods) between points in the U.S.

MC 158523, filed September 28, 1981. Applicant: EARNEST W. BEZDEK, 204 Adams St., Box 66, Lincolnville, KS 66858. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309 (515) 244-2329. Transporting *food and other edible products and byproducts* intended for human consumption (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158542, filed September 29, 1981. Applicant: UPSTATE TRUCK BROKERS, INC., 1640 Penfield Road, Rochester, NY 14625. Representative: S. Michael Richards, P.O. Box 225, Webster, NY 14580. As a *broker of general commodities* (except household goods), between points in the U.S.

Volume No. OPY-4-400

Decided: October 6, 1981.

By the Commission Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 158517, filed September 29, 1981. Applicant: JUDITH E. BINKS, d.b.a. L-

A-P-S, 2926 SE 3rd St., Gresham, OR 97030. Representative: Judith Binks (same address as applicant) (503) 661-7239. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY-4-402

Decided: October 8, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 156326 (Sub-1), filed October 2, 1981. Applicant: BARRY NELSON, d.b.a. B.J. NELSON TRANSPORTATION, 3700 Adams St., Lincoln, NE 68504. Representative: Rick A. Rude, Suite 611, 1730 Rhode Island Ave., N.W., Washington, DC 20036 (202) 223-5900. Transporting *general commodities* (except classes A and B explosives), between North Pit, Cedar Bluffs, Colon, Ceresco, and Davey, NE, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor service for abandoned rail service.

MC 158546, filed September 30, 1981. Applicant: THOMAS V. FLYNN, 304 Willow Brook Rd., Horsham, PA 19044. Representative: Thomas V. Flynn (same address as applicant) (215) 675-5077. As a broker of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY-5-175

Decided: October 6, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 134009 (Sub-3), filed September 25, 1981. Applicant: SECURITY ARMORED CAR SERVICE, INC., 1022 South 9th St., St. Louis, MO 63104. Representative: B. W. LaTourette, Jr., 11 S. Meramac, Suite 1400, St. Louis, MO 63105 (314) 727-0777. (1) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 147039 (Sub-6), filed September 28, 1981. Applicant: TRANSPORTATION SERVICES, INC., 21055 West Road, Trenton, MI 48183. Representative: H. Neil Garson, 3251 Old Lee Hwy., Fairfax, VA 22030 (703) 691-0900. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 158438, filed September 4, 1981. Applicant: JOHN J. NOVAK, 9 Tyler Lane, Marlton, NJ 08053. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966 (215) 357-7220. As a *Broker* of *general commodities* (except household goods), between points in the U.S.

MC 158478, filed September 25, 1981. Applicant: POWELL AND SANDOVAL, INC., 622 Morse St., San Jose, CA 95126. Representative: Earl N. Miles, 3704 Candlewood Dr., Bakersfield, CA 93306, (805) 872-1106. 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 158548, filed September 30, 1981. Applicant: WARREN J. BEDDOE, d.b.a. JIM BEDDOE TRUCKING, 5612 Bonanza Dr. Lot 141, Ft. Worth, TX 76148. Representative: Billy R. Reid, 1721 Carl St., Ft. Worth, TX 76103; 817-332-4718. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY-5-177

Decided: October 7, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 152509 (Sub-15), filed September 28, 1981. 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., Cleveland, OH 44101. Representative: J. L. Nedrich (same address as applicant) (216) 566-2677. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munition), between points in the U.S.

MC 158488, filed September 25, 1981. Applicant: DANIEL EARL McGUGIN, III, 865 Bellevue Road, Knollwood Apts. #H-15, Nashville, TN 37221. Representative: Daniel Earl McGugin, Jr., 18th Floor, First American Center, Nashville, TN 37238 (615) 255-2191. 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 158509, filed September 29, 1981. Applicant: M-T-Y TRANSPORTATION, INC., 8204 South Cottage Grove, Chicago, IL 60619. Representative: Patrick H. Smyth, 105 West Madison St., Suite 1008, Chicago, IL 60603, (312) 263-2397. (1) Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

[FR Doc. 81-29950 Filed 10-15-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decision Volume No. OP1-280]

Motor Carriers; Permanent Authority; Decision-Notice

Decided: October 6, 1981.

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's rule of practice (49 CFR 1100.240). See Ex parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 ICC 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the **Federal Register**. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application *or* to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

Agatha L. Mergenovich,
Secretary.

MC-F-14707, filed September 25, 1981. AMERICAN CAN COMPANY (American) (American Lane, Greenwich, CT 06830)—Continuance in Control—BIGBEE TRANSPORTATION COMPANY (Bigbee) (same address as American). Representative: Stuart M. Geschwind (same address as American) (203) 552-3242. American seeks authority to continue in control of Bigbee upon the institution by Bigbee of operations, in interstate or foreign commerce, as a contract carrier. American is a publicly held non-carrier Corporation that controls Meridian & Bigbee Railroad Company operating through MS and AL, and Sumter & Choctaw Railway Company operating through points in AL.

Note.—A directly related application, docketed MC-156361, was noticed in the **Federal Register** issue of June 24, 1981, authorizing *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with American Can Company.

[FR Doc. 81-29946 Filed 10-15-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it 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. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-281

Decided: October 6, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 52460 (Sub-337), filed September 25, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 West 35th Street, Tulsa, OK 74107. Representative: William P. Parker, 141 N.E. 38th Terrace, Oklahoma City, OK 73105, (405) 521-9195. Transporting *general commodities* (except classes A and B explosives), between points in AL, AR, AZ, CA, CO, FL, GA, IA, ID, IL, IN, KS, KY, LA, MI, MN, MO, MS, NC, NE, NM, NV, OH, OK, OR, SC, TN, TX, UT, VA, WA, WI and WV.

MC 52460 (Sub-338), filed September 29, 1981. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9637, Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant), (918) 445-4434. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Hilti

Industries, Inc. at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 67500 (Sub-11), filed September 29, 1981. Applicant: BLUE RIDGE TRUCKING COMPANY, INC., P.O. Box 5118, Asheville, NC 28813. Representative: Ronald P. Goldstein (same address as applicant), (704) 274-2061. Transporting *general commodities* (except classes A and B explosives), between points in Mecklenburg, Gaston and Cleveland Counties, NC, on the one hand, and, on the other, points in Buncombe County, NC.

Note.—Applicant intends to tack the sought rights with its existing authority and to interline at Asheville, NC and Charlotte, NC.

MC 87451 (Sub-13), filed September 29, 1981. Applicant: CARGO TRANSPORT, INC., P.O. Box 31, Sterling Road, N. Billerica, MA 01862-0031. Representative: Samuel A. Bithoney, Jr. (same address as applicant), (617) 663-4300. Transporting *general commodities* (except classes A and B explosives), between points in CT, DE, MA, MD, ME, NH, NJ, NY, OH, PA, RI, VA, VT, WV, and DC.

MC 105461 (Sub-120), filed September 28, 1981. Applicant: HERR'S MOTOR EXPRESS, INC., P.O. Box 8, Quarryville, PA 17566. Representative: Robert R. Herr (same address as applicant), (717) 786-2181. Transporting *petroleum products, automotive products,* and *chemicals and related products,* between those points in the U.S. in and east of WI, IL, KY, TN, and MS.

MC 119441 (Sub-58), filed September 28, 1981. Applicant: BAKER HI-WAY EXPRESS, INC., 555 Commercial Parkway, P.O. Box 506, Dover, OH 44622. Representative: Richard H. Brandon, 220 W. Bridge St., P.O. Box 97, Dublin, OH 43017, (614) 889-2531. Transporting (1) *ores and minerals,* (2) *lumber and wood products,* (3) *chemicals and related products,* (4) *rubber and plastic products,* (5) *refractories,* (6) *clay, concrete, glass, asphalt or stone products,* (7) *metal products,* (8) *building materials,* and (9) *machinery,* between those points in the U.S. in and east of MN, IA, MO, KS, OK and TX.

MC 136720 (Sub-12), filed September 28, 1981. Applicant: APEX BULK COMMODITIES, P.O. Box 872, Whittier, CA 90608. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. Transporting *chemicals and related products,* between points in San Bernardino County, CA, on the one hand, and, on the other, points in Coconino County, AZ, and Clark and Esmeralda Counties, NV.

MC 143531 (Sub-9), filed September 24, 1981. Applicant: POWDER RIVER MOTOR TRANSPORT CORPORATION, P.O. Box 300, Provo, UT 84603. Representative: Irene Warr, 311 S. State St. Ste. 280, Salt Lake City, UT 84110. Transporting (1) *metal products,* between points in the U.S., (2) *lumber and wood products,* between those points in the U.S. in and west of OH, KY, TN, and AL, (3) *transportation equipment,* between Denver, CO, Phoenix, AZ, and Los Angeles, CA, on the one hand, and, on the other, points in Utah County, UT, (4) *petroleum products,* between Stroud, OK, on the one hand, and, on the other, points in the U.S., (5) *such commodities* as are used in the manufacture of water conditioning equipment, between points in CA and WI, on the one hand, and, on the other, points in Utah County, UT, and (6) *paint,* between points in Orange County, CA, on the one hand, and, on the other, Denver, CO and Phoenix, AZ.

MC 149591 (Sub-7), filed September 15, 1981. Applicant: VALLEY EXPRESS, INC., P.O. Box 68, Glyndon, MN 56547. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126 (701) 235-4487. Transporting *malt beverages,* between points in Clay County, MN, on the one hand, and, on the other, points in MN and WI.

MC 150900 (Sub-2), filed September 28, 1981. Applicant: CREATIVE TOURS AND CHARTER SERVICE CORPORATION, 6952 Cantaloupe Avenue, Van Nuys, CA 91405. Representative: Manuel H. Miller, 16133 Ventura Blvd., Penthouse Suite B, Encino, CA 91436 (213) 784-9993. As a broker at Van Nuys, CA, in arranging for the transportation of *passengers and their baggage* in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Los Angeles, Orange, Ventura, Riverside, San Bernardino, and Kearn Counties, CA, and extending to points in Clark, Douglas, Washoe, and Carson City Counties, NV.

MC 151051 (Sub-1), filed September 28, 1981. Applicant: HARLEY E. HOMANN, d.b.a. HOMANN TRANSPORT, Route 1, Jim Falls, WI 54748. Representative: Michael J. Wyngaard, 150 East Gilman Street, Madison, WI 53703 (608) 256-7444. Transporting *chemicals and related products,* between points in Milwaukee and Waukesha Counties, WI, on the one hand, and, on the other, points in the U.S.

MC 157601 (Sub-1), filed September 18, 1981. Applicant: RICHARD HILL, d.b.a. HILL GRAIN CO., Route 1, Klondike, TX 75448. Representative: Timothy Mashburn, P.O. Box 2207, Austin, TX 78768. Transporting (1) *farm products,* (2) *food and related products,* (3) *chemicals and related products,* (4) *such commodities* as are dealt in or used by wholesale grocery stores, and (5) *machinery,* between points in TX, on the one hand, and, on the other, points in the U.S.

MC 157611, filed September 29, 1981. Applicant: CHARLES A. GARLAND, 562 Main Street, Watertown, MA 02172. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108, (617) 742-3530. Transporting *paintings, statues, cultural artifacts, antiques, tapestries, and objects of art,* between points in the U.S.

MC 158440, filed September 14, 1981. Applicant: Q. T. CHARTER COACHES, 612 West Lincoln Avenue, Milwaukee, WI 53207. Representative: F. Thomas Olson, 211 West Wisconsin Ave., Milwaukee, WI 53203. Transporting *passengers and their baggage,* in the same vehicle with passengers, in charter operations, between points in the U.S., under continuing contract(s) with Robert Gavin & Associates, Inc., of Milwaukee, WI.

MC 158470 (Sub-1), filed September 28, 1981. Applicant: SPECIALTY COURIERS, INC., P.O. Box 9741, Mobile, AL 36691. Representative: Terry P. Wilson, 428 South Lawrence St., Montgomery, AL 36104, (205) 262-2756. Transporting *motor vehicles,* between points in Mobile and Baldwin Counties, AL, on the one hand, and, on the other, points in the U.S.

Volume No. OPY-2-193

Decided: October 6, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 3252 (Sub-119), filed September 25, 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 New Castle County, DE and Brooke County, WV, on the one hand, and, on the other, points in Penobscot County, ME.

MC 42092 (Sub-12), filed September 23, 1981. Applicant: ACME INTER-CITY FREIGHT LINES, INC., 3414—2nd Ave. S., Seattle, WA 98134. Representative: Boyd Hartman PO Box 3641, Bellevue, WA 98009 (206) 453-0312. Transporting *general commodities* (except classes A and B explosives), between points in WA, on the one hand, and, on the other, points in OR.

MC 43652 (Sub-4), filed September 23, 1981. Applicant: ECKDAHL WAREHOUSE CO., 501 South Anderson Street, Los Angeles, CA 90033. Representative: John Paul Fischer 256 Montgomery Street, Fifth Floor, San Francisco, CA 94104. Transporting *general commodities* (except classes A and B explosives) between points in CA, AZ, NM, CO, KS, NV, OR, WA, and UT.

MC 117892 (Sub-6), filed September 29, 1981. Applicant: THREE "T" TRUCK LINE, INC., P.O. Box 426, Bettendorf, IA 52722. Representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501 (515) 682-8154. Transporting *metal products* and *rubber and plastic products*, between Chicago, IL, on the one hand, and, on the other, points in IL and IA.

MC 142142 (Sub-5), filed September 21, 1981. Applicant: COASTAL FREIGHT LINES, INC., 300 Bostwick Ave., Bridgeport, CT 06605. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10123 (212) 239-4610. Transporting *general commodities* (except clases A and B explosives), between points in CT, NJ, NY, RI, PA and MA.

MC 143032 (Sub-43) (Correction), filed August 31, 1981, published in the **Federal Register** issue of September 25, 1981, and republished, as corrected, this issue. Applicant: WALCO TRANSPORT, INC., 3112 Truck Center Drive, Duluth, MN 55806. Representative: William J. Gambucci, 525 Lumber Exchange Bldg., Ten South Fifth Street, Minneapolis, MN 55402 (612) 340-0808. Transporting *general commodities* (except classes A and B explosives), between the facilities of Conwed Corporation, its suppliers and customers, at points in the U.S., on the one hand, and, on the other, points in the U.S. The purpose of this republication is to add the exception for explosives, and add "suppliers and customers" to incorporate the entire scope of intended authority sought.

MC 145513 (Sub-18), filed September 28, 1981. Applicant: SERVICE TRANSPORTATION, INC., P.O.B. 732, Payette, ID 83661. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701, (308) 343-3071. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Leslie Salt Company, of Newark, CA.

MC 149573 (Sub-3), filed September 21, 1981. Applicant: NTL, INC., 4211 South 33rd St., Lincoln, NE 68506. Representative: J. Max Harding, P.O. Box 6645, Lincoln, NE 68506, (402) 489-3585. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Wilson Foods Corporation, of Oklahoma City, OK.

MC 157782 (Sub-3), filed September 22, 1981. Applicant: DAVID C. BRITTON, P.O. Box 1404, Grand Forks, ND 58201. Representative: David C. Britton (same address as applicant). (701) 772-6681. Transporting (1) *food and related products*, between points in Hubbard and Polk Counties, MN and ND, on the one hand, and, on the other, points in the U.S., and (2) *chemicals and related products*, between points in ND, on the one hand, and, on the other, points in MN.

MC 158183F, filed September 10, 1981. Applicant: AUTOBUS VICTORIAVILLE LTEE, 10 Cartier St, Victoriaville, Province of Quebec, Canada G6P 2J4. Representative: Me Guy Poliquin, 580 East, Grande-Allee St, Suite 140, Quebec City, Province of Quebec, G1R 2K3, 1-414-522-5644. Transporting *passengers and their baggage* in the same vehicle with passengers in round-trip, charter and special operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada, at points in ME, NH, VT, NY and MI and extending to points in the U.S.

MC 158543, filed September 29, 1981. Applicant: WARD TRUCKING, P.O. Box 836, Casa Grande, AZ 85222. Representative: William J. O'Neil, 1023 E. Florence Blvd., Casa Grande, AZ 85222, (602) 836-8002. Transporting *those commodities which because of their size or weight require the use of special handling or equipment*, between points in AZ.

MC 124333 (Sub-38), filed September 23, 1981. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, DE 19720. Representative: Joseph F. Fogarty (same address as applicant), (302) 652-0508. Transporting *petroleum and petroleum products*, between points in the U.S., under continuing contract(s) with Apex Oil Co., of Baltimore, MD.

Volume No. OPY-3-186

Decided: October 8, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 99874 (Sub-2), filed September 30, 1981. Applicant: MARY E. PISEL, d.b.a. DAZE TRANSFER, 1004 W. 4th St., Winslow, AZ 86047. Representative: Andrew V. Baylor, 337 E. Elm St., Phoenix, AZ 85012, (602) 274-5146). Transporting *household goods*, as defined by the Commission, between points in AZ on the one hand, and, on the other, points in CA, CO, NM, NV, TX, and UT.

MC 105774 (Sub-15), filed October 1, 1981. Applicant: JOHNSON TRUCK LINE, INC., Jct. U.S. Hwy 281 and U.S. Hwy 24, Osborne, KS 67473. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601, (913) 234-0565. Transporting *such commodities* as are dealt in by building materials and home improvement stores, between the facilities of Payless Cashways, Inc., on the one hand, and, on the other, points in the U.S.

MC 112595 (Sub-99), filed September 30, 1981. Applicant: FORD BROTHERS, Inc., Box 727, Ironton, OH 45638. Representative: James W. Muldoon, 50 W. Broad St., Columbus, OH 43215, (614) 464-4103. Transporting *general commodities* (except classes A and B explosives), between Chandler and Phoenix, AZ, Wheatley, AR, Denver, CO, East Granby, CT, Delaware City, DE, Fern Park, Miami, and Orlando, FL, Savannah, Atlanta, Macon, and Doraville, GA, Jeffersonville, Monticello, North Vernon, and Urbana, IN, Tama, IA, Waltham and Boston, MA, Bad Axe, Madison Heights, Detroit, and Ann Arbor, MI, Amory, MS, East Helena and Laurel, MT, Henderson, NV, Kings Mountain, Granite, Quarry, and Plymouth, NC, Oklahoma City, OK, Ashland and Camby, OR, Spartansburg, Anderson, Bamberg, and Rock Hill, SC, Borger, LaPorte, Dallas, and Stafford, TX, Provo, UT, Wallingford and St. Johnsbury, VT, Kent, Seattle, and Tacoma, WA, Charleston and Green Springs, WV, Baraboo, WI, Laramie, WY, and points in CA, IL, KY, MD, MO, NY, OH, PA, and TN, on the one hand, and, on the other, points in the U.S.

MC 116004 (Sub-66), filed October 1, 1981. Applicant: TEXAS OKLAHOMA EXPRESS, INC., P.O. Box 47112, Dallas, TX 75247. Representative: Doris Hughes (same address as applicant), (214) 438-2611. Transporting *general commodities* (except classes A and B explosives), between points in the U.S.

MC 123265 (Sub-6), filed September 30, 1981. Applicant: SANTRY TRUCKING CO., 10505 NE. 2d Ave., Portland, OR 97211. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055, (206) 228-3807. Transporting *such commodities* as are dealt in or used by petroleum distributors and dealers, between points in the U.S., under continuing contract(s) with Standard Oil Company of California, of San Francisco, CA.

MC 142655 (Sub-5), filed October 1, 1981. Applicant: BAKER TRANSPORT, INC., P.O. Box 678, Hartselle, AL 35640. Representative: M. Bruce Morgan, 100

Roesler Rd., Suite 200, Glen Burnie, MD 21061, (301) 761-2580. Transporting *retail store fixtures*, between points in the U.S., under a continuing contract(s) with Lozier Store Fixtures, Inc., of Omaha, NE.

MC 146574 (Sub-5), filed September 29, 1981. Applicant: PARKER BROTHERS TRUCKING CORP., 322 Bacon St., Lake City, MI 49651. Representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, MI 48933, (517) 482-2400. Transporting *metal products*, between points in the U.S., undercontinuing contract(s) with Buyers Products Company, of Cleveland, OH.

MC 157975, filed October 1, 1981. Applicant: S. & K. LEASING CORP., Main St., Box 301, Bloomington, WI 53804. Representative: James A. Spiegel, Olde Towne Office Park, 6333 Odana Rd., Madison, WI 53719, (608) 273-1003. Transporting *petroleum, natural gas, and their products*, between points in the U.S., under continuing contract(s) with Gramco Ltd. of Fennimore, WI, Molo Oil Co. of Dubuque, IA and Quality Oil Corporation of Bloomington, WI.

Volume No. OPY-3-187

Decided: October 8, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 145955 (Sub-25), filed June 19, 1981. Applicant: CENTRAL TRUCK SERVICE, INC., 4440 Buckingham Ave., Omaha, NE 68107. Representative: Arlyn L. Westergren, 9202 W. Dodge Rd., Suite 201, Omaha, NE 68114, (402) 397-7033. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, Houston, TX, Baltimore, MD, St. Louis, MO, Tulsa, OK, Los Angeles, CA, and points in Kane County, IL, Hunt County, TX, Volusia and Osceola Counties, FL, Benson County, ND, Lancaster and Madison Counties, NE, Smyth County, VA, Litchfield and New Haven Counties, CT, Buchanan County, MO, Huron County, OH, Washington County, NY, Muskegon County, MI, Henry County, KY, Payne County, OK, Dekalb County, GA, Fond du Lac County, WI, and Somerset County, NJ, on the one hand, and, on the other, points in the U.S.

Volume No. OPY-4-399

Decided: October 6, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 129537 (Sub-61), filed September 29, 1981. Applicant: REEVES TRANSPORTATION CO., Rt. 5, Dew's Pond Rd., Calhoun, Ga 30701. Representative: John C. Vogt, Jr., 406 N. Morgan St., Tampa, FL 33602, (813) 229-6165. Transporting *textile mill products*, between points in CA, on the one hand, and, on the other, points in the U.S. (except GA, VA, SC, and NC).

MC 141396 (Sub-12), filed September 28, 1981. Applicant: DELP, INC., Hwy. 71 South, P.O. Box 369, Springdale, AR 72764. Representative: Stanley W. Ludwig, 529 S. Holcomb St., P.O. Box 285, Springdale, AR 72764, (501) 751-9452. Transporting *food and related products*, between points in Shelby County, TN and Gregg County, TX, on the one hand, and, on the other, points in the U.S. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's Office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to Team 4, Room 5331.

MC 147916 (Sub-5), filed September 29, 1981. Applicant: GAMPAC EXPRESS, INC., 4103 2nd Ave. South, Seattle, WA 98134. Representative: Ricahrd J. Howard, 3201 Bank of California Center, Seattle, WA 98124, (206) 464-4224. Transporting *foodstuffs*, between points in the U.S., under continuing contract(s) with Chef-Reddy Foods Corporation, of Othello, WA.

MC 148667 (Sub-6), filed September 4, 1981. Applicant: TRANS-ADVO, INC., 239 Service Rd. West, Hartford, CT 06101. Representative: Frank M. Cushman, 36 South Main St., Sharon, MA 02067, (617) 784-6041. Transporting *floor coverings*, between points in the U.S., under continuing contract(s) with Stern & Co., Inc., of Hartford, CT, and Ballou, Johnson & Nichols Co., of Cranston, RI.

MC 148966 (Sub-7), filed September 29, 1981. Applicant: DROTZMANN, INC., P.O. Box 667, Yankton, SD 57078. Representative: James M. Hodge, 1000 United Central Bank Bldg., Des Moines, IA 50309, (515) 243-6164. Transporting *food and related products*, between points in CA, OR, and WA, on the one hand, and, on the other, points in the U.S.

MC 150836, filed September 29, 1981. Applicant: JOHN A. FOWLER, d.b.a. JOHN FOWLER TRUCKING, Rte. 4, #12 Robin Dale Lane, Burleson, TX 76028. Representative: Billy R. Reid, 1721 Carl St., Fort Worth, TX 76103 (817) 332-4718. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Keene Distributors, Inc., of Cleburne, TX.

MC 150987 (Sub-3), filed September 29, 1981. Applicant: DOWN EAST TRUCKING, INC., MRC 156, Bangor, ME 04401. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St., NW., Washington, D.C. 20005 (202) 296-3555. Transporting *coal*, between points in WV and PA, on the one hand, and, on the other, points in ME, NH, VT, MA, CT, and RI.

MC 151607 (Sub-3), filed September 28, 1981. Applicant: TRANS-OVERLAND XPRESS, INC., 297 County Line Rd., Midlothian, TX 76065. Representative: Doris Hughes, P.O. Box 47861, Dallas, TX 75247-0861 (214) 721-0360. Transporting *general commodities* (except commodities in bulk), between points in the U.S., under continuing contract(s) with Gulf Atlantic Distribution Services, Inc., of Arlington, TX, T.G. & Y. Stores Co., of Oklahoma City, OK, A. E. Staley Company, of Arlington, TX, and Michelin Tire Corp., of Arlington, TX. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the appplication(s) for common control to Team 4, Room 5331.

MC 157137, filed September 28, 1981. Applicant: W. L. TURNER TRUCKING, INC., P.O. Box 16589, Memphis, TN 38116. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137 (901) 767-5600. Transporting *farm products*, between points in MS, on the one hand, and, on the other, points in AL, TN, MS, AR, LA, and TX.

MC 158497, filed September 28, 1981. Applicant: S. F. COCKRELL TRUCKING, INC., P.O. Box 451, Magee, MS 39111. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. (601) 948-8820. Transporting *lumber and wood products*, between points in the U.S. under continuing contract(s) with Joe N. Miles & Sons, Inc., of Lumberton, MS.

MC 158516, filed September 29, 1981. Applicant: RIISER TRANSPORT, INC., 2009 W. Stewart Ave., Wausau, WI 54401. Representative: David M. Myszka (same address as applicant) (715) 845-3890. Transporting *petroleum and chemical products*, between points in the U.S., under continuing contract(s) with Riiser Oil Co., Inc., of Wausau, WI.

Condition: To the extent the certificate to be issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issue.

Volume No. OPY-4-401

Decided: October 8, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 136816 (Sub-14), filed July 7, 1981. Applicant: THE UNIVERSE COMPANY, INC., 3523 "L" St., Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114 (402) 397-7033. Transporting *food and related products*, between Chicago, IL, and points in SD, NE, and IA, on the one hand, and, on the other, points in NY, NJ, CT, and PA.

MC 108676 (Sub-171), filed October 2, 1981. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Ave., Knoxville, TN 37917. Representative: Michael S. Teets (same address as applicant) (615) 637-2660. Transporting *machinery and metal products*, between St. Louis, MO, and points in San Joaquin County, CA, Fayette County, IN, Clermont County, OH, Allegheny, Beaver, and Butler Counties, PA, on the one hand, and, on the other, points in the U.S.

MC 144956 (Sub-9), filed October 2, 1981. Applicant: TRANS-MUTUAL TRUCK LINES, LTD., 4427A-72d Ave. SE, Calgary, Alberta, Canada 72C 2C1. Representative: Grant J. Merritt, 4444 IDS Center, Minneapolis, MN 55402 (612) 339-4546. In foreign commerce only, transporting *clay, concrete, glass or stone products*, between the ports of entry on the International Boundary line between the U.S. and Canada in WA, ID, and MT, on the one hand, and, on the other, points in AZ, CA, NV, and UT.

MC 146336 (Sub-25), filed September 30, 1981. Applicant: WESTERN TRANSPORTATION SYSTEMS, INC., 1609-109th St., Grand Prairie, TX 75050. Representative: D. Paul Stafford, P. O. Box 45538, Dallas, TX 75245. Transporting *general commodities*, (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Jewel T Discount Grocery, division of Jewel Companies, Inc., of Barrington, IL. Condition: The person or persons who appear to be engaged in common control of another regulated carrier must either file an application under 49 U.S.C. § 11343(A) or submit an affidavit indicating why such approval is unnecessary to the Secretary's office. In order to expedite issuance of any authority please submit a copy of the affidavit or proof of filing the application(s) for common control to team 4, Room 5331.

MC 152136 (Sub-6), filed October 2, 1981. Applicant: DANE TRUCKING & CARTAGE COMPANY, P.O. Box 7506, Ft. Worth, TX 76111. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062 (214) 255-6279. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Wal-Mart Stores, Inc., of Bentonville, AR.

MC 158496, filed September 28, 1981. Applicant: STAVELEY REFRIGERATED TRANSPORT REG'D, R.R. #2, St. Agnes de Dunde, Huntingdon Co., Quebec (JOS 1LO). Representative: Adrien R. Paquett, 200 St. James St., Rm. 900, Montreal, Canada (H2Y 1M1) (514) 842-1864. Transporting *pork rinds*, between the ports of entry on the International Boundary line between the U.S. and Canada, on the one hand, and, on other, Chicago, IL, Woburn, MA, Lima, OH and Easton, PA.

MC 158596, filed October 2, 1981. Applicant: ALBERT W. GATES AND JOSEPH O. SAMS, d.b.a. A & L TRANSIT, Rt. 1, Spring Green, WI 53588. Representative: William P. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203 (414) 273-7410. Transporting (1) *garnet*, between points in the U.S., under continuing contract(s) with Garnett Abrasive & Water Filtration Co., of Milwaukee, WI, (2) *such commodities* as are used by, dealt in, and distributed by a manufacturer of insulated cold storage doors, between points in the U.S., under continuing contract(s) with Arthur Smith Industries, Inc., of Milwaukee, WI, and (3) *such commodities* as are used by, dealt in, and distributed by a printer of magazines, between points in the U.S., under continuing contract(s) with Quad/Graphics, Inc., of Pewaukee, WI.

Volume No. OPY-5-173

Decided: October 5, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 105269 (Sub-106), filed September 22, 1981. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., P.O. Box 966, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503 (616) 459-6121. Transporting *paper and paper products*, between points in Butler County, OH, on the one hand, and, on the other, points in the U.S.

MC 126899 (Sub-146), filed September 22, 1981. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, KY 42001. Representative: W. A. Usher (same address as applicant) (800) 626-3930. Transporting (1) *printed matter*, (2) *pulp, paper and related products*, (3) *petroleum and coal products*, and (4) *chemicals and related products*, between those points in the U.S., in and east of MN, IA, MO, AR, and TX.

MC 128698 (Sub-25), filed October 1, 1981. Applicant: ERDNER BROS., INC., Old Division Rd., Swedesboro, NJ 08085. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 Fifteenth St., NW., Washington, DC 20005, 202-296-3555. Transporting *chemicals, rubber, metal, and plastic products*, between the facilities used by B. F. Goodrich Company at those points in the U.S. located in and east of MN, IA, MO, AR, and LA, on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and LA.

MC 151639 (Sub-2), filed September 21, 1981. Applicant: COMMAND TRANSPORTATION, INC., 28 Fitchburg St., Somerville, MA 02143. Representative: Wesley S. Chused, 15 Court Square, Boston, MA 02108 (617) 742-3530. Transporting *automobile parts*, between points in Rockingham County, NH, on the one hand, and, on the other, points in MI, DE, MD, OH, PA, IN, IL, SC, and RI.

MC 158018, filed September 1, 1981. Applicant: GROUP TOURS, INC., 8020 Orlando Drive, Clayton, MO 63105. Representative: Betty K. Lemon (same address as applicant) (314) 863-6981. As a *broker* at Clayton, MO, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, in special and charter operations, beginning and ending at St. Louis, MO, and extending to points in the U.S.

MC 158108, filed September, 8, 1981. Applicant: DI FRANCO TOURS, 82 South Almaden Avenue, San Jose, CA 95113. Representative: Clifford J. Di Franco (same address as applicant) (408) 287-9094. To operate as a *broker*, at San Jose, CA, in arranging for the transportation of *passengers and their baggage*, in special and charter operations, beginning and ending at points in CA, and extending to points in the U.S.

Volume No. OPY-5-174

Decided: October 6, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 2908 (Sub-27), filed September, 24, 1981. Applicant: CAPITAL MOTOR LINES, INC., d.b.a. CAPITAL TRAILWAYS, 520 North Court St., P.O. Box 1427, Montgomery, AL 36102. Representative: Lawrence E. Lindeman

1032 Pennsylvania Bldg. Pennsylvania Ave. and 13th St., NW, Washington, DC 20004 (202) 628–4600. (1) Over regular routes, transporting *passengers and their baggage and express and newspapers in the same vehicle with passengers*, between Tuscaloosa, AL and Livingston, AL, over U.S. Hwy 11, serving all intermediate points; and (2) over irregular routes, transporting *passengers and their baggage*, in special and charter operations, beginning and ending at points in Green County, AL, and extending to points in the U.S.

MC 29698 (Sub-21), filed September, 30, 1981. Applicant: LESTER FELLOWS CO., Tatham & E. Pearl Sts., P.O. Box 586 Burlington, NJ 08016. Representative: George W. Reinhard (Same address as applicant.) (609) 386–9325. Transporting *metal products* between points in the U.S., under continuing contract(s) with U.S. Pipe & Foundry Co., of Birmingham, AL.

MC 41098 (Sub-65), filed September, 29, 1981. Applicant: GLOBAL VAN LINES, INC., One Global Way, Anaheim, CA 91803. Representative: Alan F. Wohlstetter, 1700 K St., NW Washington, DC 20006 (202) 833–8884. Transporting *machinery* between points in the U.S., under continuing contract(s) with Teledyne Inet of Torrance, CA.

MC 109448 (Sub-39), filed September, 24, 1981. Applicant: PARKER TRANSFER COMPANY, P.O. Box 256, Elyria, OH 44036. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215 (614) 228–1541. Transporting *metal products*, and *machinery*, between points in Lorain County, OH, on the one hand, and, on the other points in the U.S.

MC 142429 (Sub-6), filed September 24, 1981. Applicant: HORACE G. STROUD d.b.a. STROUD TRUCK SERVICE, 11030 Weaver St., South El Monte, CA 91733. Representative: John C. Russell, 1545 Wilshire Boulevard, Los Angeles, CA 90017–4581, (213) 483–4700. Transporting *foodstuffs* between points in the U.S., under continuing contract(s) with Swiss Colony, Inc., of Monroe, WI.

MC 144189 (Sub-17), filed September 24, 1981. Applicant: CORPORATE TRANSPORT INC., 107 7th North Street, Liverpool, NY 13088. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528, (914) 835–4411. Transporting *such commodities*, as are dealt in or used by manufacturers of paper and paper products, between points in the U.S., under continuing contract(s) with The Specialty Papers Company of Dayton, OH.

MC 145999 (Sub-10), filed September 25, 1981. Applicant: WESTERN DRYWALL TRANSPORT, INC. d.b.a. WESTERN DIRECT TRANSPORT, 2001 Broadway, Vallejo, CA 94590. Representative: Norman A. Sorensen (same address as applicant), (707) 552–8777. In foreign commerce, transporting *food and related products*, between points in Sacramento and Butte Counties, CA, on the one hand, and, on the other, seaports in CA.

MC 146329 (Sub-13), filed September 28, 1981. Applicant: W–H TRANSPORTATION CO., INC., P.O. Box 1222, Wausau, WI 54401. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703, (608) 256–7444. Transporting *rubber and plastic products*, between points in Winnebago County, IL, on the one hand, and, on the other, points in AL, AR, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, ND, OH, OK, SD, TN, TX, and WI.

MC 146419 (Sub-4), filed September 29, 1981. Applicant: SCHWANEBECK FREIGHT LINES, INC., P.O. Box 342C, R.R. No. 3, Mauston, WI 53948. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703, 608–256–7444. Transporting *furniture and fixtures*, between points in Dane County, WI, on the one hand, and, on the other, points in the U.S.

MC 150208 (Sub-2), filed September 24, 1981. Applicant: S. AND S. BROKERS AND DISTRIBUTORS LTD., 236 Manora Crescent NE, Calgary Alberta, Canada T2A 4S5. Representative: John A. Anderson, 1600 One Main Pl., 101 SW Main St., Portland, OR 97204 (503) 224–5525. Transporting *food and related products*, (a) between ports of entry on the international boundary line between the United States and Canada in MT, ID, and OR, on the one hand, and, on the other, points in King County, WA, (b) between points in King County, WA, on the one hand, and, on the other, points in Yamhill County, OR, and (c) between points in Yamhill County, OR, on the one hand, and, on the other, points in Los Angeles County, CA.

MC 150938 (Sub-3), filed September 24, 1981. Applicant: NORMAN GRUBB LEASING, INC., 2018 Bethel Dr., High Point, NC 27260. Representative: Archie W. Andrews, 617 F Lynrock Terrace, Eden, NC 27288 (919) 883–4411. Transporting *furniture*, between points in NC, on the one hand, and, on the other, points in NJ, NY, and PA.

MC 151788 (Sub-11), filed September 24, 1981. Applicant: MEL JARVIS CONSTRUCTION CO, INC., 2934 Arnold Ave., Salina, KS 67401. Representative: William B. Barker, 641 Harrison St., Topeka, KS 66601 (913) 234–0565. Transporting *lumber and wood products*, between points in CO, IL, IA, KS, MO, NE, and OK, on the one hand, and, on the other, points in AR, CA, ID, LA, MS, MO, MT, OR, TN, TX, WA, and WY.

MC 152509 (Sub-4), filed June 11, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., 1370 Ontario St., P.O. Box 5856, Cleveland, OH 44101. Representative: J. L. Nedrich (same address as applicant) (216) 566–2677. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Associated Warehouses, Inc., of New York, NY.

MC 152509 (Sub-14), filed September 25, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS, INC., 1370 Ontario St., P.O. Box 5856, Cleveland, OH 44101. Representative: J. L. Nedrich (same address as applicant) (216) 566–2677. Transporting *paper and paper products*, between points in the U.S., under continuing contract(s) with Stone Container Corporation, of Chicago, IL.

MC 153039, filed September 25, 1981. Applicant: ROGER D. ADAMSON, d.b.a. CARAVEAU'S HOT SHOT Service, 302 North 6th Ave., Casper, WY 82601. Representative: Roger D. Adamson (same address as applicant), (307) 234–8418. Transporting *Mercer commodities*, between points in Natrona County, WY, on the one hand, and, on the other, points in CO, ND, SD, MT, UT, and NM.

MC 154109, filed September 24, 1981. Applicant: SERVICE TRANSPORT, P.O. Box 5704, Seattle, WA 98105. Representative: Jim Pitzer, 15 S. Grady Way, Suite 321, Renton, WA 98055, (206) 235–1111. Transporting *malt beverages, and wine*, between points in the U.S., under continuing contract(s) with K & L Beverage Co., Inc., of Bellevue, WA.

MC 154928 (Sub-1), filed September 28, 1981. Applicant: KNUTE TRUCKING, INC., P.O. Box 198 (Hillcrest), Rochelle, IL 61068. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609, (213) 945–2745. Transporting *malt beverages*, between points in the U.S. under continuing contract(s) with Domino Distributing Co., Inc., of Rockford, IL.

MC 155878, filed September 25, 1981. Applicant: BOB MEADER TRUCKING, INC., Route 2, Box 206, Scappoose, OR 97056. Representative: Peter H. Glade, One SW Columbia, Suite 555, Portland, OR 92758, (503) 227–1681. Transporting *building materials* between points in OR, WA, ID, CA, and UT.

MC 156598 (Sub-1), filed September 24, 1981. Applicant: SMITH TRANSPORT, R.D. #1, Box 35, Roaring Spring, PA 16673. Representative: Barry F. Smith (same address as applicant), (814) 224-4878. Transporting *pulp, paper and related products*, between points in the U.S., under continuing contract(s) with Appleton Paper Inc., of Roaring Spring, PA.

MC 157228 (Sub-1), filed September 29, 1981. Applicant: PRAIRIE LINE, INC., 505 Cottage Grove Dr., Woodbury, MN 55125. Representative: Marquita J. Finley, AAA Bldg., Suite 200, 170 E. 7th Place, St. Paul, MN 55101, (612) 297-8484. Transporting *aggregate* between points in the U.S., under continuing contract(s) with West Materials, Inc., of Burnsville, MN.

MC 157436, filed September 28, 1981. Applicant: WILLIAM F. SWOYER, d.b.a. SWOYER TRUCKING CO., 1915 West MacArthur, No. 106, Wichita, KS 67217. Representative: Brad T. Murphree, 814 Century Plaza Bldg., Wichita, KS 67202, (316) 265-2634. Transporting *food and related products* between Wichita, KS, and points in Logan County, AR, on the one hand, and, on the other, points in the U.S.

MC 158489, filed September 28, 1981. Applicant: SCHWARTZ TOURS, INC., 604 West Sloan St., Harrisburg, IL 62946. Representative: Carroll J. Schwartz (same address as applicant), (618) 252-6158. As a *broker* at Harrisburg, IL, arranging the transportation of *passengers and their baggage*, in the same vehicle with passengers, in charter and special operations, beginning and ending at points in IL and extending to points in LA, AL, TN, SC, GA, FL, CO, NV, VA, NM, AZ, TX, PA, NY, MA, UT, and DC.

Volume No. OPY-5-176

Decided: October 7, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 29698 (Sub-22), filed September 30, 1981. Applicant: LESTER FELLOWS CO., Tatham and E. Pearl Sts., P.O. Box 586, Burlington, NJ 08016. Representative: George W. Reinhard (same address as above), 609-386-9325. Transporting *building and construction materials*, between the facilities of Celotex Corp., its companies and subsidiaries, at points in the U.S. on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VA, VT, WV and DC.

MC 105269 (Sub-107), filed September 29, 1981. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 459-6121. Transporting *tires, tubes, and related products*, between points in Jackson, Kalamazoo, Bay, Kent, Ingham and Saginaw Counties, MI, on the one hand, and, on the other, points in IN, OH, and TN.

MC 126899 (Sub-147), filed September 30, 1981. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, Paducah, KY 42001. Representative: George M. Catlett, Suite 708, McClure Bldg., Frankfort, KY 40601 (502) 227-7384. Transporting *such commodities* as are dealt in or used by manufacturers of malt beverages, between Peoria County, IL, Milwaukee County, WI, Essex County, NJ, and Houston County, GA, 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 133549 (Sub-5), filed September 25, 1981. Applicant: STANLEY L. BERVEN, R.R. 2, Abilene, KS 67410. Representative: Clyde N. Christey, KS Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS 66612, (913) 233-9629. Transporting *general commodities* (except classes A and B explosives), between the facilities of Ralston Purina Co. and its subsidiaries at points in KS, MO, and OK, on the one hand, and, on the other, points in KS, MO, and OK.

MC 140889 (Sub-22), filed September 29, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114 (216) 781-1600. Transporting *copper tubing*, between points in the U.S., under continuing contract(s) with Cerro Copper Tube Co., of Cleveland, OH.

MC 141719 (Sub-2), filed September 28, 1981. Applicant: KESSLER INDUSTRIES, INC., 8600 Gateway East, El Paso, TX 79907. Representative: Robert E. Hanlon (same address as applicant), (915) 591-8161. Transporting *general commodities* (except classes A and B explosives), between points in AR, AZ, CA, CT, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MO, MD, NC, MJ, NY, OH, OK, PA, SC, TN, VA, and WV, on the one hand, and, on the other, points in El Paso County, TX.

MC 142059 (Sub-179), filed September 29, 1981. Applicant: CARDINAL TRANSPORT, INC., 1230 Northern Illinois Drive, Channahon, IL 60410. Representative: Jack Riley (same address as applicant) (815) 729-3808. Transporting *general commodities* (except classes A and B explosives), between points in Will County, IL, on the one hand, and, on the other, points in the U.S.

MC 150088 (Sub-8), filed September 24, 1981. Applicant: STERLING TRANSPORT DIVISION, INC., 2005 South Great Southwest Parkway, Grand Prairie, TX 75051. Representative: Robert K. Frisch, 2711 Valley View Lane, Suite 101, Dallas, TX 75234, (214) 247-0994. Transporting *general commodities* (except classes A and B explosives), between points in Dallas County, TX, on the one hand, and, on the other, points in TX.

MC 150339 (Sub-40), filed September 23, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: Stephen J. Hammer (same address as applicant), (301) 673-7151. Transporting *machinery and Mercer commodities*, between points in the U.S., under continuing contract(s) with McNeil Akron, Inc., of Akron, OH.

MC 150939 (Sub-24), filed September 28, 1981. Applicant: GEMINI TRUCKING, INC., 1533 Broad Street, Greensburg, PA 15601. Representative: William A. Gray, 2310 Grant Bldg., Pittsburgh, PA 15219, (412) 471-1800. Transporting *floor coverings*, between points in the U.S., under continuing contract(s) with Ben Elfman & Son, Inc., of Chelsea, MA.

MC 150999 (Sub-5), filed September 29, 1981. Applicant: GENE F. LACAEYSE, d.b.a. G. F. LACAEYSE TRANSPORT, R.R. #2, Box 110, Montezuma, IA 50171. Representative: Ronald R. Adams, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *food and related products*, between Los Angeles, and San Francisco, CA, Portland, OR, and Seattle, WA, and points in Alameda County, CA, on the one hand, and, on the other, points in IL, MO, MN, IA, WI, MI, and IN.

MC 154379, filed September 29, 1981. Applicant: BEAN TRUCKING CO., INC., 899 Birnie Ave., West Springfield, MA 01089. Representative: Harold L. Reckson, 33-28 Halsey Rd., Fair Lawn, NJ 07410, (201) 791-2270. Transporting *malt beverages*, between points in the U.S., under continuing contract(s) with Williams Distributing Corp., of Springfield, MA, and Atlas Distributing Corp., of Auburn, MA.

MC 158469, filed September 25, 1981. Applicant: LINDELL GREER, d.b.a. WEST NASHVILLE WRECKER, 701 41st Ave. North, Nashville, TN 37209. Representative: J. Greg Hardeman, 618 United American Bank Bldg., Nashville, TN 37219 (615) 244-8100. Transporting *wrecked, disabled, stolen, abandoned,*

repossessed and surrendered motor vehicles and trailers, in towaway service between points in Davidson County, TN, on the one hand, and, on the other, points in AL, GA, MS, AR, MO, KY, IL, IN, OH, VA, NC, SC, WV, LA, TX, and FL.

MC 158508, filed September 29, 1981. Applicant: BARRINGERS FUN TIME TOURS, 312 MacCorkle Avenue, SW., So. Charleston, WV 25303. Representative: Doris H. Barringer (same address as applicant) (304) 744-1997. To operate as a *broker* at So. Charleston, WV, in arranging for the transportation by motor vehicle of *passengers and their baggage*, in special and charter operations, beginning and ending at points in Kanawha and Nicholas Counties, WV, and extending to points in the U.S.

MC 158549, filed September 30, 1981. Applicant: NATIONAL BUS LINES, INC., 8046 Lakecrest Drive, Greenbelt, MD 20770. Representative: Larsh B. Mewhinney, 555 Madison Avenue, New York, NY 10022 (212) 838-0600. Transporting *passengers and their baggage*, in charter operations beginning and ending in Alexandria and Arlington, VA, points in Loudoun and Fairfax Counties, VA, Anne Arundel, Montgomery and Prince Georges Counties, MD, and DC, and extending to points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-29939 Filed 10-15-81; 8:45 am]

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INTERNATIONAL TRADE COMMISSION

[731-TA-3 (Final)]

Sugars and Sirups From Canada; Determination of Injury

Determination

The Commission determines [1] that as of March 6, 1980, the date of the Commission's earlier determination regarding sugars and sirups from Canada, an industry in the United States was materially injured by reason of the importation of sugars and sirups from Canada sold, or likely to be sold, at less than fair value. The determination in this matter is made pursuant to the order of the U.S. Court of International Trade entered July 8, 1981, in the case of *Atlantic Sugar, Ltd., et al. v. United States.*

[1] Commissioner Stern dissenting; Commissioners Bedell, Eckes, and Frank not participating.

Background

In March 1980 the Commission determined that an industry in the United States is being materially injured by reason of imports of sugars and sirups from Canada which the Department of the Treasury has determined are being, or are likely to be, sold in the United States at less than fair value. The Commission's determination was appealed to the United States Customs Court (now known as the U.S. Court of International Trade) on May 6, 1980.[2]

Subsequent to the Commission's determination and the appeal of that determination to the Court of International Trade, errors were discovered in the information considered by the Commission relating to (1) the regional demand supplied by domestic productive facilities located outside the Northeastern States region, and (2) the financial performance of one of the sugar producers located in the region in question.

In an order issued on July 8, 1981, the Court of International Trade directed that within 90 days the Commission—

> issue a new determination after considering the corrected data regarding the regional demand supplied from elsewhere and, if it is reached, the evidence regarding the profitability of the producers in the region . . . .[3]

The Court further ordered that the Commission's new determination state with particularity the standards applied and the reasoning utilized in arriving at its conclusions concerning the aforementioned issues.

In arriving at its new determination in this matter, the Commission has given due consideration to written submissions received from the nongovernmental parties to the Court of International Trade appeal, information obtained during the course of investigation No. 731-TA-3 (Final), as later corrected, and publicly available data from the General Services Administration concerning transportation costs for shipping refined sugar into the Northeastern States region as of January 1, 1980. With the exception of the corrected information from the earlier investigation and the General Services Administration data, the Commission has not considered any information obtained subsequent to the date of its earlier determination.

Issued: October 5, 1981.

[2] Atlantic Sugar, Ltd., et al. v. United States (C.I.T. No. 80-5-00754).

[3] Atlantic Sugar, Ltd., et al. v. United States, Slip Op. 81-62, 15 Cust. Bull. & Decisions 69, 75-76 (Ct. Int'l. Trade 1981), July 8, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

Views of Chairman Bill Alberger and Vice Chairman Michael J. Calhoun

These views are submitted in response to the July 8, 1981, order of the United States Court of International Trade [4] remanding investigation No. 731-TA-3 (Final) *Sugars and Sirups From Canada*. In that investigation, we had determined that "the refined sugar industry in the Northeastern states region is materially injured by reason of imported Canadian sugar sold at LTFV." [5] We had found that for purposes of that investigation the Northeastern states region consisted of Connecticut, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont.[6] Canadian exporters of refined sugar appealed our determination to the Court of International Trade.

During the appeal process, two computational errors were discovered in the data on which we had based our determination. Correcting the first error changed the percentage of demand in the Northeastern regional market supplied by U.S. producers located outside that region from 5.5 percent to approximately 12 percent.[7] Correcting the second error changed the profitability of Revere Sugars Corp. (Revere), the second largest producer in this region. * * *[8]

In remanding the case, Judge Watson ordered,

> That within 90 days the ITC shall issue a new determination after considering the corrected data regarding the regional demand supplied from elsewhere and, if it is reached, the evidence regarding the profitability of the producers in the region, and it is further
>
> Ordered, That the new determination shall state with particularity the standards applied and the reasoning utilized in arriving at a conclusion as to whether or not the demand in the region is satisfied to any substantial degree from elsewhere in the United States and, if it is reached, shall give a similar explanation for the conclusion as to whether it is the producers of all, or almost all, of the production in that market who are being materially injured, . . .[9]

[4] Atlantic Sugar, Ltd., et al. v. United States, Slip Op. 81-62, 15 Cust. Bull & Decisons 69 (Ct. Intl. Trade, July 8, 1981).

[5] Statement of Reasons of Vice Chairman Bill Alberger and Commissioner Michael J. Calhoun, Sugars and Sirups From Canada, Inv. No. 731-TA-3 (Final), USITC Pub. 1047, March 1980, p. 4.

[6] *Id* at 3.

[7] Report at pp. 17-19.

[8] *Id.* at pp. 42-45.

[9] Atlantic Sugar, *ibid.*, at 75-76.

Thus, our task is to determine the extent to which the corrected data change our original determination. For the reasons stated below, after giving full consideration to the corrected data, we affirm our original determination.

Regional Industry

In most investigations under Title VII of the Tariff Act of 1930 (Act), we analyze and assess the impact of imports on a national industry, as defined in section 771(4)(A) of the Act (19 U.S.C. 1677(4)(A)). In appropriate circumstances, however, there is a statutory basis for analyzing and assessing the impact of imports on a regional industry (19 U.S.C. 1677(4)(C)). This section of the Act is a legislative recognition that the economic impact of imports on an isolated market may be such as to warrant the imposition of countervailing or antidumping duties on a nationwide basis. This derogation from the general industry definition is stated in section 771(4)(C) of the Act as follows:

> In appropriate circumstances, the United States, for a particular product market, may be divided into 2 or more markets and the producers within each market may be treated as if they were a separate industry if—
>
> (i) the producers within such market sell all or almost all of their production of the like product in question in that market, and
>
> (ii) the demand in that market is not supplied, to any substantial degree, by producers of the product in question located elsewhere in the United States.
>
> In such appropriate circumstances, material injury, the threat of material injury, or material retardation of the establishment of an industry may be found to exist with respect to an industry even if the domestic industry as a whole, or those producers whose collective output of a like product constitutes a major proportion of the total domestic production of that product, is not injured, if there is a concentration of subsidized or dumped imports into such an isolated market and if the producers of all, or almost all, of the production within that market are being materially injured or threatened by material injury, or if the establishment of an industry is being materially retarded, by reason of the subsidized or dumped imports.

Subsections 771(4)(C)(i) and (ii) set forth the criteria for determining whether there is such an isolated market. Under these provisions, we attempt to determine whether production and consumption patterns reflect a market which is distinct from a national market and whether these activities are greatly localized. In this regard, we understand subsection (i) to required that the producers in the region rely almost completely on sales to consumers in that market. We view subsection (ii) as requiring that the demand in the region for domestically produced goods not be satisfied substantially by domestic goods produced outside that region.

In our original investigation, we found that an average of over 96 percent of the sales by producers located in the Northeastern states region were to customers in that region during the period 1975–79.[10] That finding is not before us on this remand. Rather, the first issue presented by the remand order pertains to section 771(4)(C)(ii) of the Act and, generally concerns our view of the meaning of the word "substantial" in the context of the extent to which demand in the market relies on domestic producers from outside the market. Clearly, there is no absolute percentage of demand which represents a "substantial" degree of outside supply, one which can be automatically and uniformly applied in all investigations for the purposes of the statutory test in question here. Indeed, it seems certain that by the use of "substantial" the Congress recognized that some portion of demand might be supplied by producers from outside the region. That is, a region may satisfy the statutory criteria for an isolated market even though it is not completely isolated from the remainder of the national market. Thus, our analysis must be made in the context of the facts in each investigation. Such an analysis seems to require, at the minimum, two evaluations. One is whether the percentage in question is, in an empirical sense, at such a level as to suggest its substantiality. The other is whether the particular character of the region in question supports such a conclusion.

In connection with the first evaluation, the corrected figures show that the percentage of demand within the region for domestic sugar which was supplied by producers located outside the region ranged from 11.6 to 12.6 percent.[11] We do not believe that common parlance, itself, suggests that this range is substantial. "Substantial" is relevantly defined in *Webster's Third New International Dictionary* as "considerable in amount, value or worth." On its face, 12.6 percent does not raise a question as to whether there is a "considerable" quantity or amount of nonregionally produced products being consumed in the region. In fact, if 12.6 percent of demand for domestic goods is supplied from elsewhere in the United States, then 87.4 percent of that demand is supplied by regional producers. Such a high level of isolated supply and demand, alone, suggests a rather high degree of isolation in production and consumption.

Regarding the second evaluation, in view of the significant transportation cost disadvantages to producers outside the region, the current and historical patterns of distribution, and the fact that the bulk of the outside supply of sugar goes into the perimeter of the region, the facts of this case also compel a finding that the criteria under subsection (ii) have been met.

Current and historical distribution patterns for sugar sold into the region by domestic producers illustrate that sugar is sold only into Michigan and Ohio, the perimeter of the region. Approximately one half of the outside supply comes from sugar refineries as far away as California, Louisiana, and Minnesota. When the transportation cost data is examined, producers shipping from refineries distant from the region have a significant transportation cost disadvantage when they ship to the large cities on the East Coast, such as Philadelphia, New York, and Boston, which are in the heart of the region. * * * If Amstar were to ship north from Baltimore into the region, it would directly compete with its other plants in Philadelphia, New York, and Boston. Obviously sound marketing practices dictate that they avoid such intracompany competition.

With regard to transportation costs,[12] a comparison of truck freight rates[13] for shipments of sugar from various refineries to Northeastern cities, shows that a refinery in * * * has its lowest cost disadvantage * * * when it ships to Cleveland as compared to one of the plants more favorably located within the region at * * * and an even higher cost disadvantage if its ships to cities on the

[10] Statement of Reasons of Vice Chairman Bill Alberger and Commission Michael J. Calhoun, Sugars and Sirups From Canada, Inv. No. 731-TA-3 (Final), p. 4.

[11] We disagree with the figures used by the Canadian exporters as to the percentage of demand within the region supplied from elsewhere in the United States. the exporters allege that this percentage ranged from 12 to 16 percent. They argue that 16 percent is the most accurate figure for cross regional penetration in 1975. * * * Furthermore, when the exporters' estimates of outside supply are examined, it appears that two manufacturers within the region were omitted in the calculations: Revere's New York and Boston plants and Refined Sugar & Syrups Co. in New York. For these reasons, we feel that the exporters' percentages are overstated.

[12] In order to quantify the comparative disadvantage suffered by the producers located outside the region, the Commission obtained General Services Administration data collected from publicly available rate schedules on the costs of shipping sugar by truck from sugar refineries within and without the region to major cities within the region as of Jan. 1, 1980.

[13] Although some sugar is shipped by other methods, truck transport is an important method of transport for sugar shipped to end users.

East Coast. * * * has transportation cost disadvantages of * * * to Philadelphia, New York and Boston, when compared to other sugar refineries in Philadelphia, New York, and Boston, respectively. This disadvantage represents about 30 percent of the price of sugar, a penalty which effectively prohibits shipments to the core of the region. Thus, when sugar is shipped from distant refineries, such as * * * it is almost invariably shipped only to the western perimeter of the Northeastern states region to minimize the transportation cost disadvantage. This establishes transportation cost as a rather significant economic barrier to sugar coming into the region from refineries outside the region.

With regard to the patterns of distribution in the region, we take note of the role of Amstar's Baltimore plant, * * *. Amstar informed the Commission at the hearing that it had set up distinct marketing territories and, therefore, Amstar's Baltimore plant did not send sugar north into the region where it would compete with its plants in Boston, New York, and Philadelphia. The Batimore plant's principal marketing territory is largely to the south and the west of the region. The plant does send sugar into the region, but only to areas in the western perimeter (parts of Michigan and Ohio) where there are no nearby sugar refineries or where the other refineries cannot provide enough sugar to satisfy demand.

Amstar's Baltimore plant also has a transportation cost disadvantage in shipping to most of the cities in the Northeast. In the case of Philadelphia the disadvantage is small. In the case of Boston, it is substantial. Furthermore, for Amstar, this transportation cost disadvantage would be magnified because shipments to the core of the region would adversely affect sales and utilization of the Amstar plants in Philadelphia, New York, and Boston that are located near their primary customers. These Amstar plants are in place. We have no indication that they will be relocated or closed. Therefore shipments from the Baltimore plant into their traditional marketing areas simply do not make economic sense unless Amstar expands its share of the Northeastern market beyond the capacity of its present plants to meet the demand. Amstar did not expand its share during the period of the Commission investigation. In the case of Amstar's Baltimore plant, therefore, it just makes good competitive business sense not to send sugar north into the core of the region.

The rigid nature of the established marketing pattern for sugar in the Northeastern states region is evidenced by the 1975–79 period during which Amstar's share of annual sales in the Northeastern states region supplied by its plants outside of the region only fluctuated within the narrow range * * *. This rigidity is further underscored by the fact that, although shipments into the Northeastern states region from all plants located outside of the region fluctuated somewhat on an individual company basis, in the aggregate they moved within an equally narrow range of a high of 12.6 percent in 1979 to a low of 11.6 percent in 1976. It, therefore, is evident that producers within the region have traditionally supplied the great bulk of the sugar consumed within the Northeastern region and that plants outside the region have supplied a small and virtually constant share of the overall demand.

These historical distribution patterns must be taken into account. Section 771(4)(C)(ii) states, "the demand in that market is not supplied, to any substantial degree, by producers . . . located elsewhere." The statute is written in the present tense. This is done presumably to direct our inquiry to matters as they exist in fact, and not as they could exist or, in some perfect world, ought to exist. Therefore, the Commission must take into account the present commerical realities of the marketplace in order to determine whether a regional industry exists. We cannot replace these realities with speculation or conjecture as to future events that have no support in the facts on the record.

In summary, we conclude that the evaluations discussed above compel us to affirm our finding that demand in the region is not supplied to any sustantial degree by producers located elsewhere in the United States. From an empirical point of view, 12 percent of regional demand is a low number, and does not automatically appear as substantial. Furthermore, the percentage of demand supplied by outside producers remains stable. It is also apparent that because of transportation costs and historical distribution patterns, sugar from outside the region either does not penetrate the core of the region or, if it does, pentration incurs a significant cost disadvantage, sharply limiting the degree of penetration which can be obtained.

The issue of a regional market for sugar has also been addressed by other agencies of the U.S. Government and they have consistently concluded that there is a Northeastern regional market. Although the boundaries of the region have varied from one study to another, both the Department of Agriculture and the Federal Trade Commission (FTC) have identified Northeastern regions. A 1975 FTC staff study entitled *The U.S. Sugar industry* defined a 14 state area contiguous with, but somewhat larger than, the 11-state Northeastern region considered by the Commission. In that study the FTC confirmed the Commission's analysis in the current investigation, i.e., that the producers within such market sell all or almost all of their production in that market (only 2.3 percent of 1970 production in the Northeastern region was shipped out of the region) and that demand in that market is not supplied, to any substantial degree, by producers located elsewhere in the United States (only 10.2 percent of 1970 consumption in the region was supplied by shipments from outside of the region). [14]

In addition, the boundaries of a regional industry are generally state boundaries which often do not offer a perfect basis for defining marketing territories. It would be difficult for producers to supply the Commission with sales information broken down on anything smaller than a statewide basis and, therefore, the Commission generally would not be able to draw the boundaries of a regional industry along county lines in order to define the region to include just key portions of states. In this case, therefore, we were unable to exclude from the region Southern Ohio and parts of Michigan which were not penetrated by imports and which consume a large proportion of the outside supplies.

For all of the above reasons, we believe the present eleven state region is a regional industry within the meaning of section 771(4)(C).

Material Injury

The second issue the court ordered the Commission to address was weather Revere's changed financial performance alters the Commission's original determination under section 771(4)(C) that producers of all or almost all of the production within the region are materially injured. In our original determination in this case, we based our decision, in part, on the declining profits of the producers within the region. * * * When the corrected data for Revere were averaged with the data for the

[14] The data on shipments to and from the Northeastern region originally appeared in the Department of Agriculture report. See Harry A. Sullivan, Refined Sugar Movement Without and Among Marketing Territories, Sugar Reports No. 240, May, 1972.

other producers within the region, the ratio of net profit to sales for 1979 changed from 0.34 percent to 1.05 percent and the aggregate profits changed from $4 million to $13.5 million in 1979.[15] The corrected aggregate data show that all seven firms in the Northeastern states region have declining profits, with the ratio of net profit to sales dropping from 5.55 percent in 1976 to 1.05 percent in 1979. Aggregate profit for these seven firms declined from $54 million in 1976 to $13.5 million in 1979. Three of the firms within the region had net losses in both 1978 and 1979 and two other firms had declining profits.[16] Therefore, even with the corrected data, overall profits have declined but the decline was simply not as steep. We conclude that the corrected data still support our finding that producers of all or almost all of the production are materially injured. As a further matter, an industry does not necessarily have to be suffering a loss as a prerequisite to a finding of material injury. As Judge Watson stated in his opinion: ". . . in 19 U.S.C. § 1677(7)(C)(ii) the statute mentions actual decline in profits as one of the factors which the ITC must evaluate in examining the impact of imports and arriving at a conclusion regarding material injury." [17]

Moreover, Judge Watson also noted that "no single factor is given decisive effect in determining material injury. In fact, at 19 U.S.C. § 1677(7)(E)(ii) the law specifically disclaims the controlling effect of the presence or absence of any of the evaluative factors." [18] In our original determination, we cited a number of other factors which also contributed to our finding of material injury, such as price suppression, price depression, declining employment, and lost sales.[19]

The Canadian exporters argued that the aggregate data of the domestic industry cannot be examined. Instead, they maintain that we should examine the data for each specific producer within the region in order to determine whether "producers of all, or almost all, of the production" within the regional market are materially injured.

The language of section 771(4)(C) however, cannot be read out of context. The statute is concerned with determining whether a regional industry is being materially injured, not whether particular producers are injured. It does not refer to all or almost all of the producers but refers to "the producers of all, or almost all, of the *production* . . ." [20] It should be noted that section 771(4)(A), the general rule for defining an industry, specifically refers to the domestic producers as a whole and not to individual producers. When we are construing section 771(4)(C), it is also logical to focus on the regional industry in the aggregate and not to individual firms within it, even though the wording of the two sections is not identical. Congressional concern that the Commission examine the industry as a whole is manifested throughout the legislative history of section 771(4). The Senate Report states:

> Under section 771(4) of the Tariff Act of 1930, . . . the term industry generally would mean the domestic producers as a whole of the like product, *i.e.*, a product like the imported article, or those producers whose *collective output* of the like product constitutes a major proportion of the total domestic production of the like product.[21]

The House Report states:

> As under current practice, the "industry" can also be producers who comprise something less than the entire group of producers of like products if the *total output* of this group of producers constitutes a major proportion of the total domestic production of that product.[22]

Further, the Senate Report states regarding regional industry:

> However, domestic producers in a geographic region in the United States would be considerd an industry when they sell all or almost all of *their production* of the like product in the market in that region . . . .[23]

The Senate, therefore, was focusing on production and not the individual producers in a regional industry. Finally, in the Statements of Administrative Action on the Trade Agreements Act of 1979, it is even clearer that the Commission is to focus on production and not individual producers in determining material injury.

> In a case in which the output of producers within a region constitutes a major proportion of total domestic production, material injury to the domestic industry may be found without regard to the specific criteria for injury to a regional industry.[24]

Terms such as "collective output," "major proportion," and "total output" all suggest that the focus of the statute is on material injury to the domestic industry, rather than to individual producers. Thus, the Commission must consider aggregate data on the regional industry in order to assess the impact of imports.

Conclusion

There exists a distinct regional industry, as defined by section 771(4)(C) of the Tariff Act of 1930 (19 U.S.C. 1677), comprised of the producers of refined sugar in Connecticut, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island and Vermont (Northeastern states region).

The Northeastern states region, as defined above, is materially injured by reason of imports of sugar and sirups from Canada which the Department of the Treasury has found are being, or are likely to be, sold in the United States at less than fair value.

Additional Views of Chairman Alberger

I feel compelled to note that Commissioner Stern's dissenting opinion relies on a statement from our joint views in *Carbon Steel Plate from Taiwan* [25] which is not applicable on the facts of this case. The dissenting opinion concludes that regional distribution is based solely on historical marketing patterns and that our earlier opinion discourages regional analysis under such circumstances. As was noted in the original report in this case, however, "transportation costs for refined sugar are relatively high in relation to its value; therefore, refined sugar is normally shipped to markets within 250–300 miles of refineries. . . ." [26] All Commissioners apparently accepted this. Furthermore, our staff stated in the public briefing that this industry follows a transportation model. Therefore, the dissent's reliance on a phrase (from a pre-Trade Agreements Act opinion) relating to regional distribution ". . . based solely on historical marketing practices" is misplaced. It is correct to note that the majority is relying in part on historical marketing patterns in this opinion, but only with respect to Amstar's Baltimore plant, which occupies a unique position on the border of the region and which provides less than half of the outside supply. Furthermore, the situation involving Amstar is structural in nature, and is not based on mere marketing whim. Amstar located plants in numerous cities throughout the Atlantic coastal area, obviously because it recognized the importance of transportation

[15] Report at pp. 42–43.

[16] * * *

[17] Atlantic Sugar, *ibid.*, at 73.

[18] *Id.* at 75.

[19] *See* Views of Vice Chairman Alberger and Commissioner Calhoun, Sugars and Sirups from Canada, *ibid.*, at 5–10.

[20] Section 771(4)(C). [Emphasis added.]

[21] S. Rep. No. 96–249, 96th Cong., 1st Sess., at 82. [Emphasis added.]

[22] S. Rep. No. 96–317, 96th Cong., 1st Sess., at 73. [Emphasis added.]

[23] S. Rep. No. 96–249, *ibid.* [Emphasis added.]

[24] Trade Agreements Act of 1979; Statements of Administrative Action, House Doc. No. 96–153, 96th Cong., 1st Sess., at 432.

[25] Inv. AA1921–197, USITC Pub. 970 (May, 1979).

[26] *See* original Staff Report at p. A–16.

advantages, especially where the customers were large industrial users who would want their source of supply very nearby. This is a major distinction from a situation where a regional producer had merely failed to explore markets outside the region for historical reasons, which is the type of situation I was alluding to in *Carbon Steel Plate*. In this case, Amstar could not alter its marketing practices without incurring substantial costs and undergoing significant structural changes. It would be difficult to find large commercial customers outside the region, and in any event significant transportation costs would be incurred. Therefore, I believe it is highly unlikely that regional injury could be avoided in this case solely by management decisions within the affected firms. The type of management decisions called for would themselves be injurious.

Because this case comes before us on a remand order relating only to specific issues, I have attempted to limit my consideration of commercial factors to the discrete question of whether the new figure for outside shipments is "substantial," and have accepted the Commission's original findings that transportation costs were a significant factor. In essence, historical patterns relating to the Amstar plant in Baltimore suggest that the 12.6 percent figure is deceptively high, and this is the *only* purpose for which I made such an analysis. The appropriate time to consider whether there is any logic underlying the regional segmentation of the sugar industry would have been in the original determination. At that time, as now, I believed there was a clear basis for doing so.

Views of Commissioner Stern

This view is submitted in response to the July 8, 1981, order of the United States Court of International Trade remanding Sugars and Sirups From Canada (March 1980),[27] to the Commission for a new determination in light of the corrected data regarding the demand in the Northeastern area supplied from elsewhere in the United States and the profitability of domestic producers.

A careful reexamination of the regional industry issue in light of the corrected data has been primarily responsible for my negative determination in the remanded case. Because U.S. producers in the Northeastern states area are not sufficiently separate or isolated to constitute a regional industry, the relevant domestic industry should encompass the entire nation and not the region found by the Commission in the original case or the majority in the present one. As a result of this change in my views, my analysis of injury and causation are now based on national data, including the revised profitability statistics.

The Domestic Industry

Industry is defined in section 771(4)(A) of the Tariff Act of 1930 to mean the domestic producers of a product which is like that being imported. "Like product," in turn, is defined in section 771(10) as "a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation. . . ." The products in this case are refined sugar and liquid sugar and other sugar sirups. Thus, the domestic industry is defined as the producers of refined sugar or sugar sirups.

In order for a regional industry to be found, section 771(4)(C)(ii) requires that the demand in the geographically defined market not be supplied to any substantial degree by producers located elsewhere in the United States. In this case, the shipments into the Northeastern area from elsewhere in the United States equal 12 percent of the area's demand, instead of the 5.5 percent figure the Commission worked with in the earlier case.[28] In this case, the penetration figures and the appropriateness of special regional consideration merit particularly careful scrutiny because the corrections in them were significant enough to form a basis for the Court's decision to remand. The new percentage—when examined in the appropriate context—represents a substantial degree of the area's supply. The context of such penetration figures is important because bare numbers themselves are rarely conclusive evidence absent further analysis.

I have found that no natural or commercial reasons *outside* the control of the sugar producers themselves severely limit the quantities of sugar that can flow between geographical areas. Rather, the pattern of supply seems to reflect the historical distribution practice which in and of itself is not a sufficient basis to find that the market is isolated or separate as required by law.[29]

The concept of regionality has partly evolved from the legislative history of both the Trade Act of 1974 and the Trade Agreements Act of 1979. The legislative history of the Trade Act of 1974 states:

> A hybrid question relating to injury and industry arises *when domestic producers of an article are located regionally and serve regional markets predominately or exclusively* and the less-than-fair-value imports are concentrated in a regional market with resultant injury to the regional domestic producers. [Emphasis added.][30]

Relying on the above statement, Chairman Alberger and I stressed the importance of the separate or isolated nature of a regional industry in *Carbon Steel Plate From Taiwan*, a case decided in May 1979 under the Antidumping Act, 1921:

> The regional segment of the industry must be sufficiently isolated from the rest of the industry to justify a deviation from the Antidumping Act's normal requirement of national injury. Commission decisions have discussed this problem. The Senate Finance Committee has noted that it is relevant to consider whether ". . . domestic producers . . . are located regionally and serve regional markets predominately or exclusively . . ." *This suggests that it would be inappropriate to apply geographic segmentation principles if producers ship substantial portions of their production outside the region, since such a practice indicates an ability to market goods on a multiregional or national basis.* [Emphasis added.] In other words, the region itself would not be separate and identifiable from other regions.
>
> We believe the degree of isolation is an important factor to assess in deciding whether to apply a regional industry definition. It is very difficult to rely on regional data if it does not reflect conditions within a discrete and self-contained portion of the industry. Moreover, if a region is fully integrated with the national industry or other regions, we would have to examine conditions outside the region to determine the true impact of LTFV sales.
>
> In order to determine whether a region is separate and identifiable, it is useful to weigh certain considerations. As pointed out in the Senate Report, it must be shown that the producers in question are located in and serve the region predominantly or exclusively. In addition, the region must not be served to any substantial degree by domestic producers outside the region. Finally, it may be relevant to ask what

[27] *See* Sugars and Sirups from Canada, Inv. No. 731-TA-3 (Final), USITC Pub. 1047, March 1980.

[28] See revised Report at 22.

[29] One may ask why a change in the numerical level of outside supply entering an area has prompted examination of the reasons underlying that percentage. The initial figure for outside penetration was 5.5 percent. It seems highly improbable that such a low level could have resulted for merely historical reasons. In the absence of external barriers, the profit motive usually will result in a more even development of commerce which tends to erase regional boundaries. On remand, the penetration figure more than doubled and demanded further analysis. The Commission in its regionality consideration should, as a matter of practice, take a hard look at the reasons underlying any observed geographical distribution pattern.

[30] S. Rep. No. 93-1298, 93d Cong., 2d Sess., at 180 and 181.

factors led to geographic segmentation. *For example, we would want to know if constraints on transhipment [sic] exist by virtue of transportation costs or product characteristics, or if regional distribution is based solely on historical marketing practices.* [Emphasis added.] [31]

Section 771(4)(C) of the Trade Agreements Act, which was being drafted when Carbon Plate Steel was decided, also stipulated the separate and isolated nature of a regional industry. It states ". . . the producers within each market may be treated as if they were a *separate* industry . . . if there is a concentration of subsidized or dumped imports into such an *isolated* market . . ." [Emphasis added.] [32] Accordingly, a determination as to whether the level of the sales in the region from producers outside the region is substantial or insubstantial must be made in the context of whether the market is an isolated or separate market. Likewise, this is reemphasized in Judge Watson's opinion: "The sales from elsewhere are being examined to determine the isolation of a market, which is a more general question of condition, not cause and effect." [33]

To determine whether the percentage of outside supply is substantial, the Commission must examine the reasons for the apparently isolated or separate nature of the regional market. In *Carbon Steel Plate From Taiwan,* as noted above, Chairman Alberger and I stated:

> Finally, it may be relevant to ask what factors led to geographic segmentation. For example, we would want to know if constraints on transhipment [sic] exist by virtue of transportation costs or product characteristics, or if regional distribution is based solely on historical marketing practices.

My reasoning in that case was that, if the geographical distribution of supply is based solely on historical marketing practices, a regional industry does not exist. Otherwise it would be difficult to understand how an examination of the factors underlying geographical segmentation has any relevance. If there are no other reasons, such as transportation costs or state licensing requirements, then historical marketing patterns cannot solely justify the existence of an isolated regional industry. In contrast to imposed economic or legal constraints beyond the control of the firms, marketing practices can change and a so-called regional industry could by its own action disappear overnight.

What is at issue here is not just a legal technicality. The Constitution does not allow dumping duties to be levied at different levels for different states. Thus, the commerce of the entire nation bears the burden of any remedy even when the injury motivating it may be localized. Congress, in the *Trade Agreements Act of 1979,* provided standards for carving out regional industries which essentially enacted past Commission practice. Fortunately, neither the statutory standard nor the Commission's past practice supports imposing a remedy on the entire nation when local injury may be averted by management decisions within the perogatives of the affected firms.[34]

In this case, there are a number of reasons why the Northeastern states area is too porous to constitute a region. First, questionnaires demonstrate that the outside supply comes from as far away as California. Even though transportation data [35] demonstrate that there is a cost disadvantage if the sugar is shipped to cities on the East Coast, producers in distant parts of the United States still find it economic to do so. Thus, transportation costs are not an absolute barrier.

Second, * * * of the total sugar shipped into the region is from Amstar's Baltimore plant, * * *. Transportation data indicate that the sugar from Baltimore can be shipped anywhere in the region without a significant cost disadvantage. Therefore the Baltimore plant could increase its shipments into the region at any time. The majority argues that a region is present because even though the Baltimore plant could ship its sugar into the center of the region, historical marketing practices prevent it from doing so. However, I believe that there must be some exogenous forces isolating the market. If there had been such a showing in the present case, I would be able to agree with my colleagues that a regional industry is present.

The amount of sugar entering the Northeast from other parts of the United States has received much attention. The important point is the unmistakable porosity of the area. The majority has concentrated on explaining why not even more sugar (for instance, from Baltimore) was shipped into the area. An equally important question is the opposite: why wasn't sugar from Baltimore and the Northeast diverted to other areas in face of the Canadian competition? No licensing requirements or natural barriers were noted. Transportation costs are not insurmountable, even when long distances are involved. The only answers to this question seem to lie with traditional practices and the poorer conditions of the national market. But these market conditions were not shown to possess the durable and palpable qualities of regional barriers comprehended by the statute.

In the preliminary investigation, Maryland with its Baltimore plant was included in the region. One of the reasons given by the staff for excluding Baltimore from the region in the final investigation was that the Boston, New York, and Philadelphia Amstar plants were injured because of lost sales, but the Baltimore plant was not.[36] This smacks of the problem Judge Watson noted in his opinion—the "arbitrary or freehanded sculpting of regional markets." [37] No alternative regional segmentation would be any less arbitrary than the one adopted by my colleagues. Only a national approach now seems justified.

For the above reasons, I find that the Northeastern states area is too porous to justify the regional industry approach provided for in section 771(C). Therefore, the industry in this case is composed of all the producers of sugar in the United States.

Material Injury

The domestic industry is experiencing difficulties, but no links have been established between any material injury it has suffered and dumped Canadian imports.

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[31] Carbon Steel Plate From Taiwan, Inv. No. AA1921-197, USITC Pub. 970 at 20 and 21 (footnotes omitted).

[32] Section 771(4)(C) of the Trade Agreements Act was modelled after Article 4 of the Antidumping Code which also includes the concept of an isolated or separate market.

[33] Atlantic Sugar, Ltd., and Redpath Sugars, Ltd. V. United States and Amstar Corp., Slip Op. 81-62, 15 Cust. Bull. and Decisions, 68, 72 (Ct. Intl. Trade 1981).

[34] The conclusion here is in accord with the approach adopted by Chairman Alberger, Vice-Chairman Calhoun, and myself in *Asphalt Roofing Shingles from Canada.* (Inv. No. 731-Ta-29, USITC Pub. 1100, October 1980). There we allowed the domestic industry its best case, including a regional approach, but still found in the negative. We cautioned: "It seems highly questionable that the 26 state northern region as defined by petitioner is in fact an isolated geographic market, since there appears to be no natural or commercial reason for the boundary drawn by petitioner between northern states and southern states."

[35] In order to quantify the effect of transportation costs on the shipment of sugar, the Commission obtained General Services Administration data collected from publicly available rate schedules on the costs of shipping sugar by truck from sugar refineries within and without the region to major cities within the region as of Jan. 1, 1980. These data support any conclusions based on the record established in this investigation. *See* Meeting Transcript at 4-11 where answers to my questions confirmed that sugar could be competitively shipped into and out of the Northeastern states geographical area.

[36] Report at 17.

[37] Atlantic Sugar, *ibid.,* at 72.

Before 1975, U.S. imports of sugar were controlled by quotas under the Sugar Act of 1948, and there was no quota for imports of sugar from Canada. The Sugar Act expired at the end of 1974. U.S. sugar imports from Canada amounted to 40,000 short tons in 1975, rose to 138,000 short tons in 1977, and then fell to 98,000 short tons in 1978 and 81,000 short tons in January–September 1979.[38] The volume of imports from Canada was never higher than 2.2 percent of total U.S. sugar imports during this period. Hence, in absolute terms, such imports could not be considered substantial in relation to total U.S. sugar imports during the period of investigation.

Further, U.S. imports of sugar from Canada were only 0.4 percent of U.S. consumption of sugar in 1975 and 1976, 1.2 percent in 1977, 0.9 percent in 1978, and 1.0 percent January–September 1979. They were equivalent to no more than 2.5 percent of U.S. production from 1975 to 1979. These ratios are so small that U.S. imports of sugar from Canada sold at less than fair value could not have had any particular impact on the U.S. market for sugar. Nor is it clear that imports of sugar from Canada were increasing so as to threaten the U.S. market with any material injury. Such imports, although sold at less than fair value, appear to have penetrated the U.S. market for sugar only along the Canadian border where Canadian refineries would have a natural advantage over more distant U.S. refiners.

While there may have been lost sales and an impact on prices by imports of sugar from Canada in the areas where it was sold at less than fair value, the margin of underselling was not significant.[39] Such imports never exceeded 1.2 percent of apparent U.S. consumption and, therefore, could not have had any impact on national sugar prices. U.S. sugar prices are primarily determined by the prices of raw sugar imports.[40] Imports from Canada were never more than 2.2 percent of total U.S. sugar imports and, hence, could not have had a national impact on U.S. prices and quantities sold of domestic sugar.

The impact of U.S. imports of sugar from Canada sold at less than fair value appears to have been confined to the areas along the Canadian-U.S. border. During the period of examination the entire U.S. sugar industry suffered injury. Because the injury was more severe on a national basis than in the Northeastern States region, factors other than imports from Canada must have been responsible. The small level of Canadian imports did not materially worsen this situation.

Data for 18 domestic refined sugar producers showed that capacity utilization for these firms declined from 90 percent in 1976 to 85 percent in 1978, and then rose to 88 percent in 1979.[41] Yearend inventories of 17 domestic producers peaked at 2,873 million pounds in 1976, fell to 2,835 million pounds in 1977, and then fell again to 2,113 million pounds in 1979.[42] Employment in the 15 domestic sugar refineries fell from 16,328 workers in 1976 to 14,680 in 1979. Man-hours worked declined from 31.1 million hours to 26.9 million hours in the same period. During that period, productivity of U.S. workers was rising from 524 pounds per man-hour in 1976 to 589 pounds per man-hour in 1979, but productivity on a national basis was well below that in the Northeastern States which was 780 pounds per man-hour.[43] During the period, wages paid per man-hour were rising, but wages paid in the Northeastern States were higher—$9.23 in 1979 compared with $7.98 nationally.[44]

The ratio of net profit or loss to net sales for the 15 domestic refined sugar producers declined from a profit of 8.75 percent in 1976 to a loss of 0.33 percent in 1979.[45] In 1979, firms in the Northeastern States had a ratio of net profit to net sales of 1.05 percent. The ratio of net profit or loss to net assets declined from a profit of 35.83 percent in 1976 to a loss of 1.26 percent in 1979, while the ratio of net profit to net assets for producers in Northeastern States was 7.79 percent in 1979.[46] Hence, it is easy to see that injury to the sugar industry as a whole was much worse than for those producers in the region along the Canadian border where imports of sugar entered.

One cause of injury to the U.S. sugar industry was the rapid growth in sales of the alternative sweetener product, high fructose sirup. U.S. corn sweetener sales of 1.03 billion pounds in 1975 more than doubled to 2.54 billion pounds in 1979, and the unit value of these sales declined from 22.49 cents per pound in 1975 to 10.70 cents per pound in 1979.[47] Imports of sugar from Canada, which never reached much more than 270 million pounds, could not have contributed in any material fashion to the problems of the U.S. industry on a national scale.[48]

Since the data gathered by the Commission show that the U.S. sugar industry was suffering injury, and such injury was worse for the sugar industry as a whole than for the industry in the Northeastern States, I cannot reasonably conclude that U.S. imports of sugar from Canada sold at less than fair value, which constituted less than 2.2 percent of U.S. imports and 1.2 percent of U.S. consumption, were a cause of any material injury.

Threat of Material Injury

As was already noted, there was no increasing trend in U.S. imports of sugar from Canada sold at less than fair value. Canadian sugar production and capacity have declined, particularly with the closing of a refinery in late 1979.[49] Hence, there is no basis to conclude that U.S. imports of sugar from Canada were likely to become a threat of material injury to domestic sugar producers.

In sum, I have not been able to trace any material injury experienced by domestic refined sugar producers to Canadian sugar imported at less than fair value.

Issued: October 13, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-29926 Filed 10-15-81; 8:45 am]

BILLING CODE 7020-02-M

[38] Report at 49.

[39] *Id.* at 63.

[40] *Id.* at 57.

[41] *Id.* at 38.

[42] *Id.* at 37.

[43] *Id.* at 40.

[44] *Id.* at 41.

[45] *Id.* at 43.

[46] *Id.* at 45.

[47] *Id.* at 26.

[48] *Id.* at 47.

[49] *Id.* at 32–34.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 80-38]

Merck & Co., Inc.; Approval of Registration

On January 10, 1980, Merck & Co., Inc. ["Merck"] made application to the Drug Enforcement Administration ["DEA"] for renewal of its registrations as an importer and manufacturer of certain basic classes of controlled substances. Notices concerning the filing of these applications were published in the **Federal Register**, Volume 45, at pages 54156, 57790 and 74596 (1980). Three other companies, each entitled to do so by virtue of being applicants for similar registrations, requested a hearing pursuant to the provisions of 21 CFR 1301.43 and 1311.42. The companies requesting a hearing were McNeilab,

Inc. ["McNeilab"], Burroughs Wellcome Co. ["Burroughs Wellcome"] and Lee Laboratories, Inc. ["Lee Labs"].

On December 1, 1980, the Deputy Administrator referred this matter to the Administrative Law Judge for initiation of the hearing procedures requested by McNeilab, Burroughs Wellcome and Lee Labs. The Deputy Administrator noted that DEA's Office of Compliance and Regulatory Affairs had investigated Merck's applications and had found that the applicant demonstrated the ability to meet the statutory requirements for the registrations applied for. The Administrative Law Judge was directed to report his findings, conclusions and other recommendations to the Administrator.

On January 16, 1981, Administrative Law Judge Francis L. Young conducted a prehearing conference in this matter. After the conclusion of that session, Judge Young issued a prehearing ruling in which he called upon each of the companies which had requested the hearing to file a position paper stating with particularity each issue or objection concerning which it desired to be heard.

On May 5, 1981, after considering the papers filed by the three objecting parties, as well as responses filed by Merck and by agency counsel, Judge Young issued his opinion and recommendations in this matter. Pursuant to 21 CFR 1316.65, copies of Judge Young's opinion were served upon counsel for all participants. No exceptions to the judge's recommendations were filed and on June 4, 1981, the record of these proceedings was certified and transmitted to the Administrator.

The Administrative Law Judge, for reasons fully discussed in his opinion, concluded that none of the points raised by the three objecting companies constituted a valid objection to the granting of the registrations for which Merck has applied. No reason whatever was shown for delaying or postponing favorable agency action at this time. Accordingly, Judge Young recommended that Merck's applications be granted.

The Acting Administrator has considered the record of these proceedings and, pursuant to 21 CFR 1316.67, hereby publishes his final order. The Acting Administrator adopts the Administrative Law Judge's findings, conclusions and recommendations in their entirety. The objections raised by McNeilab, Burroughs Wellcome and Lee Labs are conditional in nature. The opposing companies object to Merck's being reregistered in order to protect their own positions as applicants in the event that this agency or an appellate court ultimately rules that only a very small number of firms may lawfully be registered to participate in the activity for which all of the parties have sought registration. This sort of objection is at best highly speculative. A numerical limitation may never be reached or imposed. For reasons more fully set forth in the Administrator's final order in *Mallinckrodt, Inc.*, Docket No. 80-7, 46 FR 24747 (1981), the Acting Administrator hereby rejects the objections raised by McNeilab, Burroughs Wellcome and Lee Labs.

Accordingly, pursuant to the authority vested in the Attorney General by Sections 303 and 1008 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823 and 958), as redelegated to the Administrator of the Drug Enforcement Administration, the Acting Administrator hereby orders that the applications of Merck & Co., Inc. be, and they hereby are, approved, effective upon publication of this order.

Dated: October 9, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-30056 Filed 10-15-81; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 80-39]

Penick Corp.; Extension of Registrations

On February 26, 1980, Penick Corporation ["Penick"] made application to the Drug Enforcement Administration ["DEA"] for renewal of its registrations as an importer and manufacturer of certain basic classes of controlled substances. Notices concerning the filing of these applications were published in the **Federal Register**, Volume 45, at pages 54156, 60044 and 74596 (1980). Three other companies, each entitled to do so by virtue of being applicants for similar registrations, requested a hearing pursuant to the provisions of 21 CFR 1301.43 and 1311.42. The companies requesting a hearing were McNeilab, Inc. ["McNeilab"], Burroughs Wellcome Co. ["Burroughs Wellcome"] and Lee Laboratories, Inc. ["Lee Labs"].

On December 1, 1980, the Deputy Administrator referred this matter to the Administrative Law Judge for initiation of the hearing procedures requested by McNeilab, Burroughs Wellcome and Lee Labs. The Deputy Administrator noted that DEA's Office of Compliance and Regulatory Affairs had investigated Penick's applications and had found that the applicant then demonstrated the ability to meet the statutory requirements for the registrations applied for. The Administrative Law Judge was directed to report his findings, conclusions and other recommendations to the Administrator.

On January 16, 1981, Administrative Law Judge Francis L. Young conducted a prehearing conference in this matter. After the conclusion of that session, Judge Young issued a prehearing ruling in which he called upon each of the companies which had requested a hearing to file a position paper stating with particularity each issue or objection concerning which it desired to be heard.

On May 14, 1981, after considering the papers filed by the three objecting parties, as well as responses filed by Penick and by agency counsel, Judge Young issued his opinon and recommendations in this matter. Pursuant to 21 CFR 1316.65, copies of Judge Young's opinion were served upon counsel for all participants. No exceptions to the judge's recommendations were filed and on June 10, 1981, the record of these proceedings was certified and transmitted to the Administrator.

The Administrative Law Judge, for reasons full discussed in his opinion, concluded that none of the points raised by the three objecting companies constituted a valid objection to the granting of the registrations for which Penick has applied. No reason whatever was shown for delaying or postponing favorable agency action. Accordingly, Judge Young recommended that Penick's applications be granted.

The Acting Administrator has considered the record of these proceedings and, pursuant to 21 CFR 1316.67, hereby publishes his final order. The Acting Administrator adopts the Administrative Law Judge's findings and conclusions as they relate to the objections raised by McNeilab, Burroughs Wellcome and Lee Labs. These objections are conditional in nature. The opposing companies object to Penick's being reregistered in order to protect their own positions as applicants in the event that this agency or an appellate court ultimately rules that only a very small number of firms may lawfully be registered to participate in

the activity for which all of the parties have sought registration. This sort of objection is at best highly speculative. A numerical limitation may never be reached or imposed. For reasons more fully set forth in the Administrator's final order in *Mallinckrodt, Inc.*, Docket No. 80-7, 46 FR 24747 (1981), the Acting Administrator hereby rejects the objections raised by McNeilab, Burroughs Wellcome and Lee Labs.

Due to circumstances which arose subsequent to the Deputy Administrator's referral of this matter on December 1, 1980, the Acting Administrator declines to grant Penick's applications at this time. Penick will remain registered on a day-to-day basis, pursuant to the provisions of 21 CFR 1301.47, until such time as the Acting Administrator determines whether additional administrative proceedings are necessary.

Dated: October 9, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-30057 Filed 10-15-81; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 81-16]

Elvin Edward Walker, D.O.; Hearing

Notice is hereby given that on July 10, 1981, the Drug Enforcement Administration, Department of Justice, issued to Elvin Edward Walker, D.O., Wynnewood, Pennsylvania, an Order To Show Cause as to why the Drug Enforcement Administration should not deny his application, executed on April 24, 1981, for registration under 21 U.S.C. 823 to possess, dispense, administer and prescribe controlled substances in Schedules III, IIIN, IV and V.

Thirty days having elapsed since the said Order To Show Cause was received by Respondent, and written request for a hearing having been filed with the Drug Enforcement Administration, notice is hereby given that a hearing in this matter will be held commencing at 10:00 a.m. on Thursday, November 5, 1981, in the Occupational Safety and Health Review Commission Hearing Room, Room 2216, 2nd Floor, Court Towers Building, 601 Market Street, Philadelphia, Pennsylvania.

Dated: October 9, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-30055 Filed 10-15-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Employment and Training Administration

Reallocation of Youth Community Conservation and Improvement Projects Funds Under Title IV-A of the Comprehensive Employment and Training Act

Correction

In FR Doc. 81-29487 appearing on page 50175 in the issue for Friday, October 9, 1981, please make the following correction:

On page 50175, in the third column, in the table of prime sponsors, entry 3. Should have read as follows: "(3) South Plains Association of Governments, $30,000".

BILLING CODE 1505-01-M

MERIT SYSTEMS PROTECTION BOARD

Relocation of Headquarters Offices

AGENCY: Merit Systems Protection Board.

ACTION: Notice of Relocation of Headquarters Offices.

SUMMARY: The Merit Systems Protection Board plans to relocate its Headquarters Offices from 1717 H Street, NW., Washington, D.C. 20419 to 1120 Vermont Avenue, NW., Washington, D.C. 20419.

EFFECTIVE DATE: October 19, 1981.

FOR FURTHER INFORMATION CONTACT: Robert E. Taylor, Secretary, Merit Systems Protection Board, Room 350, 1717 H Street, NW., Washington, D.C. 20419, 202-632-4525 (prior to October 19), 202-653-8898 (after October 19).

Dated: October 7, 1981.

Merit Systems Protection Board.

Ersa H. Poston,

Vice Chair.

[FR Doc. 81-30061 Filed 10-15-81; 8:45 am]

BILLING CODE 7400-01-M

METRIC BOARD

Metric Symposium on Titanium Dioxide (TiO_2) Planned by the American National Metric Council

The United States Metric Board (USMB) was established by the Metric Conversion Act of 1975 (Pub. L. 94-168) to coordinate the voluntary increasing use of the metric system. Section 6(3) of the Act directs the USMB to keep interested parties informed and to encourage broad participation in private sector metric activities.

Therefore, notice is hereby given that on Tuesday, November 17, 1981, the American National Metric Council's (ANMC) Chemicals and Allied Products Sector Committee will hold a metric symposium in Washington, D.C. ANMC is a private sector, non-profit organization.

The one-day symposium is being organized to examine the feasibility, problems, and opportunities in converting to metric measurements for shipping the white pigment titanium dioxide (TiO_2).

Symposium participants will include the producers of TiO_2, trade associations representing the industries which use TiO_2, relevant public sector representatives, and carrier associations.

The symposium program will include sessions on metric conversion activities in the U.S. and Canada and chemical industry experiences with metric packaging. Workshops will be held in the areas of transportation, accounting/price lists/computer changes, packaging/labeling, and production (both supplier and user).

The meeting is open to the public. Persons who wish to attend or who want additional information concerning this metric planning activity may contact Cheryl Cummins, Program Manager, at ANMC, 5410 Grosvenor Lane, Bethesda, MD 20814, (301) 530-8333.

Dated: October 12, 1981.

Theodore S. Farfaglia,

Executive Director.

[FR Doc. 81-29927 Filed 10-15-81; 8:45 am]

BILLING CODE 6260-01-M

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Fisheries and Marine Minerals Panels; Meetings

Pursuant to section 10(a)(2), of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that the Fisheries and Marine Minerals Panels of the National Advisory Committee on Oceans and Atmosphere (NACOA) will meet on October 17-18, 1981 and October 20-21, 1981, respectively. The Fisheries Panel will meet in Room 418, Page Building #1, 2001 Wisconsin Avenue, NW., Washington, D.C. The Marine Minerals Panel will meet at the Yahara Center in Madison, WI.

The Sessions, which will be open to the public, will convene at 9:30 a.m. and adjourn at 4:00 p.m. on October 17 and convene at 9:30 a.m. and adjourn at 3:00

p.m. on October 18 for the Fisheries Panel meeting. The Panel will continue its efforts to edit the draft text of the final report to be reviewed for approval by the full Committee prior to publication. The sessions for the Marine Minerals Panel, which will be open to the public, will convene at 9:00 a.m. and adjourn at 12:00 noon on October 20 and convene at 2:00 p.m. and adjourn at 6:00 p.m. on October 21. Because the Charter of the Committee was not signed until October 14, 1981, these meetings are being called on short notice. The tentative agenda is as follows:

Tuesday, October 20, 1981

9:00 a.m.—Opening Remarks: Burt Keenan, Chairman
9:15 a.m.—OCS and Continental Shelf Leasing: Michael Cruickshank, USGA
10:30 a.m.—Review of Task Statement: Discussion of Issues
12:00 Noon—Recess

Wednesday, October 21, 1981

2:00 p.m.—Polymetallic Sulfides: Alexander Malahoff, NOAA/NOS, Robert F. Dill, NOAA/OME. Note.—Time of this presentation subject to change.
3:00 p.m.—Discussion of Issues
5:30 p.m.—Future Presentations
6:00 p.m.—Adjourn

Persons desiring to attend will be admitted to the extent seating is available. Persons wishing to make formal statements should notify the Chairperson of the Panel on Fisheries, Jay G. Lanzillo and the Chairperson of the Panel on Marine Minerals, Burt Keenan, in advance of the meeting. The Chairpersons retain the prerogative to impose limits on the duration of oral statements and discussion. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the NACOA Executive Director, Mr. Steven N. Anastasion, or Clarence P. Idyll, the Staff Member for the Fisheries Panel and Michael P. De Luca, the Staff Member for the Marine Minerals Panel. The mailing address is: NACOA, 3300 Whitehaven Street, NW. (Suite 438, Page Building #1), Washington, DC 20235.

Steven N. Anastasion,

Executive Director.

[FR Doc. 81-30230 Filed 10-15-81; 11:15 am]

BILLING CODE 3510-12-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (81-72)]

National Environmental Policy Act; Finding of No Significant Impact

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of Finding of No Significant Impact.

SUMMARY: Under the Crustal Dynamics Project (CDP), NASA seeks to contribute to the understanding of earthquakes through the use of space techniques which can measure very slow movements in tectonically active regions of the world. The technology which NASA has developed is based on techniques originally formulated for the tracking of satellites and for the reception of data from satellites. Through the program in supporting research and technology, these techniques were evolved specifically for the geodetic applications which they serve today. Starting with FY 81, these various advanced research and development activities were merged under the Crustal Dynamics Project.

The two techniques employed are called Very Long Baseline Interferometry (VLBI) and Satellite Laser Ranging (SLR). Both these techniques require several relatively stationary sets of hardware and a few mobile units which move around occupying prepared sites. Baselines among these sites and from them to the stationary base stations are determined with such high precision that, over a period of years, relative movements on the order of a couple of centimeters per year may be detected. Something on the order of about 50 sites will be required for baseline measurements in the United States. Many of these, especially those for mobile systems, will not require any substantial site development. A few will require concrete pads as large as 70 square meters.

Mobile VLBI systems consist of a relatively small antenna either 4 or 9 meters in diameter mounted on a low-bed trailer, an electronics van approximately 10 meters long, and a similar van for crew quarters. A trailer with a power generator may also be included for use in the rare cases where the sites would not have available power. These systems are scheduled to occupy any particular site for up to one week. During the period of site occupancy, they would operate continuously; the only activity being the slow, quiet rotation of the antenna and, rarely, the noise and emission of the power generator.

The idea behind SLR is to bounce a laser beam off special "corner cube" reflectors carried on artificial satellites or those placed on the surface of earth's natural satellite, the Moon. Precise timing of departure and arrival times of the laser pulse permits ranging to the satellite. Such information from a network of stations allows for solution for the orbit of the satellite as well as for the precise relative position of the stations. As in the case of the VLBI systems, small transportable systems will be used to travel to and occupy many sites for brief periods of time. However, larger, less transportable but still mobile SLR stations are also used to accurately locate the satellite orbits. These remain at one site for many months or years.

During operation, the use of the CDP equipment described in this document will not result in any disturbance to the quality of water resources. Siltation during construction of pads will be minimized according to Federal and local laws through the use of catch basins, etc. The equipment described does not cause any unusual amount of air pollution; the only sources of emission are the power generators which comply with Federal emission control standards. These generators are also the only possible source of noise and this is minimized through the use of appropriate mufflers. Operation of CDP equipment does not result in production of toxic or hazardous substances nor does it affect the quality of drinking water.

The environmental effects of either the Crustal Dynamics Project or ground geodetic surveys are small. The conclusion of the Assessment is any adverse environmental impact of the Crustal Dynamics Project is negligible and that the preparation of an Environmental Impact Statement (EIS) for the Project should not be necessary.

DATE: Comments must be received in writing on or before November 16, 1981.

ADDRESS: National Aeronautics and Space Administration, Code ERG-2, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas L. Fischetti, 202/755-3848.

SUPPLEMENTARY INFORMATION: NASA has examined the impact of the Crustal Dynamics Project on the environment. (Reference: Goddard Space Flight Center memorandum dated July 21, 1981, from the Crustal Dynamics Project Manager, Applications Directorate, to NASA Headquarters, Office of Space and Terrestrial Applications; Recommended Environmental Impact Assessment.)

CONCLUSION: The Crustal Dynamics Project will have no short- or long-term

impact on the environment. No EIS is required.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

October 8, 1981.

[FR Doc. 81-29924 Filed 10-15-81; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel: Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the provision of the Federal Advisory Committee Act (Public Law 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, DC 20506.

DATE: November 4-5, 1981.

TIME: 9:00 a.m. to 5:30 p.m.

ROOM: 1134.

PROGRAM: This meeting will review applications submitted for Research Resources Program; World Studies Panel B, Division of Research Programs, for projects beginning after April 1, 1982.

The proposed 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. Because the proposed meeting will consider information that is likely to disclose:

(1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(2) Information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and

(3) Information the disclosure of which would significantly frustrate implementation of proposed agency action;

pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506, or call (202) 724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-29941 Filed 10-15-81; 8:45 am]

BILLING CODE 7536-01-M

National Council on the Humanities Advisory Committee; Meeting

October 7, 1981.

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended) notice is hereby given that a meeting of an ad hoc committee of the National Council on the Humanities will be held in Washington, D.C. on October 13, 1981.

The purpose of the meeting is to advise the Chairman of the National Endowment for the Humanities with respect to a report by Mr. Howard Dodson entitled "Technical Assistance and Minority Access".

The meeting will be held in the Shoreham Building, 806 15th Street, N.W., Washington, D.C. in Room 1023 at 10:00 a.m. and will be open to the public.

Because the membership of this ad hoc committee was only determined on October 7, 1981, it was not possible to schedule this meeting in time to give fifteen days notice in the **Federal Register.**

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, Washington, D.C. 20506, or call area code 202-724-0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 81-29940 Filed 10-15-81; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received Under Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antartic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by November 2, 1981. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Public Law 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. The regulations appeared in final form in the 7 June 1979 **Federal Register.** Additional information was published in the 13 August 1980 **Federal Register,** page 40951.

The applications received are:

1. *Applicant*

William M. Hamner, Department of Biology, University of California, Los Angeles, California 90024.

A. *Activities for Which Permit Requested*

Taking; Entering Specially Protected Area (Litchfield Island)

The applicant requests permission to photograph antarctic birds and mammals in their natural environment, including breeding areas. No collection, capture or other taking will take place.

B. *Location*

Antarctic Peninsula area

C. *Dates*

December 1, 1981 to April 30, 1982

2. *Applicant*

John L. Bengston, 106 Zoology Building, University of Minnesota, Minneapolis, Minnesota 55455

A. *Activity for Which Permit Requested*

Taking; Importing into U.S.A.

The applicant proposes to study the population and reproductive ecology of pelagic antarctic seals. The following species and numbers are proposed to be taken.

Species	Specimens to be tagged and released	Specimens to be killed
Lobodon carcinophagus	300	300
Hydrurga leptonyx	200	50
Leptonychotes weddelli	10	10
Ommatophoca rossi	100	5
Arctocephalus gazella	100	10
Mirounga leonina	100	10

B. *Location*

Antarctic Peninsula and offshore islands

C. *Dates*

December 1, 1981 to December 1, 1982

Authority to publish this notice has been delegated by the Director, NSF to the Director, Dvision of Polar Programs.

A. N. Fowler,

Acting Director, Division of Polar Programs.

[FR Doc. 81-30078 Filed 10-15-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Revised Notice of Meeting

The subject meeting is being revised to provide for a closed session on Friday, October 16, 1981 to discuss preliminary alternate proposals for implementation of the revised NRC safety research program for FY 1982–1984. Notice of this meeting was published on October 1, 1981.

The agenda for the sessions on Friday, October 16, 1981 will be as follows:

Friday, October 16, 1981

8:30 A.M.–10:30 A.M.: ACRS Subcommittee Activities (Open)—The Committee will hear and discuss the reports of designated Subcommittees and Subcommittee chairmen regarding the status of current activities including those related to proposed revisions of NRC Regulatory Guides (R.G. 1.23, Rev. 1, Meteorological Programs for Nuclear Power Plants), Anticipated Transients Without Scram (10 CFR Part 50), proposed NRC guide for preparation of Emergency Operating Procedures, and the scope/timing of the annual ACRS reports to the NRC and the U.S. Congress on the proposed NRC safety research budget.

The ACRS Subcommittee on the Sequoyah Nuclear Power Station will report to the Committee regarding the proposed system for control of combustible gasses at this facility as well as other features of the plant design and operation.

Portions of this session will be closed as necessary to discuss Proprietary Information related to the matters being considered, to discuss matters which relate solely to the internal personnel rules and practices of the agency, to discuss information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, and to discuss information the premature release of which would be likely to significantly frustrate the Committee in the performance of its statutory function.

10:30 A.M.–11:30 A.M.: Control of Combustible Gases Following a Serious Accident (Open)—The Committee will hear and discuss a report from the NRC Staff regarding the advantages and disadvantages of inerting reactor containment as a method to control combustible gasses.

11:30 A.M.–1:00 P.M.: Discussion of ACRS Position Regarding Safety Related Matters (Open)—The Committee members will discuss proposed ACRS positions/comments in preparation for a meeting with the NRC Chairman and other NRC Commissioners who may have an interest regarding safety related matters including proposed NRC siting criteria for nuclear powerplants, reactor pressure vessel integrity, use of rules in the regulatory process to address technical issues, and the impact of NRC regulatory activities on applicants/licensees.

2:00 P.M.–3:30 P.M.: Meeting with NRC Chairman and Other NRC Commissioners (Open)—The Committee will meet with the NRC Chairman and other Commissioners to discuss the safety related and regulatory issues noted above.

3:30 P.M.–3:45 P.M.: Anticipated ACRS Activities (Open)—The Committee will discuss anticipated Subcommittee and full Committee activities.

3:45 P.M.–5:45 P.M.: Floating Nuclear Plant (Open)—The Committee will hear and discuss the report of its Subcommittee and consultants who may be present regarding resolution of outstanding technical issues for this project and application of the TMI–2 Lessons Learned to this plant design. Representatives of the NRC staff and the applicant for a Manufacturing License (Offshore Power Systems) will make presentations and answer questions as appropriate regarding this matter.

Portions will be closed as necessary to discuss Proprietary Information regarding this project.

5:45 P.M.–6:30 P.M.: Application of TMI-2 Lessons Learned to DOE Facilities (Open)—The Committee will discuss a proposed ACRS position and comments regarding the application of TMI–2 Lessons Learned to DOE nuclear facilities.

Procedures for the conduct of a participation in ACRS meetings were published in the **Federal Register** on October 7, 1980 (45 FR 66535). In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements. Use of still, motion picture and television cameras during this meeting may be limited to selected portions of the meeting as determined by the Chairman. Information regarding the time to be set aside for this purpose may be obtained by a telephone call to the ACRS Executive Director (R. F. Fraley) prior to the meeting. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the ACRS Executive Director if such rescheduling would result in major inconvenience.

I have determined in accordance with Subsection 10(d) Pub. L. 92–463 that it is necessary to close portions of this meeting as noted above to discuss Proprietary Information relating to the matter being considered (5 U.S.C. 552b(c)(4)), to discuss matters which relate solely to the internal personnel rules and practices of the agency (5 U.S.C. 552b(c)(2), to discuss information of a personal nature, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6), and to discuss preliminary information the release of which would be likely to significantly frustrate the Committee in the performance of its statutory function (5 U.S.C. 552b(c)(9)b.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be ovtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202/634-3265), between 8:15 A.M. and 5:00 P.M. EDT.

Dated: October 13, 1981.

John C. Hoyle,

Advisory Committee Management.

[FR Doc. 81-30097 Filed 10-15-81; 8:45 am]

BILLING CODE 7590-01-M

Application For License To Export Nuclear Material

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 application for an export license. A copy of each application is on file in the Nuclear Regulatory Commission's Public Document Room located at 1717 H Street, NW., Washington, D.C.

A request for a hearing or a petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. 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. 20520.

In its review of applications for license to export production or utilization facilities, special nuclear material or source material, noticed herein, the Commission does not evaluate the health, safety or environmental effects in the recipient nation of the facility or material to be exported.

Dated this 13th day of October, at Bethesda, Maryland.

For The Nuclear Regulatory Commission.

James R. Shea,

Director, Office of International Programs.

Federal Register (Export/Import)

Name of applicant; date of application; date received; application number	Material type	Material in kilograms		End-use	Country of destination
		Total element	Total isotope		
Exxon Nuclear; 09/29/81; 10/05/81; XSNMO1882.	3.30% enriched uranium	2275	75	Fuel to be loaded into one of the Electricite de France Reactors.	France

[FR Doc. 81-30068 Filed 10p15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-213]

Connecticut Yankee Atomic Power Co.; Haddam Neck Plant; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 42 to Facility Operating License No. DPR-61, issued to Connecticut Yankee Atomic Power Company (the licensee), which revised the Technical Specification for operation of the Haddam Neck Plant (the facility) located in Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

The amendment adds Technical Specifications incorporating Lessons Learned Category "A" requirements related to the Three Mile Island Accident.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 16, 1980, (2) Amendment No. 42 to License No. DPR-61, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Russell Library, 119 Broad Street, Middletown, Connecticut 16457. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this eight day of October, 1981.

For the Nuclear Regulatory Commission

Thomas V. Wambach,

Acting Chief Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-30069 Filed 10-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. STN 50-483]

Availability of Draft Environmental Statement for Callaway Plant, Unit 1

Notice is hereby given that a Draft Environmental Statement (NUREG-0813) has been prepared by the Commission's Office of Nuclear Reactor Regulation related to the proposed operation of the Callaway Plant, Unit 1, by the Union Electric Company. The plant is located in Callaway County, approximately 25 miles east-northeast of Jefferson City, Missouri.

This Draft Environmental Statement (DES) addresses the aquatic, terrestrial, radiological, social and economic costs and benefits associated with normal station operation. Also considered are station accidents, their likelihood of occurrence of their consequences. Finally, the statement presents an updated discussion of a need for the facility since the construction permit application.

This DES is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. 20555 and in the Fulton City Library, 709 Market Street, Fulton, Missouri and the Olin Library of Washington University, Skinker and Lindell Boulevards, St. Louis, Missouri. The Draft Environmental Statement is also being made available at the Office of Administration, Division of Budget & Planning, P.O. Box 809, State Capitol Building, Jefferson City, Missouri and at the Mid-Missouri Council of Governments, 830 E. High Street, Jefferson City, Missouri. Requests for copies of the DES (NUREG-0813) should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Technical Information and Document Control.

Interested persons may submit comments on this DES for the

Commission's consideration. Federal, State, and specified local agencies are being provided with copies of the DES (local agencies may obtain these documents upon request).

Comments by Federal, State and local officials, or other members of the public received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C., the Fulton City Library, Fulton, Missouri and in the Library of Washington University, St. Louis, Missouri. After consideration of comments submitted with respect to the DES, the Commission's staff will prepare a Final Environmental Statement, the availability of which will be published in the **Federal Register**. Comments are due by November 23, 1981.

Comments on this report from interested members of the public should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 7th day of October, 1981.

For the Nuclear Regulatory Commission.

B. J. Youngblood,

Chief, Licensing Branch No. 1, Division of Licensing.

[FR Doc. 81-30075 Filed 10-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-155]

Consumers Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 49 to Facility Operating License No. DPR-6, issued to Consumers Power Company (the licensee), which revised Technical Specifications for operation of the Big Rock Point Plant (the facility) located in Charlevoix County, Michigan. The amendment is effective as of its date of issuance.

The amendment approves changes to the Technical Specifications to incorporate certain TMI-2 Lessons Learned Category "A" requirements. These requirements concern (1) Emergency Power Supply/Inadequate Core Cooling, (2) Valve Position Indication, (3) Containment Isolation, (4) Integrity of Systems Outside Containment, and (5) Iodine Monitoring.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated September 25, 1980, and supplements thereto dated March 5, 1981, and September 18, 1981, (2) Amendment No. 49 to License No. DPR-6, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555 and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720. A copy of items (2) and (3) may be obtained upon request addressd to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this ninth day of October, 1981

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch #5, Division of Licensing.

[FR Doc. 81-30070 Filed 10-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-382]

Louisiana Power and Light Co.; Availability of Final Environmental Statement For Waterford Steam Electric Station, Unit No. 3

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 (NUREG-0779) has been prepared by the Commission's Office of Nuclear Reactor Regulation, on the proposed operation of the Waterford Steam Electric Station, Unit No. 3, in St. Charles Parish, Louisiana by the Louisiana Power and Light Company. Copies of NUREG-0779 are available for inspection by the public in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. and in the University of New Orleans Library, Louisiana Collection, Lakefront, New Orleans, Louisiana. The Final Environmental Statement is also being made available at the Office of the State Clearinghouse, Department of Urban & Community Affairs, 5790 Florida Boulevard, Baton Rouge, Louisiana 70808 and at the Teche Regional Clearinghouse, c/o South Central Planning and Development Commission, P.O. Box 846, Thibodaux, Louisiana 70301.

The notice of availability of the Draft Environmental Statement for the Waterford Steam Electric Station, Unit No. 3 and request for comments from interested persons was published in the **Federal Register** on May 15, 1981 (46 FR 26959). Comments received from Federal, State, and local agencies and interested members of the public have been included in an appendix to the Final Environmental Statement.

Copies of the Final Environmental Statement (NUREG-0779) may be purchased at current rates, from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia 22161, and by GPO deposit account holders by calling (301) 492-9530 or by writing to the U.S. Nuclear Regulatory Commission, Division of Technical Information and Document Control, Washington, D.C. 20555, Attn: Publication Sales Manager.

Dated at Bethesda, Maryland, this 9th day of October, 1981.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-30071 Filed 10-15-81; 8:45 am]

BILLING CODE 7590-01-M

Docket No. 50-298

Nebraska Public Power District; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 74 to Facility Operating License No. DPR-46, issued to Nebraska Public Power District (the licensee), which revised the Technical Specifications for operation of the Cooper Nuclear Station, located in Nemaha County, Nebraska. The amendment is effective as of the date of issuance.

The amendment contains several changes, clarifications, and improvements in the operability and surveillance requirements for hydraulic snubbers and adds similar new requirements for mechanical snubbers.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated July 15, 1981, (2) Amendment No. 74 to License No. DPR-46, and (3) the Commission's letter to the licensee dated October 7, 1981. 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 Auburn Public Library, 118 15th Street, Auburn, Nebraska 68304. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 7th day of October 1981.

For The Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch #2, Division of Licensing.

[FR Doc. 81-30072 Filed 10-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-286]

Power Authority of the State of New York; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 39 to Facility Operating License No. DPR-64, issued to the Power Authority of the State of New York (the licensee), which revised Technical Specifications for operation of the Indian Point Nuclear Generating Unit No. 3 (the facility) located in Buchanan, Westchester County, New York. The amendment is effective 21 days from the date of issuance.

The amendment revises Section 6.0 Administrative Controls to reflect recent organizataion and management title changes.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), Commission's rules and regulations. The and the Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated June 15, 1981, (2) Amendment No. 39 to License No. DPR-64, and (3) the Commission's letter dated October 8, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Wasington, D.C. and at the White Plains Public Library, 100 Martine Avenue, White Plains, New York. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 8th day of October, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch #1, Division of Licensing.

[FR Doc. 81-30073 Filed 10-15-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

Sacramento Municipal Utility District, Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 36 to Facility Operating License No. DPR-54, issued to Sacramento Municipal Utility District, which revised Technical Specifications (TSs) for operation of the Rancho Seco Nuclear Generating Station (the facility) located in Sacramento County, California.

The amendment adds Appendix B TSs which identify the sampling frequency and type of analysis to be used for operation of a new miscellaneous radioactive water evaporator.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for this action and has concluded that an environmental impact statement for this action is not warranted because there will be no environmental impact attributed to the action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility.

For further details with respect to this action, see (1) the licensee's application dated December 17, 1980, (2) Amendment No. 36 to License No. DPR-54, and (3) the Commission's related Environmental Impact Appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Business and Municipal Department, Sacramento City-County Library, 828 I Street, Sacramento, California. 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 6th day of October 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

[FR Doc. 81-30074 Filed 10-15-81; 8:45 am]

BILLING CODE 7590-01-M

Policy Statement on Low-Level Waste Volume Reduction

AGENCY: Nuclear Regulatory Commission.

ACTION: Policy statement on low-level waste volume reduction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has established a

policy regarding the volume reduction of low-level radioactive waste. The policy statement addresses: (1) The need for volume reduction policy; and (2) the need for waste generators to minimize the quantity of waste produced. The policy also states that NRC will take expeditious action on requests for licensing of volume reduction systems. (A copy of this notice is bing sent to all licensees and state authorities to advise them of this policy.)

EFFECTIVE DATE: October 16, 1981.

FOR FURTHER INFORMATION CONTACT: Robert E. Browning, Deputy Director, Division of Waste Management, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; Phone 301/427-4200.

SUPPLEMENTARY INFORMATION:

Policy Statement

The Commission has established the following policy:

The Commission hereby adopts a policy calling on all generators of low-level radioactive waste to reduce the volume of waste for disposal; licensees are encouraged to establish programs commensurate with good volume reduction practices.

The Nuclear Regulatory Commission (NRC) considers it desirable that licensees reduce the volume of low-level radioactive waste generated and shipped to commercial waste disposal sites. Such action would:

1. Extend the operational lifetime of the existing commercial low-level disposal sites;
2. Alleviate concern for adequate storage capacity if there are delays in establishing additional regional sites;
3. Reduce the number of waste shipments.

The Commission acknowledges the active role taken by some nuclear industry groups to encourage volume reduction practices among their membership. The increased awareness of the industry is reflected in stepped-up efforts to reduce the volumes of waste generated and by applications to implement waste processing systems by a growing number of licensees. The Commission believes that a positive statement of policy will add greater impetus and encouragement to the industry efforts already underway.

The Commission is encouraging licensees to adopt procedures that will reduce the volume of waste being transferred to disposal facilities. NRC believes it is in the best interest of licensees and the public that licensees extensively explore means by which waste volume may be reduced. The NRC views volume reduction activities as a two-step system. The first, volume minimization, is capable of immediate implementation, since it requires only a strict system of administrative controls on the part of licensee management to accomplish. The costs for an administrative controls program should be small, and these costs largely should be offset by reductions in shipping and disposal costs. The second step, if needed, would be installation of advanced equipment to achieve even greater reduction in volume than is possible through the use of administrative controls.

There are a number of means by which licensees may reduce volume through application of strict administrative controls. Some of these are: (1) Planning of laboratory and process activities prior to the actual operations; (2) provision of management control over the generation of waste to assure that all operations and plant equipment usage are conducted so as to minimize leakage, spills, and volume of waste generated; (3) improved segregation of radioactive and non-radioactive materials activities; and (4) provision of training programs to assure that personnel are thoroughly knowledgeable with laboratory and plant equipment and maintenance so as to minimize conditions which result in increased waste generation.

Apart from efforts to reduce waste volumes by administrative controls, licensees may benefit further by applying advanced volume reduction equipment to their processes.

A number of volume reduction techniques are in varying stages of development. These include, but are not limited to: (1) Incinerators; (2) evaporator-crystallizers; (3) fluidized bed dryers; (4) thin-film evaporators; (5) extruder evaporators; and (6) compactors. Waste compactors are in general use at many nuclear facilities. Extruder evaporators are being installed in some power plants, while several utilities are looking into incineration as a volume reduction process.

Treatment or disposal of licensed material by incineration requires Commission approval under 10 CFR 20.305. Other modifications required to install volume reduction equipment at reactor plants can be accomplished without prior Commission approval under 10 CFR 50.59, unless the proposed modification involves a change in the technical specifications incorporated in the license or an unreviewed safety question. Non-reactor licensees who wish to apply volume reduction equipment to their wastes should contact the appropriate NRC licensing staff for guidance regarding licensing requirements.

The NRC staff is available to consult with licensees regarding volume reduction practices. NRC staff will cooperate with licensees in assessing the state-of-the-art of methods for achievement of volume reduction, and will take expeditious action on requests for licensing volume reduction systems.

Dated at Washington, D.C., this 12th day of October 1981.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 81-30128 Filed 10-15-81; 8:45 am]

BILLING CODE 7590-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11984; (1812-4969)]

Commonwealth Trading Bank of Australia; Filing of Application for an Order Pursuant to Section 6(c) of the Act Exempting Applicant From All Provisions of the Act

Notice is hereby given that Commonwealth Trading Bank of Australia ("Applicant") c/o William Mellon Eaton, Esquire, Eaton, Van Winkle & Greenspoon, 600 Third Avenue, New York, New York 10016, filed an application on September 11, 1981 and an amendment thereto on September 30, 1981, for an order of the Commission pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act") exempting Applicant from all the provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, whose principal office is located at Pitt and Martin Place, Sydney, Australia, is a corporation owned by the Commonwealth of Australia and is the successor to Commonwealth Bank of Australia, which was formed in 1911. Applicant states that it is one of the six principal commercial check-paying banks of Australia which together hold over 90 percent of trading bank deposits in Australia. At December 31, 1980, Applicant's deposits totalled approximately $7.7 billion; its total assets were in excess of $10 billion, and it had outstanding advances to customers of more than $5.2 billion (Applicant had approximately 1,131,000 customer accounts). Applicant offers extensive banking services, including,

among others, checking account facilities, acceptance of short-term interest-bearing deposits, and the issuance of marketable certificates of deposit. It has overseas branches in Papua, New Guinea, the United Kingdom and New York, and maintains an agency in Los Angeles and representative offices in Hong Kong, Tokyo and Singapore. Applicant's overseas operations include overseas receipts, overseas payments, documentary letters of credit, trade introductions, trade financing and technical services, foreign investment in Australia, foreign currency loans, foreign exchange forward exchange cover, foreign currency hedging and overseas travellers' currency requirements.

Applicant states that it is owned and capitalized by the Commonwealth of Australia, and that its affairs are managed by its General Manager in accordance with policy determined by the Commonwealth Banking Corporation, a board of government and government appointed officials. Applicant asserts that its activities are extensively regulated and controlled by Australia's central bank, the Reserve Bank of Australia (the "Reserve Bank"), which regulates bank liquidity and with which Applicant is required to maintain a Statutory Reserve Deposit account in such amount as the Reserve Bank shall determine from time to time. According to Applicant, the Reserve Bank also determines the general lending policies of all Australian banks and gives directions as to the purposes for which advances may, or may not, be made. Furthermore, Applicant states that the Reserve Bank supervises and closely controls foreign exchange dealings of, and administers exchange control regulations for, all Australian banks. Moreover, Applicant must provide the Reserve Bank with specified statistical and financial information about its business, and such other information about its business as the Reserve Bank directs. In addition, the Australian Auditor-General audits Applicant and is required under the Banking Act of 1959 to investigate periodically Applicant's books, accounts and transactions and, at the direction of the Treasurer of Australia, to furnish reports to him and ther Reserve Bank concerning Applicant's affairs.

Applicant proposes to issue and sell unsecured, short-term prime quality commercial paper notes ("notes") in minimum denominations of $100,000 or more to institutional investors and other comparable purchasers in the United States who normally purchase commercial paper. The notes will not be offered for sale to the general public, and will not contain any provision for payment on demand, extension, renewal, or automatic roll-over at the option of either the holders or Applicant. The proceeds raised by issuing the notes will be used to finance current transactions of Applicant. Applicant anticipates that it will not have outstanding in the United States notes in excess of an aggregate principal amount of $400 million at any one time.

The application states that the notes will rank *pari passu* among themselves and equally with other unsecured indebtedness (including deposit liabilities) of Applicant. Applicant plans to sell the notes without registration under the Securities Act of 1933 ("Securities Act"), in reliance upon an opinion of its United States counsel that the offering will qualify for the exemption from the registration requirements of the Securities Act provided for certain short-term commercial paper by Section 3(a)(3) thereof. Applicant will not issue its notes until it has received such an opinion. Applicant does not request Commission review or approval of such opinion letter and the Commission expresses no opinion as to the availability of any such exemption. Applicant further represents that the presently proposed issue of notes and any future issue of debt securities in the United States shall have received, prior to issuance, one of the three highest investment grade ratings from at least one nationally recognized statistical rating organization, and that its United States counsel shall have certified that such rating has been received.

Applicant undertakes to ensure that each offeree who has indicated an interest in the notes, prior to any sale of notes to such offeree, will be provided with a memorandum describing Applicant's business and containing Applicant's most recent publicly available fiscal year-end balance sheet and income statement, which shall have been audited by the Australian Auditor-General. Such memorandum will describe the material differences between accounting principles applied in the preparation of the financial statements therein and "generally acepted accounting principles" applicable to United States commercial banks. Applicant represents that such memoranda will be at least as comprehensive as those customarily used in offering commercial paper in the United States and that they will be updated periodically to reflect material changes in Applicant's business and financial condition. Applicant consents to having any order granting the relief requested under Section 6(c) of the Act expressly conditioned upon Applicant's compliance with all of its undertakings regarding disclosure documents. Applicant represents that any future offering of its debt securities in the United States will be made on the basis of disclosure documents at least as comprehensive in their description of Applicant, its business and its financial conditions as those used in the presently proposed offering. In no event will such disclosure documents be less comprehensive than is customary for United States offerings of similar debt securities. Except for deposit taking or other ordinary commercial banking activities of Applicant's branches or agencies in the United States which are regulated and supervised by federal or state banking authorities, Applicant undertakes to ensure that such disclosure documents will be provided to each offeree who has indicated an interest in the securities then being offered by Applicant, prior to any sale of such securities to such offeree.

Applicant represents that it will appoint an agent to accept service of process in any action based on the notes and instituted in any state or federal court by the holder of any of its notes. Applicant further represents that it will expressly accept the jurisdiction of any state or federal court in the City and State of New York with respect to any such action, Applicant states that both its appointment of an authorized agent for service of process and its consent to jurisdiction will be irrevocable until all amounts due and to become due with respect to the notes have been paid by Applicant. Applicant will also be subject to suit in any other court in the United States which would have jurisdiction because of the manner of the offering of the notes or otherwise. Applicant similarly represents that it will consent to jurisdiction and will appoint an agent for service of process in suits arising from any other offerings of debt securities that it may make in the United States.

Section 3(a)(3) of the Act defines investment company to mean "any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis."

Section 6(c) of the Act provides, in pertinent part, that the Commission, by

order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of any rule or regulation under the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant requests an order pursuant to Section 6(c) fo the Act exempting it from all provisions of the Act because of uncertainty as to whether a foreign commercial bank such as Applicant would be considered an investment company as defined under the Act. Applicant states that, among other things, compliance by it with a number of substantive provisions of the Act would, as a practical matter, conflict with its operation as a bank and that Applicant would thus be effectively precluded from selling securities in the United States if it were required to register as an investment company and comply with such provisions of the Act. Applicant further submits that an exemptive order pursuant to Section 6(c) of the Act would benefit institutional and other sophisticated investors in the United States because they would otherwise be precluded from purchasing Applicant's commercial paper notes. Applicant additionally argues that its activities are extensively regulated by Australian banking authorities and that the limitations imposed by such banking laws will afford substantial protection to investors in its debt securities. As a closely regulated banking entity, Applicant also states that it is different from the type of institution that Congress intended the Act to regulate. It is asserted that the particular abuses against which the Act is directed are not present in Applicant's case. Finally, Applicant states that granting its requested order will not give it an advantage over domestic banks in the issuance of commercial paper. Applicant concludes that granting its requested exemptive order pursuant to Section 6(c) of the Act would be appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 5, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-29997 Filed 10-15-81; 8:45 am]

BILLING CODE 8010-01-M

[File Nos. 1-1146; 1-3894; and 22-11227]

Dart & Kraft, Inc. and Dart Industries, Inc.; Notice of Application and Opportunity for Hearing

October 6, 1981.

Notice is hereby given that Dart & Kraft Inc. and Dart Industries, Inc. (collectively, the "Applicant") have filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the successor trusteeship of Morgan Guaranty Trust Company of New York (the "Trustee") under certain existing indentures of the Applicant, one of which is qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from continuing to act as trustee under the Applicant's indentures.

Section 310(b) of the Act provides in part that, if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall, within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, with certain exceptions, that a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clasue (ii) of Subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The Applicant alleges that:

(1) The Applicant has currently issued and outstanding $920,000,000 aggregate amount of 4¾% Subordinated Debentures due August 15, 1987, exchangeable on and after September 1, 1973 for common stock of Minnesota Mining and Manufacturing Company (the "Eurodollar Indenture") pursuant to an indenture dated as of August 16, 1972 (the "Eurodollar Indenture") between Dart Industries and the Trustee. The Eurodollar Debentures were not registered under the Securities Act of 1933 (the "1933 Act"), nor was the Eurodollar Indenture qualified under the Trust Indenture Act of 1939 (the "1939 Act") since the Eurodollar Debentures were sold pursuant to restrictions preventing their direct or indirect offer, reoffer or sale in the United States (including its territories, possessions and all areas subject to its jurisdiction) or to United States or Canadian persons (including corporations organized under the laws of the United States or Canada or any political subdivision of either.

(2) The Applicant has currently issued and outstanding $59,990,000 aggregate principal amount of 4¼% Subordinated Debentures due July 15, 1997 exchangeable on and after August 1, 1973 for common stock of Minnesota Mining and Manufacturing Company (the "Domestic Debentures"). The Domestic Debentures were issued in a public offering registered in the United States under the 1933 Act (Registration Statement No. 2-44841) pursuant to an indenture dated as of July 15, 1972 (the "Domestic Indenture") qualified under the 1939 Act (Registration No. 22-7551).

(3) Pursuant to a prior application by Dart Industries dated September 14,

1972 under Section 310(b)(1)(ii) of the 1939 Act and since the Domestic Indenture contained the proviso of Section 310(b)(1) of the 1939 Act, the Commission noticed on November 1, 1972 (Administrative Proceeding 3-3952) and subsequently found, by order issued November 27, 1972 [File Nos. 2-44841 (22-7551)], that no conflict of interest arose with respect to the discharge by the Trustee of its obligations pursuant to the Domestic and Eurodollar Indentures. As stated in the prior notice pursuant to which the November 27, 1972 order was issued, the Domestic Indenture was wholly unsecured and Dart Industries was not in default thereunder, all Domestic Debentures and Eurodollar Debentures were *pari passe*, and there were no material variations between the Domestic Indenture and Eurodollar Indenture except as noted therein.

(4) On September 25, 1980, Dart Industries became a wholly-owned subsidiary of Dart & Kraft pursuant to a combination of Dart Industries and Kraft, Inc. into Dart & Kraft, effected by two sumultaneous mergers in which each outstanding share of capital stock of Dart Industries and Kraft, Inc. was converted into one share of the common stock of Dart & Kraft. Subsequently, Dart & Kraft, Dart Industries and Morgan Guaranty, as trustee, entered into First Supplemental Indentures, each dated as of July 20, 1981, to the Subject Indentures (collectively, the "Subject Supplemental Indentures"). The Subject Supplemental Indentures took effect on July 22, 1981, when they were executed by Morgan Guaranty, as trustee.

(5) As a result of the execution of the Subject Supplemental Indentures, the trusteeship of the Trustee under the Subject Indentures may be deemed to create a conflict of interest within the meaning of Section 310(b)(1) of the 1939 Act requiring the Trustee to resign as trustee under either of the Subject.

(6) The terms of the Subject Supplemental Indentures, except for the references therein to the appropriate Subject Indenture are substantially the same and in each case provide for the guarantee by Dart & Kraft of the payment of the principal of, and premium, if any, and interest on the respective Domestic Debentures or Eurodollar Debentures (collectively the "Subject Debentures") referred to therein (such guarantees being hereinafter referred to as the "Dart & Kraft Guarantees"). Under the terms of the Subject Supplemental Indentures, Dart & Kraft has not guaranteed the performance by Dart Industries of any other of Dart Industries' covenants, agreements or obligations under the Subject Indentures, or the Subject Debentures.

(7) In the opinion of the Applicant the provisions of the Subject Indentures are not likely to involve a material conflict of interest so as make it necessary in the public interest or for the protection of any holder of the debentures issued under the Subject Indentures to disqualify the trustee under either of the Subject Indentures because (i) each of the Subject Indentures is wholly unsecured; (ii) Dart Industries is not in default of its obligations under either of the Subject Indentures; (iii) Dart & Kraft's obligation to make payments pursuant to each Dart & Kraft Guarantee ranks equally with its obligation to make payments under the other Dart & Kraft Guarantee; (iv) Morgan Guaranty is not a trustee under any indenture qualified pursuant to the 1939 Act under which any securities have been issued with respect to which Dart & Kraft is the primary obligor; and (v) except for certain perviously noticed variations between the Domestic Indentures and the Eurodollar Indenture which were present prior to the execution of the Subject Supplemental Indentures and were set forth in the Prior Application, there are no material variations between the Subject Indentures, as supplemented by the Subject Supplemental Indentures, with respect to Dart & Kraft's obligations to make payments uder the Dart & Kraft Guarantees.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

Notice is hereby given that any interested person may, not later that November 2, 1981, submit to the Commission his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reasons for such requests, and the issues of fact and law raised by the application which he desires to controvert. Persons who request the hearing or advice as to whether the hearing is ordered will receive all notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after such date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-29904 Filed 10-15-81; 8:45 am]

BILLING CODE 8010-01-M

[File Nos. 2-65259, (22-10072), (22-10926)]

Galaxy Oil Co.; Notice of Application and Opportunity for Hearing

October 6, 1981.

Notice is hereby given that Galaxy Oil Company (the "Applicant") has filed an application pursuant to clause (ii) of Section 310(b)(1) of the Trust Indunture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeship of Bank of the Southwest National Association, Huston, ("Trustee") under certain existing indentures of the Applicant, one of which is qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Trustee from continuing to act as trustee under the Applicant's indentures.

Section 310(b) of the Act provides in part that, if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest, it shall, within 90 days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of such Section provides, with certain exceptions, that a trustee under a qualified indunture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same issuer are outstanding. However, under clause (ii) of Subsection (1), there shall be excluded from the operation of this provision another indenture under which other securities of the issuer are outstanding if the issuer shall have sustained the burden of proving, on application to the Commission and after opportunity for hearing, that trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under either of such indentures.

The applicant alleges that:

(1) The applicant has currently issued and outstanding $9,611,000 principal amount of 9 percent Convertible Subordinated Debentures Due 1994 ("Registered Debentures") issued pursuant to an indenture dated as of September 15, 1979 ("Registered Indenture") entered into between the Applicant and the Trustee. The Registered Debentures were issued in a registered public offering in the United States (Registration Statement No. 2-65259) and the Registered Indenture was qualified under the Act (Registration No. 22-10072).

(2) As of January 1, 1981, the Company has entered into a second indenture ("Unregistered Indenture") with the Trustee pursuant to which Galaxy Oil International N.V. ("International"), a wholly-owned Netherlands Antilles subsidiary of the Company, issued $12,000,000 principal amount of 8-½ percent Convertible Subordinated Debentures Due 1996 ("Unregistered Debentures"), which Debentures are guaranteed, on a subordinated basis, by the Applicant.

(3) As a result of the Company's guarantees ("Guarantees") of the Unregistered Debentures, the trusteeship of the Trustee under the Unregistered Indenture may be deemed to create a conflict of interest within the meaning of Section 310(b)(1) of the Act and Section 8.08 of the Registered Indenture, requiring the Trustee to resign as Trustee under either the Registered Indenture or the Unregistered Indenture within 90 days after January 1, 1981, unless such conflict of interest is otherwise eliminated.

(4) The Unregistered Indenture contains provisions relating to the subordination of the Guarantees which are the same in all material respects to the subordination provisions contained in the Registered Indenture, which provisions cause the Guarantees to rank equally with the Registered Debentures as obligations of the Company.

(5) The respective obligations of the Company represented by the Registered Debentures and the Guarantees are *paripassu*, and the holders of such obligations would share (on a pro rata basis with the holders of any other subordinated indebtedness of the Company which might exist from time to time) any assets remaining in the Company after the payment of all senior indebtedness of the Company.

(6) Neither the Registered Debentures, the Unregistered Debentures nor the Guarantees are secured by any of the property or assets of the Company.

(7) In the opinion of the Applicant, the provisions of the aforementioned indentures are not likely to involve a material conflict of interest so as to make it necessary in the public interest or for the protection of any holder of any of the debentures issued under such indentures to disqualify the Trustee from acting as trustee under both indentures.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street, N.W., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than November 2, 1981, submit to the Commission his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such comunciation or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, N.W., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reasons for such requests, and the issues of fact and law raised by the application which he desires to controvert. Persons who request the hearing or advice as to whether the hearing is ordered will receive all notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof. At any time after such date, an order granting the application may be issued upon request or upon the Commission's own motion.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-29996 Filed 10-15-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18164; File No. SR-PHLX 81-16]

Philadelphia Stock Exchange, Inc.; Proposed Rule Change Relating To Clarification of the Definition of Public Governor

Comments requested on or before November 6, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1), notice is hereby given that on October 2, 1981, the Philadelphia Stock Exchange, Inc., filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested person.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc., (PHLX) proposes an amendment to Section 4-1 of Article IV of its By-Laws to clarify the definition of "public governor". The text of the amendment follows. Brackets indicate deletions while new material is italicized:

Article IV

Sec. 4-1. The mangement of the business and affairs of the Corporation shall be vested in a Board of Directors which shall be designated as the "Board of Governors". The Board of Governors shall be composed of the Chairman of the Board of Governors; two Vice Chairmen of the Board of Governors; the President of the Corporation; and the number of governors as hereafter provided. From the effective date of the By-Law amendment increasing the number of Public Governors and decreasing the number of Broker Governors, until the third Wednesday of March in 1981 there shall continue to be twenty-four (24) Broker Governors and one (1) Public Governor; on and after the third Wednesday of March in 1981 until the third Wednesday of March in 1982 there shall be twenty-three (23) Broker Governors and two (2) Public Governors; on and after the third Wednesday of March in 1982 until the third Wednesday of March in 1983 there shall be twenty-two (22) Broker Governors and three (3) Public Governors; on the third Wednesday of March 1983 and thereafter there shall be twenty-one (21) Broker Governors and three (3) Public Governors. In addition, the immediate past Chairman of the Board of Governors, upon the expiration of the term to which he was elected shall be an ex-officio member of the Board of Governors with vote for a term of one year and the past President of the Corporation, retired as President as of May 1, 1981, shall serve at the pleasure of the Board of Governors as an ex officio member thereof with vote. Broker Governors shall be members of the Corporation or general partners or officers of a member organization. [Public Governors shall be representatives of the public unaffiliated with the Corporation or any broker or dealer in securities.] *The term "Public Governor" shall be defined to require that each Public Governor shall be representative of the public, provided, however, that at least one Public*

Governor shall not only be representative of the public but shall also be unaffiliated directly or indirectly with the Corporation or any broker or dealer in securities.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in section (A), (B), and (C) below of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

The Exchange By-Laws currently provide for the inclusion on the Board of Governors of two public governors who shall be unaffiliated directly or indirectly with the Exchange or any broker or dealer in securities.

The proposed amendment defines the term "public governor" as requiring that each public governor shall be representative of the public and, in addition, that at least one public governor shall not only be representative of the public but shall also be unaffiliated directly or indirectly with the Exchange or any broker or dealer in securities. The amendment clarifies the definition of public governor.

The amended definition complies with Section 6(b)(3) of the Exchange Act since the Exchange's rules provide that one or more directors shall be representative of issuers and investors and not be associated with a member of the Exchange, broker, of dealer.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change imposes no burden on competition. Its purpose is clarifying in nature, permitting participation on the Exchange's Board by qualified persons of varied experience who are representative of the public.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No comments have been solicited or received on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before November 20, 1981 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before November 6, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 9, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-29995 Filed 10-15-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 22-11306]

Southern Natural Gas Co.; (a Delaware corporation) Application and Opportunity for Hearing

October 9, 1981.

Notice is hereby given that Southern Natural Gas Company (a Delaware corporation) ("Southern") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Securities and Exchange Commission (the "Commission") that the trusteeships of Manufacturers Hanover Trust Company ("Manufacturers") under the two indentures set forth in paragraph 2 below, both heretofore qualified under the Act, and under a trust indenture not requiring qualification under the Act, are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Manufacturers from acting as trustee under any of such indentures.

Section 310(b) of the Act provides, *inter alia*, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the Section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this Section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeships under the indentures are not so likely to involve a material conflict of interest as to make it necessary to disqualify such trustee from acting as trustee under any such indentures.

Southern alleges that:

1. As of August 31, 1981, Southern had issued and outstanding the following described securities issued under the following indentures (the "Indentures"), each of which was qualified under the Act in connection with the registration under the Securities Act of 1933, as amended, of the securities issued thereunder, the file number of each Registration Statement being set forth in parenthesis below:

(a) $36,000,000 principal amount 7.70 percent Sinking Fund Debentures Due April 1, 1991, issued under an Indenture, dated as of April 1, 1981 (File No. 2-39376); and

(b) $60,000,000 principal amount 8¼ percent Debentures Due May 1, 1986, issued under an Indenture, dated as of May 1, 1976 (File No. 2-54192).

2. Bear Creek Capital Corporation ("Bear Creek Capital"), a Delaware corporation formed and wholly-owned by Bear Creek Storage Company ("Bear

Creek Storage"), a Louisiana partnership composed of Southern Gas Storage Company ("Southern Gas"), a Delaware corporation and a wholly-owned subsidiary of Southern, and Tennessee Storage Company, a Delaware corporation, plan to enter into a Trust Indenture, to be dated as of September 15, 1981 (the "Bear Creek Capital Trust Indenture"), with Manufacturers, as trustee, and T. C. Crane, as co-trustee, pursuant to which Bear Creek Capital proposes to issue up to an aggregate principal amount of $135,000,000 of its Series A Notes due November 1, 2000 and $30,000,000 of its Series B Notes due November 1, 2000 (collectively, the "Notes"). Inasmuch as the Notes will be offered and sold in a private placement to a single institutional investor in reliance upon the representations of the purchaser that it is purchasing the Notes for investment and not with a view for resale, they are not being registered under the Securities Act of 1933, as amended, and the Bear Creek Capital Trust Indenture is not being qualified under the Trust Indenture Act of 1939.

The Notes which are to be issued under the Bear Creek Capital Trust Indenture are to be secured, *inter alia*, by an assignment to the trustees by Bear Creek Capital of its rights under a Service Agreement, dated June 1, 1981, between Bear Creek Storage and Southern (the "Service Agreement"), assigned by Bear Creek Storage to Bear Creek Capital pursuant to a Pledge and Assignment of Rights Under Service Agreements dated as of September 15, 1981 between Bear Creek Capital and Bear Creek Storage, consented to by Southern in a Consent and Agreement to Pledge and Assignment dated as of September 15, 1981, to be executed by Southern and Tennessee Gas Pipeline Company (the "Consent"). The Service Agreement provides that the obligation of Southern to pay the charges due under it is absolute and unconditional.

3. Each of the Indentures referred to in paragraph 1 above contains the provisions required by Section 310(b) of the Act.

4. Southern does not believe that, as a result of its execution and delivery of the Service Agreement and of the Consent, it will be an obligor upon the Notes to be issued under the Bear Creek Capital Trust Indenture as the term "obligor" is defined in the Trust Indenture Act of 1939, and, accordingly, does not believe that the proposed trusteeship of Manufacturers under the Bear Creek Capital Indenture will involve Manufacturers in a conflict of interest within the meaning of Section 7.08 of the Indentures. If, however, Southern is deemed to be an obligor upon the Notes, Southern respectfully requests that the Securities and Exchange Commission find and declare by order that the continued trusteeship of Manufacturers under the Indentures would not be so likely to involve any material conflict of interest as to make it necessary in the public interest or for the protection of investors that Manufacturers be disqualified from continuing to act as trustee under the Indentures, if Manufacturers were to act as trustee under the Bear Creek Capital Trust Indenture.

5. Southern has waived notice of hearing, and waives hearing, in connection with the matter referred to herein.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street, N.W., Washington, D.C.

Notice if further given that any interested person may, not later than October 30, 1981, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-29996 Filed 10-15-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

Roundhill Capital Corp.; Issuance of a License to Operate as a Small Business Investment Company

[License No. 02/02-0389]

On February 11, 1980, a Notice was published in the **Federal Register** (45 FR 9144) stating that Roundhill Capital Corp., 44 Wall Street, New York, New York 10005, had filed an application with the Small Business Administration pursuant to Section 107.102 of the SBA Rules and Regulations governing small business investment companies (13 CFR 107.102 (1980)), for a license to operate as a small business investment company.

Interested parties were given until the close of business February 26, 1980, to submit their comments. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA on September 25, 1981, issued License No. 02/02-0389 to Roundhill Capital Corp., pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

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

Dated: October 6, 1981.

Peter F. McNeish,

Deputy Associate Administrator for Investment.

FR Doc. 81-29938 Filed 10-15-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice CM-81453]

Advisory Committee on Historical Diplomatic Documentation; Meeting

The Advisory Committee on Historical Diplomatic Documentation will meet on November 13, 1981, at 9:00 a.m. in Room 1105 of the Department of State.

The Advisory Committee advises the Bureau of Public Affairs, and in particular the Office of the Historian, concerning problems connected with preparation of the documentary series entitled *Foreign Relations of the United States* and other responsibilities of that Office. Of particular importance are editorial and publishing practice and questions related to declassification of official records as specified in Executive Order 12065 (June 28, 1978).

In accordance with Section 10(d) of the Advisory Committee Act (Pub. L. 92-463) it has been determined that certain discussions during the meeting will necessarily involve consideration of matters recognized as not subject to public disclosure under 5 U.S.C. 552b(c)(1), and that the public interest requires that such activities be withheld from disclosure. The meeting will therefore be closed when such discussions take place, at 2:00 p.m., Friday, November 13.

Persons wishing to attend the meeting should come before 9:00 a.m. on

November 13 to the Diplomatic Entrance of the Department of State at 22nd and C Streets, N.W., Washington, D.C. They will be escorted to room 1105 and at the conclusion of the open portion of the meeting back to the Diplomatic Entrance.

Questions concerning the meeting should be directed to William Z. Slany, Acting Executive Secretary, Advisory Committee on Historical Diplomatic Documentation, Department of State, Office of the Historian, Washington, D.C. 20520; telephone (202) 632-8766.

William Z. Slany,

Acting Executive Secretary.

September 25, 1981.

[FR Doc. 81-29937 Filed 10-15-81; 8:45 am]

BILLING CODE 4710-11-M

[Public Notice CM-8/452]

Advisory Committee on the Law of the Sea; Partially Closed Meeting

In accordance with Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) as amended by Pub. L. 94-409 Section 5(c), notice is hereby given that the Advisory Committee on the Law of the Sea will meet in closed session on Monday and Tuesday, November 2 and 3 and in open session on Wednesday, November 4, 1981. A group, cutting across subcommittee lines of the Advisory Committee on the Law of the Sea will meet in closed session on Monday, November 2 to consider the reciprocating states negotiations. The open session of the meeting will convene November 4 at 9:30 a.m. in Room 1207, U.S. Department of State, 21st and C Streets, N.W., Washington, D.C.

The purpose of the closed meeting is to consider the review of the Law of the Sea Convention and the review process and to discuss the report of the U.S. Delegation to the Resumed Tenth Session of the Third United Nations Conference on the Law of the Sea. The sub-group will advise U.S. negotiators on matters relating to potential reciprocal arrangements among like-minded nations that have enacted or may enact domestic mining legislation prior to possible entry into force of a comprehensive Law of the Sea Treaty. During the closed sessions, documents classified under the provisions of Executive Order 12065 will be discussed.

These documents relate to the issues which the United States is reviewing and has negotiated or will negotiate at the Conference. Accordingly it has been determined that it is in the public interest to close these meetings pursuant to 5 U.S.C. 552b(c)(1) and 5 U.S.C. 552b(c)(9).

The issues cover such subjects as the review, freedom of navigation on the high seas and in straits used for international navigation, the deep seabed mining regime, the continental margin, the economic zone, fisheries, marine pollution, scientific research, dispute settlement, and other topics involving U.S. national security and foreign relations matters. Premature disclosure of the contents of these documents could adversely affect our foreign relations interests and jeopardize United States law of the sea interests.

The open session of the Advisory Committee meeting will discuss all principal agenda issues which have been considered during the Third United Nations Conference on the Law of the Sea, including those issues stated above, but will not examine the classified items discussed during the closed session.

The Advisory Committee on the Law of the Sea represents a broad cross-section of industries, professions, academic disciplines, and other public groups. As such, it will comprehensively review the proposals which have come and will come before the Conference.

At the open session, beginning at 9:30 a.m., November 4, the general public attending may participate in the discussion subject to instructions of the Chairman.

As entrance to the State Department is controlled, members of the public who wish to attend the open session should contact Marsha Bellavance and provide their name and affiliation to facilitate their attendance. Her telephone number is (202) 632-0041.

Dated: October 5, 1981.

Otho E. Eskin,

Director, Office of Ocean Law and Policy.

[FR Doc. 81-29936 Filed 10-15-81; 8:45 am]

BILLING CODE 4710-11-M

VETERANS ADMINISTRATION

Career Development Committee; Meeting

The Veterans Administration gives notice under the provisions of Public Law 92-463 that a meeting of the Career Development Committee, authorized by 38 U.S.C. 4101, will be held in Conference Room 202 of the Park Central Hotel, 705 18th Street, N.W., Washington, DC 20006, October 26 and 27, 1981 at 8:30 a.m. The meeting will be for the purpose of scientific review of applications for appointment to the Career Development Program in the Veterans Administration. The committee advises the Director, Medical Research Service on selection and appointment of Associate Investigators, Research Associates, Clinical Investigators, Medical Investigations, Senior Medical Investigators and William S. Middleton Award Nominees.

The meeting will be open to the public up to the seating capacity of the room from 8:30 a.m. to 9 a.m. to discuss the general status of the program. Because of the limited seating capacity of the room, those who plan to attend should contact Mr. David D. Thomas, Executive Secretary of the Career Development Committee (151J), Veterans Administration Central Office, Washington, DC 20420 (Phone 202-389-2317) prior to October 19, 1981.

The meeting will be closed from 9 a.m to 5 p.m. on October 26 and 27 for consideration of individual applications for positions in the Career Development Program. This necessarily requires examination of personnel files and discussion and evaluation of the qualifications, competence, and potential of the several candidates, disclosure of which would constitute a clearly unwarranted invasion of personal privacy. In addition, decisions recommended by the committee are strictly advisory in nature; other factors are considered in final decisions. Premature disclosure of committee recommendations as well as the disclosure of research information would be likely to significantly frustrate implementation of final proposed agency actions. Accordingly, closure of this portion of the meeting is permitted by section 10(d) of the Federal Advisory Committee Act, Public Law 92-463 as amended, in accordance with subsections (c)(6) and (c)9(B), 5 U.S.C. 552b.

Minutes of the meeting and rosters of the committee members may be obtained from Mr. David D. Thomas, Chief, Career Development Program, Medical Research Service (151J), Veterans Administration, Washington, DC 20420 (Phone 202-389-2317).

Dated: October 7, 1981.

Donald Custis,

Acting Administrator.

[FR Doc. 81-30049 Filed 10-15-81; 8:45 am]

BILLING CODE 8320-01-M

Special Medical Advisory Group; Meeting

The Veterans Administration gives notice under 38 U.S.C. 4112, that a meeting of the Special Medical Advisory Group will be held in the Administrator's Conference Room at the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington,

D.C., on November 9 and 10, 1981. The purpose of the Special Medical Advisory Group is to advise the Administrator and the Chief Medical Director relative to the care and treatment of disabled veterans, and other matters pertinent to the Veterans Administration's Department of Medicine and Surgery.

The sessions will convene at 8:30 a.m. both days. These sessions will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contract Mrs. Barbara Pryor, Executive Secretary, Special Medical Advisory Group, Veterans Administration Central Office (phone 202/389-2298) prior to October 23, 1981.

Dated: October 7, 1981.

Donald Custis,

Acting Administrator.

[FR Doc. 81-30050 Filed 10-15-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 200
Friday, October 16, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

1

CIVIL AERONAUTICS BOARD

[M-334 Amdt. 1, October 9, 1981]

Notice of closure and deletion of items to the October 14, 1981 board meeting

TIME AND DATE: 2:30 (open meeting), October 14, 1981.

PLACE: Room 1027 (open), room 1012 (closed), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

Deletion:

20. Dockets 40017 and 39994, Temporary replacement service at Modesto and Stockton. (Memo 793-A, BDA, OCCR)

Closed:

28. Dockets 39610 et al.—Final order in the U.S.-Middle East/Greece Show Cause Proceeding. (Memo 321-B, BIA, OGC)
29. Discussion on upcoming Negotiations with Canada. (BIA)

STATUS: 1-27 (open); 28, 29 (closed).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-1558-81 Filed 10-13-81; 4:53 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10 a.m., Tuesday, October 20, 1981.

PLACE: 2033 K Street, NW., Washington, D.C., Fifth floor hearing room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Budget Categories, Plans, Programs and Priorities.

CONTACT PERSON FOR MORE INFORMATION: JANE STUCKEY, 254-6314.

[S-1560-81 Filed 10-14-81; 10:01 am]

BILLING CODE 6351-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice of Changes 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 Tuesday, October 13, 1981, the Corporation's Board of Directors determined, on motion of Chairman William M. Isaac, seconded by Director Charles E. Lord (Acting Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of a memorandum proposing the purchase of San Francisco Regional Office space, and that no earlier notice of this change in the subject matter of the meeting was practicable.

By the same majority vote, the Board also voted to withdraw from the agenda for consideration in open session and to add to the agenda for consideration at the Board's closed meeting held at 2:30 p.m. the same day the following matter:

Memorandum and Resolution re: Amendment to Part 303 of the Corporation's rules and regulations, entitled "Applications, Requests, Submittals, and Notices of Acquisition of Control," which would delegate to the Director of the Division of Bank Supervision and the regional directors, if delineated criteria are met, increased authority to approve branch applications of insured State nonmember banks.

In voting to move this matter from open session to closed session, the Board further determined, by the same majority vote, that the public interest did not require consideration of the matter in a meeting open to public observation; that the matter could be considered in a closed meeting by authority of subsection (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9)(B)); and that no earlier notice of this change in the subject matter of the meeting was practicable.

Dated: October 13, 1981.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1562-81 Filed 10-14-81; 12:22 pm]

BILLING CODE 6714-01-M

4

FEDERAL ENERGY REGULATORY COMMISSION

TIME AND DATE: 10 a.m., October 21, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note.—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357-8400.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the Division of Public Information.

Consent Power Agenda—735th Meeting, October 21, 1981, Regular Meeting (10 a.m.)

CAP-1. Project No. 3855-000, Fluid Energy Systems, Inc.; Project No. 4123-000, Kern County Water Agency
CAP-2. Project No. 3612-000, Brasfield Development Ltd.; Project No. 4179-000, Appomattox River Water Authority
CAP-3. Project No. 4221-000, Puget Sound Power & Light Co. (Swift Creek Project); Project No. 5169-000, City of Bellingham, Washington
CAP-4. Project No. 2695-001, Hydro Development Group
CAP-5. Docket Nos. ER81-448-000, ER81-474-000, ER81-382-000 and ER81-386-000, APS-PJM Interconnection Agreement, et al.
CAP-6. Docket No. ER81-577, Arkansas Power & Light Co.
CAP-7. Docket No. ER81-749-000, Montaup Electric Co.
CAP-8. Docket No. ER81-708-000, Public Service Co. of Indiana, Inc.
CAP-9. Docket No. ER81-141-000, Potomac Edison Co.
CAP-10. Docket No. ER81-141-000, Potomac Edison Co.
CAP-11. Docket Nos. ER81-132-000 and ER81-305-000, Cincinnati Gas & Electric Co. and Union Light, Heat & Power Co.

CAP-12. Docket No. ER81-463-000, Ohio Power Co.
CAP-13. Docket No. ER81-379-000, Mississippi Power Co.
CAP-14. Docket No. ES81-85-000, Central Maine Power Co.

Consent Miscellaneous Agenda

CAM-1. Docket No. RM79-76 (Texas—12), high-cost gas produced from tight formations
CAM-2. Docket No. RM79-76 (Virginia—1), high-cost gas produced from tight formations

Consent Gas Agenda

CAG-1. Docket No. TA82-1-43 (PGA82-1), Cities Service Gas Co.
CAG-2. Docket No. RP80-61, Consolidated Gas Supply Co.
CAG-3. Docket No. RP81-10-000, Western Gas Interstate Co.
CAG-4. Docket No. CI79-559, W. L. Kirkman, Inc.; Docket No. CI81-166-000, Southwest Petro Capitol Corp.
CAG-5. Docket No. G-7007-003, Cities Service Co.
CAG-6. Docket No. RP80-138, Tennessee Gas Pipeline Co. a Division of Tenneco Inc. (Pennsylvania Gas & Water Co.); Docket No. TC81-20-000, the City of Ripley, Mississippi.
CAG-7. Docket No. CP77-494-002, Columbia Gulf Transmission Co. and Texas Eastern Transmission Corp.
CAG-8. Docket No. CP81-265-000, United Gas Pipe Line Co.
CAG-9. Docket No. CP81-26-000, Trunkline Gas Co.
CAG-10. Docket No. CP81-102-000, Southern Natural Gas Co.
CAG-11. Docket No. CP79-397-002, Southern Natural Gas Co.
CAG-12. Docket No. CP80-388-005, Tennessee Gas Pipeline Co.
CAG-13. Docket No. CP81-441-000, Consolidated Gas Supply Corp., Texas Eastern Transmission Corp. and Transcontinental Gas Pipe Line Corp.
CAG-14. Docket No. CP81-394-000, Michigan Wisconsin Pipe Line Co.
CAG-15. Docket No. CP81-471-000, Columbia Gas Transmission Corp.
CAG-16. Docket No. CP81-490-000, Consolidated Gas Supply Corp.
CAG-17. Docket Nos. CP76-287-001 and RP81-140-000, Northern States Power Co. (Minnesota)

Regular Power Agenda

I. Licensed Project Matters

P-1. Project No. 3892-000, Georgia-Pacific Corp.; Project No. 4244-000, Long Lake Energy Corp.

II. Electric Rate Matters

ER-1. Docket Nos. ER81-144-000 and ER81-144-001, Upper Peninsula Power Co.

Regular Miscellaneous Agenda

M-1. Docket No. QF80-28, Stieren Farms, small power production and cogeneration facilities—qualifying status
M-2. Reserved
M-3. Reserved
M-4. Docket No. RM80-42, tax normalization for certain items reflecting timing differences in the recognition of expenses or revenues for ratemaking and income tax purposes; Docket No. R-424, accounting for premium, discount and expense of issue, gains and losses on refunding and reacquisition of long-term debt, and interperiod allocation of income taxes; Docket No. R-448, amendments of the uniform systems of accounts for classes A, B, and C public utilities and licensees and natural gas companies: Deferred income taxes
M-5. Docket No. RM82- , regulations implementing Equal Access to Justice Act
M-6. Docket No. RM81-6, interim rule under section 108 of the NGPA amending § 271.805
M-7. Docket No. RM81-17, definition of agricultural use in § 282.202(a) of the Commission's incremental pricing regulations
M-8. Docket No. RM79-73, interim regulation under section 108 of the NGPA defining the term "produced"

Regular Gas Agenda

I. Pipeline Rate Matters

RP-1. Reserved

II. Producer Matters

CI-1. Reserved

III. Pipeline Certificate Matters

CP-1. Construction by intrastate pipelines of facilities used for transportation in interstate commerce; Docket No. ST81-106, Producer's Gas Co.; Docket No. ST81-260-000, Mustang Fuel Corp.
CP-2. Docket No. CP81-124-000, Pacific Interstate Transmission Co.
CP-3. Docket No. CP81-487-000, Transcontinental Gas Pipe Line Corp.; Docket No. CP81-479-000, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CP-4. Docket No. CP81-446-000, Transcontinental Gas Pipe Line Corp.; Docket No. CP81-453-000, Tennessee Gas Pipeline Co., a Division of Tenneco Inc.
CP-5. Docket No. CP81-364-000, Natural Gas Pipeline Co. of America; Docket No. CP81-377-000, Northern Natural Gas Co.
CP-6. Docket No. CP81-307-000, Northwest Pipeline Corp.; Docket Nos. CP81-365-000 and CP81-365-001, Natural Gas Pipeline Co. of America; Docket No. CP81-371-000, Northern Natural Gas Co.

Kenneth F. Plumb,

Secretary.

[S-1571-81 Filed 10-14-81; 4:06 pm]

BILLING CODE 6450-85-M

5

FEDERAL HOME LOAN BANK BOARD

TIME AND DATE: 10 a.m., Tuesday, October 20, 1981.

PLACE: 1700 G Street, N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Marshall (202-377-6679).

MATTERS TO BE CONSIDERED:
Application for General Trust Powers—California Federal Savings and Loan Association, Los Angeles, California
Branch Office Application—City Federal Savings and Loan Association, Elizabeth, New Jersey

No. 546, October 14, 1981.

[S-1559-81 Filed 10-14-81; 9:55 am]

BILLING CODE 6720-01-M

6

FEDERAL MARITIME COMMISSION

TIME AND DATE: 9 a.m., October 21, 1981.

PLACE: Hearing Room One, 1100 L Street, N.W., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions open to the public:

1. Agreement No. 10415: South Florida Regional Shipping Group.
2. Agreement No. 9925-3: Pacific America Container Express—Extension of Operating Authority.
3. Docket No. 80-13: Licensing of Independent Ocean Freight Forwarders—Further consideration of waiver or reduction of forwarding fees for relief agencies or charitable organizations.

Portions closed to the public:

1. Agreement No. 9718: Containership service agreement between Japan Line, K Line, Mitsui OSK Line and YS Line—Modification of containership service agreement to increase vessel capacity.
2. Docket No. 81-19: Eli Lilly International Corporation v Mitsui O.S.K. Lines Ltd.—Consideration of the record.
3. Docket No. 81-26: Agreement No. 10247-3—Australian Loading Expense Agreement—Consideration of motion for reconsideration and possible consideration of the record.

CONTACT PERSON FOR MORE INFORMATION: Francis C. Hurney, Secretary (202) 523-5725.

[S-1570-81 Filed 10-14-81; 2:28 pm]

BILLING CODE 6730-01-M

7

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Wednesday, October 21, 1981.

PLACE: 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.
2. Any items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202) 452-3204.

Dated: October 13, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-1561-81 Filed 10-14-81; 10:27 am]

BILLING CODE 6210-01-M

8

METRIC BOARD

Public Awareness and Education Committee Meeting

TIME AND DATE: 9 a.m. to 2 p.m., Wednesday, November 4, 1981.

PLACE: Executive Tower Inn, 1405 Curtis Street, Denver, Colorado.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Approval of Minutes
Approval of Agenda
Report on Personnel
Review of Previous Month's Activity
Report on Next Public Forum
PAE mail-handling plan
Report on TV PSAs
Report on Radio and TV Evergreens
Metric Magazine Purge

CONTACT PERSON FOR FURTHER INFORMATION: John Donnelly, 703/235-2820.

Louis F. Polk,

Chairman.

[S-1563-81 Filed 10-14-81; 12:24 pm]

BILLING CODE 8260-01-M

9

METRIC BOARD

Research Committee Meeting

TIME AND DATE: 11 a.m.-3 p.m., Wednesday, November 4, 1981.

PLACE: Executive Tower Inn, 1405 Curtis Street, Denver, Colorado 80202.

STATUS: Portions of the meeting will be open to the public and portions of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the Public—11 a.m. to 1 p.m.: General Status Update of all Research activities.

Closed to the Public—1-3 p.m: Briefing of results and Committee recommendations concerning the *Metric Conversion of Distilled Spirits Containers: A Policy and Planning Evaluation Study.* This portion will be closed under exemption 5 U.S.C. 552b(c)(9)(B).

FOR FURTHER INFORMATION CONTACT: G. Edward McEvoy (703) 235-2583.

[S-1564-81 Filed 10-14-81; 12:24 pm]

BILLING CODE 8260-01-M

10

METRIC BOARD

Planning and Coordination Committee Meeting

TIME AND DATE: 1-3 p.m., Wednesday, November 4, 1981.

PLACE: Executive Tower Inn, 1405 Curtis Street, Denver, Colorado 80202.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

Approval of Minutes
Private Sector Update
Federal Program Update:
(a) Information Referral Director
State Program Update
New Business

FOR FURTHER INFORMATION CONTACT: Charles Danner, 703/235-2583.

[S-1565-81 Filed 10-14-81; 12:24 pm]

BILLING CODE 8260-01-M

11

METRIC BOARD

Administrative and Budget Committee Meeting

TIME AND DATE: 2-3 p.m., Wednesday, November 4, 1981.

PLACE: Executive Tower Inn, 1405 Curtis Street, Denver, Colorado 80202.

STATUS: Closed to the public (exemption 5 U.S.C. 552b(c)(9)(B)).

MATTERS TO BE CONSIDERED: Update of FY 1982 and 1983 Fiscal Situation.

CONTACT PERSON FOR FURTHER INFORMATION: Jerry Manolatos; 703/235-1696.

Louis F. Polk,

Chairman.

[S-1566-81 Filed 10-14-81; 12:24 pm]

BILLING CODE 8260-01-M

12

METRIC BOARD

Executive Committee Meeting

TIME AND DATE: 4 p.m., Wednesday, November 4, 1981.

PLACE: Executive Tower Inn, 1405 Curtis Street, Denver, Colorado 80202.

STATUS: Portions of the meeting will be open to the public and portions of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Open to the public—4-4:30 p.m.: Annual Report

Closed to the public—4:30-5 p.m.: FY 1982 Budget Review, Personnel Matters and Other Items. This portion will be closed under exemption 5 U.S.C. 552b(c)(9)(B) and under exemption 5 U.S.C. 552b(c)(2)

CONTACT PERSON FOR FURTHER INFORMATION: Theodore S. Farfaglia, Executive Director; 703/235-1738.

Louis F. Polk

Chairman.

[S-1567-81 Filed 10-14-81; 12:31 pm]

BILLING CODE 8260-01-M

13

METRIC BOARD

Bimonthly Meeting

TIME AND DATE: 9 a.m., Thursday, November 5, 1981; 9 a.m., Friday, November 6, 1981.

PLACE: Executive Tower Inn, Forum Room, 1405 Curtis Street, Denver, Colorado 80202.

STATUS:

Thursday, November 5, 1981—open to the public

Friday, November 6, 1981—9-10:30 a.m.—closed to the public (exemption 5 U.S.C. 552b(c)(9)(B)). 10:30-12 Noon—open to the public

MATTERS TO BE CONSIDERED: Thursday, November 5, 1981:

Approval of Agenda—Approval of agenda for this meeting.

Review/Approval of Minutes of the Board Meeting held on September 10, 1981 in Baltimore, Maryland—open session.

Committee Reports—Committee Chairmen who wish to report to the Board will be recognized.

Distilled Spirits Study—The Contractor, Applied Concepts Corp., will brief the Board on the results of the study. The study involved a retrospective action of this conversion and the Agency's Planning Guidelines in light of that completed conversion. As part of the study a survey of 2,000 consumers was performed to determine the extent and level of awareness of the existence of metric distilled spirits containers.

Projected Board Agenda, Calendar Year 1982—Major events and management goals of the FY 82 Operating Plan approved at the Baltimore Meeting on September 11, 1981, will be given a delivery schedule for the purpose of pre-planning Committee and Board meeting agenda items throughout FY 82.

Friday, November 6, 1981:

Closed to the public:

Review/Approval of Minutes of the Board Meeting held on September 11, 1981 in Baltimore, Maryland—closed session

FY-82 and FY-83 Budget Update

Open to the public:

Federal Plan, Part II—The results of the Federal Plan, Part I (Relationship of USMB to the ICMP/MOC) will be reviewed. The currently envisioned strategy to achieve Part II (Relationship of USMB to other Federal Agencies) will be outlined for the Board.

Agenda Items—Discussion of agenda items for bimonthly meeting of the Board to be

held in San Diego, California on January 7–8, 1982.

Report to the Board on location of Washington, D.C. Meeting on May 5–6, 1982 in conjunction with American National Metric Council Annual Conference.

CONTACT PERSON FOR FURTHER INFORMATION: Lu Verne V. Hall; 703/235–3058.

Louis F. Polk,

Chairman.

[S-1568-81 Filed 10-14-81; 10:32 am]

BILLING CODE 8260-01-M

14

METRIC BOARD

Public Forum.

Notice is hereby given that the United States Metric Board will hold a Public Forum on Thursday, November 5, 1981, from 10:00 a.m. to 1:00 p.m. The Forum will be held in conjunction with the Metric Board's regular bimonthly meeting. Notice of the regular meeting appears in the Sunshine Meeting section of this issue. The Forum and Meeting will be held in the Forum Room of the Executive Tower Inn, 1405 Curtis Street, Denver, Colorado.

The purpose of the Forum will be to allow Board Members to receive comments about increased metric usage and voluntary metric conversion from individuals and from representatives of groups or organizations. The public is invited and encouraged to provide oral and written comments and ask questions of the Board from 11:30 a.m. to 1:00 p.m. Those who wish to participate may also submit comments or questions in advance to Mr. Chips Maurer, Office of Public Awareness and Education, United States Metric Board, 1600 Wilson Blvd., Suite 400, Arlington, Virginia 22209 (Phone: 703/235–2826).

Louis F. Polk,

Chairman.

[S-1569-81 Filed 10-14-81; 12:33 pm]

BILLING CODE 8260-01-M

federal register

Friday
October 16, 1981

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

California: CA81-5154 ..... Sept. 25, 1981.
Alabama: AL81-1294 ..... Sept. 25, 1981.
Kentucky:
KY81-1276 ..... Aug. 14, 1981.
KY81-1275 ..... Aug. 14, 1981.
KY81-1291 ..... Sept. 11, 1981.
KY81-1277 ..... Aug. 21, 1981.
Michigan: MI81-2002 ..... Mar. 6, 1981.
New York:
NY81-3062 ..... Sept. 11, 1981.
NY81-3061 ..... Sept. 11, 1981.
Oklahoma:
OK81-4056 ..... July 17, 1981.
OK81-4066 ..... Aug. 21, 1981.
OK81-4067 ..... Aug. 21, 1981.
OK81-4070 ..... Sept. 4, 1981.
Pennsylvania: PA81-3069 ..... Sept. 25, 1981.
Rhode Island: RI81-3042 ..... Aug. 21, 1981.
South Dakota: SD81-5151 ..... Sept. 4, 1981.
Delaware: DE81-3028 ..... May 8, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

Illinois: IL81-2003 (IL81-2062) ..... Feb. 27, 1981.
Kansas:
MO81-4065 (MO81-4081) ..... Aug. 21, 1981.
MO81-4035 (MO81-4082) ..... May 22, 1981.
Kentucky:
KY80-1094 (KY81-1298) ..... Aug. 22, 1980.
KY80-1095 (KY81-1299) ..... Aug. 22, 1980.
KY80-1101 (KY81-1300) ..... Aug. 29, 1980.
Massachusetts: MA80-2070 (MA81-3071) .. Aug. 29, 1980.
Mississippi: MS81-1177 (MS81-1297) ..... Jan. 30, 1981.
Missouri:
MO81-4035 (MO81-4062) ..... May 22, 1981.
MO81-4065 (MO81-4081) ..... Aug. 21, 1981.
Nebraska: NE80-4013 (NE81-4080) ..... Jan. 25, 1980.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., this 9th day of October 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 1

DECISION NO. CA81-5154 - Mod. #2 (46 FR 47384 - September 25, 1981) Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos., California	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
CARPENTERS:					
Area 1					
Capenters	$16.94	1.63	2.63	1.50	.10
Saw Filers	17.02	1.63	2.63	1.50	.10
Table Power Saw Op.,	17.04	1.63	2.63	1.50	.10
Shinglers, Piledrivermen, Bridge or Dock Carpenters	17.07	1.63	2.63	1.50	.10
Hardwood Floorlayers	17.14	1.63	2.63	1.50	.10
Pneumatic Nailers or Power Stapler	17.04	1.63	2.63	1.50	.10
Millwrights	17.44	1.63	2.63	1.50	.10
Area 2					
Carpenters	14.94	1.63	2.63	1.50	.10
Saw Filers	15.02	1.63	2.63	1.50	.10
Table Power Saw Op.,	15.04	1.63	2.63	1.50	.10
Shinglers, Piledrivermen, Bridge or Dock Carpenters	15.07	1.63	2.63	1.50	.10
Hardwood Floorlayers	15.14	1.63	2.63	1.50	.10
Pneumatic Nailers or Power Stapler	15.04	1.63	2.63	1.50	.10
Millwrights	15.44	1.63	2.63	1.50	.10
DIVERS:					
Diver, wet	35.14	1.63	2.63	1.50	.10
Diver, stand-by	17.57	1.63	2.63	1.50	.10
Diver, tender	16.57	1.63	2.63	1.50	.10
DECISION AL81-1294-Mod. #1 (46 FR 47382, Sept.25, 1981) JEFFERSON, SHELBY & ST. CLAIR COUNTIES, ALABAMA					
BUILDING CONSTRUCTION					
CHANGE					
BRICKLAYERS	$12.53	.65	.60		.12

Modification Page 2

DECISION NO. KY81-1276 - MOD. #2 (46 FR 41321 - August 14, 1981) Franklin County, Ky.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians	$14.66	45	3% + .50	1.00	.05
Sheet Metal Workers	15.60	1.651	1.66		.16
DECISION NO. KY81-1275 - MOD. #2 (46 FR 41323 - August 14, 1981) Fayette County, Ky.					
Change:					
Electricians	14.66	.45	3% + .50	1.00	.05
Sheet Metal Workers	15.60	1.651	1.66		.16
DECISION NO. KY81-1291 - MOD. #1 (46 FR 45518 - September 11, 1981) Boone, Campbell, Kenton & Pendleton Counties, Ky.					
Change:					
Ironworkers; Structural & Ornamental	15.03	1.00	1.85		.03
DECISION NO. KY81-1277 - MOD. #2 (46 FR 42601 - August 21, 1981) Hardin, Jefferson, & Meade Counties, Ky.					
Change:					
Marble, Tile & Terrazzo Workers	13.50	.75	.75		
DECISION No.MI81-2002-Mod.#2 (46 FR 15655 March 6,1981) Genesee, Huron, Lapeer, Saginaw,St.Clair,Sanilac & Shiawassee Cos., Michigan					
ADD:					
ROOFERS:					
Saginaw County	$13.65	1.40	1.40		.02

Modification Page 3

DECISION NO. NY81-3062 - Mod. #1
(46 FR 45530 - September 11, 1981)
Westchester County, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
Change:					
ASBESTOS WORKERS	17.66	1.0305	2.0609		
LABORERS, Heavy & Highway					
Blasters, Blaster (quarry master)	11.70	9%	9%	a+.82	
Joy drillers, wagon drillers, air track drillers, concrete form aligner, concrete form and curb form highway (steel), and deck winches on scows, jumbo driller	11.15	9%	9%	a+.82	
Asphalt curb machine operator, jeeper operator, pavement breaker operator, rock scalers, power saw operator, bit grinder or grinders, barto rammer operator, air tamper and all type powered tampers not covered by any other classification, steel kings, power buggy operator, jack hammer drillers, all type pneumatic tool and gasoline drillers, concrete saw or saws, asphalt screeder on barbergreen, form pin puller railroad spike puller, pumps and their operation, and pneumatic tools and service of air power gunniting	11.05	9%	9%	a+.82	
General concrete laborers or anything pertaining to concrete which means any men handling aggregate or concrete materials and carpenters tender and steel handling, pipe layers, puddlers, asphalt worker, fine grade men between forms, epoxy and waterproofing	10.90	9%	9%	a+.82	
Common Laborers	10.80	9%	9%	a+.82	

Modification Page 4

DECISION NO. NY81-3062 - Mod. #1 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	Education and/or Appr. Tr.
LABORERS (Cont'd)					
Wrecking					
Blasters	11.80	9%	9%	a+.82	
Barmen and burner	11.30	9%	9%	a+.82	
Barmen helpers & laborers	11.15	9%	9%	a+.82	
Shaft and Tunnel in Free Air					
Blasters	11.95	9%	9%	a+.82	
Concrete setters	12.15	9%	9%	a+.82	
Form setters	11.65	9%	9%	a+.82	
Miners, drill runners, air tuggers, chippers, pneumatic tools and source of air-power pumps and their operations and vibrator operators	11.45	9%	9%	a+.82	
Puddlers	11.40	9%	9%	a+.82	
Chuck tenders, nippers, concrete laborers, tunnel sewer and water pipe reliners and boring	11.30	9%	9%	a+.82	
Laborers	11.05	9%	9%	a+.82	
Powder carriers	11.00	9%	9%	a+.82	
Brakemen	10.95	9%	9%	a+.82	
Outside laborers	10.90	9%	9%	a+.82	

DECISION NO. NY81-3061 - Mod. #1
(46 FR 45525 - September 11, 1981)
Clinton County, New York

Change:					
IRONWORKERS					
Structural, Ornamental, Rodman, Fence Erector, Reinforcing, Stone Derrickman, Welders	13.40	.75	1.81		.04
Sheeter	13.65	.75	1.81		.04
Sheeter Bucker-up	13.525	.75	1.81		.04

Modification Page 5

DECISION #OK81-4056-Mod. #4 46FR372.9 - July 17, 1981 Tulsa, Delaware, Creek, Craig, Ottawa, Mayes and Roger Counties, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
OMIT:					
LABORERS:					
Group III	$ 9.25	.25	.40		
Group IV	9.70	.25	.40		
LABORERS CLASSIFICATION DEFINITIONS:					
Group III & Group IV					
CHANGE:					
CEMENT MASONS:					
Cement masons	13.59		.50		.16
Power tool operator	13.99		.50		.16
PLASTERERS	13.05				.01
LABORERS:					
Group I	9.55	.60	.40		
Group II	9.85	.60	.40		
Modification #1 published in October 2, 1981 Federal Register to read "Modification #2"					
DECISION #OK81-4066-Mod. #3 46FR42610 - August 21, 1981 Garfield County, Oklahoma					
OMIT:					
LABORERS CLASSIFICATION DEFINITIONS AND WAGE RATE FOR "Group III"	8.00	.60	.40		
CHANGE:					
CARPENTERS:					
Carpenters	10.60	.65	.50		
Millwrights-Piledrivermen	12.55	.65	.80		.09
LABORERS:					
Group I	7.85	.60	.40		
Group II	8.10	.60	.40		
ADD:					
LATHERS	12.55	.65	.80		.09

Modification Page 6

DECISION #OK81-4067-Mod. #4 46FR444646 - August 21, 1981 Oklahoma, Cleveland, Caddo, Canadian, Kingfisher, Lincoln, Logan, McClain, Grady, Seminole and Pottawatomie Counties, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
CHANGE:					
LABORERS:					
ZONE I					
Group I	$9.55	.60	.40		
Group II	9.80	.60	.40		
ZONE II					
Group I	8.00	.60	.40		
Group II	8.25	.60	.40		
ZONE III					
Group I	8.15	.60	.40		
Group II	8.45	.60	.40		
ZONE IV					
Group I	7.85	.60	.40		
Group II	8.10	.60	.40		
DECISION #OK81-4070-Mod. #3 46FR44651 - Setember 4, 1981 Comanche County, Oklahoma					
OMIT:					
LABORERS CLASSIFICATION DEFINITIONS AND WAGE RATE FOR "GROUP III"	8.05	.25	.40		
CHANGE:					
LABORERS:					
Group I	8.00	.60	.40		
Group II	8.25	.60	.40		

Modification Page 7

DECISION NO. PA81-3069
MOD. NO. 1
(46 FR 47401 - September 25, 1981)
Berks County, Pennsylvania

CHANGE:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Carpenters	$11.98	1.07	.95		
General Laborers	9.55	.50	.50		
Operator of jackhammer, paving breaking and other pneumatic, electrical and mechanical tools coming under the jurisdiction of laborer, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe and the making of joints for same, wagon drill operators and concrete power buggies	9.78	.50	.50		
Cofferdam, (below 10') tunnel free air muckers	9.83	.50	.50		
Handling and using cutting or burning torches in the wrecking of buildings, plasterer tenders, scaffold builders and removal for plasterers	9.94	.50	.50		
Mason tenders, scaffold builders, removal for mason and power buggies	9.98	.30	.50		
Blasters	10.00	.50	.50		
Sheet metal workers	13.01	1.63	1.18		.23
Soft floor layers	11.98	1.07	.95		

Modification Page 8

DECISION NO. RI81-3042 - Mod. #2
(46 FR 42615 August 21, 1981)
Statewide, Rhode Island

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BUILDING CONSTRUCTION					
ROOFERS					
Composition, Damp & Waterproofers	13.00	1.40	.70		
Slate, Tile, Precast concrete	13.20	1.40	.70		
HEAVY & HIGHWAY CONSTRUCTION					
LABORERS					
Laborers, Carpenter, Cement Finisher Tenders & Wrecking Laborers	10.55	.80	1.10		.10
Adzemen, Asphalt Rakers, Barco-type Jumping Tampers, Chain Saw Ops., concrete & Power Buggy Ops., Concrete Saw Ops., Demolition Burners, Fence & Guard Rail Erectors, Highway Stone Spreaders, Mason Tenders, Mechanical Grinder Ops., Mortar Mixers, Pipelayers, Pipe Trench Bracers, Pneumatic Tool Ops., Riprap & Dry Stonewall Builders, Scaffold Erectors, Setters of Metal Forms for Roadways, Wagon Drill Ops., Wood Chipper Ops.	10.80	.80	1.10		.10
Air track drill ops. Brick Pavers, Block Pavers, Rammers, Curb Setters	11.30	.80	1.10		.10
Blasters & Powdermen	11.55	.80	1.10		.10
Open Air Caisson, Underpinning and Boring Crew:					
Bottom man	12.05	.80	1.10		.10
Laborer, Top Man	11.30	.80	1.10		.10
Driller	12.17	.80	1.10		.10

Modification Page 9

DECISION NO. RI81-3042 - Mod #2 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS WATER AND SEWERLINE PROJECTS, HIGHWAY CONSTRUCTION AND BRIDGE INCIDENTAL TO HIGHWAY CONSTRUCTION PROJECTS					
CLASS 1	13.845	1.00	1.50		
CLASS 2	12.995	1.00	1.50		
CLASS 3	12.375	1.00	1.50		
CLASS 4	9.625	1.00	1.50		
CLASS 5	12.325	1.00	1.50		
CLASS 6	12.825	1.00	1.50		
CLASS 7	12.445	1.00	1.50		
CLASS 8	12.425	1.00	1.50		
CLASS 9	10.445	1.00	1.50		
CLASS 10	11.425	1.00	1.50		
CLASS 11	11.225	1.00	1.50		
CLASS 12	11.895	1.00	1.50		
CLASS 13	11.625	1.00	1.50		
CLASS 14	12.275	1.00	1.50		
DECISION NO. 81-5151 - Mod. #1 (46 FR 44657, Sept. 4, 1981) Meade & Pennington Counties, South Dakota					
CHANGE					
IRONWORKERS	$14.15	1.05	1.60		.15
SHEET METAL WORKERS	12.35	3%	.36	.72	.07

Modification Page 10

DECISION NO. DE81-3028 MOD. NO. 7 (46 FR 25909 - May 8, 1981) State of Delaware	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
OMIT: All Highway Classifications And Wage Rates:					
ADD: Highway Construction					
Bricklayers	$11.40	.95	1.10		
Carpenters	10.95	1.40			.03
Cement Masons	10.25	1.28	.82		
Electricians	13.00	1.07	.78+3%		1/4%
Ironworkers	12.95	1.34	1.36		.05
Laborers	6.69				
POWER EQUIPMENT OPERATORS:					
Asphalt Paver	11.70	7%	10.3%	a	1.8%
Asphalt Spreader	11.70	7%	10.3%	a	1.8%
Backhoes, cranes	12.57	7%	10.3%	a	1.8%
Bulldozers	11.70	7%	10.3%	a	1.8%
Gradall	12.57	7%	10.3%	a	1.8%
Loaders	11.70	7%	10.3%	a	1.8%
Motor Patrol/Grader	11.70	7%	10.3%	a	1.8%
Rollers	10.93	7%	10.3%	a	1.8%
Truck Drivers	8.11	1.0675	1.225	b	

FOOTNOTES:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day plus Election Day, provided the employee works the schedule work day before and after the holiday.

b. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day provided the employee has worked the scheduled work days preceding and following the holiday.

SUPERSEDEAS DECISION

STATE: Illinois COUNTY: Cook
DECISION NUMBER: IL81-2062 DATE: Date of Publication
Supersedes Decision No.: IL81-2003, dated February 27, 1981 in 46 FR 14[illegible]
DESCRIPTION OF WORK: Building (including Residential), Heavy and Highway Construction Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$ 17.00	1.145	1.645		.06
BOILERMAKERS	16.80	1.675	1.75	5%	.18
BRICKLAYERS:					
Bricklayers; Stonemasons	14.40	1.10	1.10		.08
Caulkers; Cleaners and Pointers	15.25	1.65	1.05		
CARPENTERS:					
Building, Heavy & Highway: Carpenters; Millwrights; Piledrivermen; and Soft Floor Layers	15.40	1.43	1.08		.10
CEMENT MASONS:					
Building	14.85	1.85	1.55		.07
Heavy and Highway	12.35	1.35	1.25		.05
ELECTRICIANS	17.05	7.62%	7.28%	.80	.53%
ELEVATOR CONSTRUCTORS:					
Constructors	17.36	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Prob.)	50%JR				
GLAZIERS	15.70	.83	1.42		.02
IRONWORKERS:					
Structural and Reinforcing	16.80	2.14	1.47		.10
Ornamental	15.50	1.08+a	1.36		.05
Riggers and Machinery Movers	11.85	.75	2.225	1.50	.15
Metal Fence Erector:					
Black Book	15.50	1.08+a	1.36		.05
Red Book	11.27	1.08+a	1.36		.05
LATHERS	13.82	.605	.645		.04
LINE CONSTRUCTION:					
Linemen; Equipment Operators	17.05	4.4%	6.50%	5.6%	.25%
Groundman	12.10	4.4%	6.50%	5.6%	.25%
MARBLE SETTERS	15.86	.90			
MARBLE SETTERS' FINISHERS	13.10				
PAINTERS:					
Brush, Decorators, Paperhangers and Tapers	13.25	.675	.75		.05
PIPEFITTERS; Steamfitters	17.00	1.07	1.70		.05
PLASTERERS	14.395	1.00	1.07		.07
PLUMBERS	16.30	1.20	1.20		.07

DECISION NO. IL81-2062

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ROOFERS	$15.80	$1.45	$1.06		.04
SHEET METAL WORKERS	12.95	.90	.73	.50	.07
SPRINKLER FITTERS	17.00	1.30	1.40		.15
TILE SETTERS	14.45	.81	1.07		.05
TILE SETTERS' FINISHERS	12.80	.81	.72		
TRUCK DRIVERS:					
Building and Residential:					
2-3 Axle Trucks	11.75	29.00c	33.00c		
4 Axle Trucks	12.00	29.00c	33.00c		
5 Axle Trucks	12.20	29.00c	33.00c		
6 Axle Trucks	12.40	29.00c	33.00c		
Heavy and Highway:					
2-3 Axle Trucks	11.75	.95	1.00		
4 Axle Trucks	12.00	.95	1.00		
5 Axle Trucks	12.20	.95	1.00		
6 Axle Trucks	12.40	.95	1.00		

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving Day; G-Christmas Day

FOOTNOTES:

a. 7 Paid Holidays - A through G
b. Employer contributes 8% of regular hourly rate to Vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 6% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years
c. Per week per employee

DECISION NO. IL81-2062 Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Common; Plasterer Tenders; Pumps for DeWatering and other Unclassified Laborers	$12.25	.62	$1.30		
Cement Gun Laborers	12.325	.62	1.30		
Scaffold Laborers and Chimney Laborers over 40'	12.35	.62	1.30		
Windlass and Cement Gun Nozzle Laborers - Gunnite	12.40	.62	1.30		
Stone Handlers and Derrickmen	12.45	.62	1.30		
Jackhammermen	12.475	.62	1.30		
Concrete Vibrator; Plumbers' Tenders; and Chain Saw Operator	12.50	.62	1.30		
Firebrick and Boiler Setters' Tenders	12.575	.62	1.30		
Chimney Tenders on Firebrick; Caisson Diggers and Well Point System Men	12.60	.62	1.30		
Boiler Setter Plastic Tenders	12.70	.62	1.30		
Jackhammer on Firebrick ONLY	12.825	.62	1.30		

DECISION NO. IL81-2062 Page 4

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
WRECKING LABORERS:					
General Laborers	$ 9.37	.57	$1.20		
Wallmen, Wreckers, Burners, and Hammermen	10.02	.57	1.20		
Smokestack or High Man	10.37	.57	1.20		
LANDSCAPE WORK: Building, Residential, and Heavy Construction:					
Arborist	6.50	.25		.26	
Landscape Laborer	5.87				
Landscape Plantsman I & II	6.18				
Highway Construction:					
Landscape Plantsmen	7.48			e+f	
Truck Driver - Tractor Trailer (3 axle or more) and Equipment Operator	7.96			e+f	
Truck Driver - 2 axle	7.54			e+f	

FOOTNOTES:
e. Six Paid Holidays; New Year's Day; Memorial Day July Fourth; Labor Day; Thanksgiving Day; Christmas Day
f. 1 year's service - 1 week's Paid Vacation; 3 or more years' service - 2 weeks' Paid Vacation

DECISION NO. IL81-2062 Page 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: Building and Residential Construction:					
Class 1	$13.95	$1.20	$1.20	.70	.05
Class 2	12.65	1.20	1.20	.70	.05
Class 3	11.50	1.20	1.20	.70	.05
Class 4	10.25	1.20	1.20	.70	.05

Class 1: Mechanic; Asphalt Plant; Asphalt Spreader; Autograde; Batch Plant; Benoto (requires 2 Engineers); Boiler and Throttle Valve; Caisson Rigs; Central Redi-mix Plant; Combination Back Hoe Front EndLoader Machine; Compressor and Turottle Valve; Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver 27E cu. ft.; Concrete Placer; Concrete Tower; Cranes (all); Cranes, Hammerhead; Derricks (all); Derricks, traveling; Grader; Elevating Grouting Machines; Highlift Shovels or Front Endloader 2½ yd. and over; Hoists, 1, 2 and 3 drum; Hoists, 2 tuggers one floor; Hydraulic Boom Trucks; Locomotives (all); Motor Patrol; Piledrivers and Skid Rig; Post Hole Digger; Pre-stress Machine; Pump Cretes: Squeeze Cretes, Screw type Pumps; Gypsum Bulker and Pump; Rock Drill (self-propelled); Rock Drill (truck mounted); Scoops, tractor drawn; Slip Form Paver; Straddle Buggies; Tournapull; Tractor w/boom and side boom; Trenching Machines

Class 2: Boilers, Bulldozers, Broom, all power propelled; Concrete Mixer (2 bag and over); Conveyor, portable; Forklift Trucks; Greaser Engineer; Highlift Shovels or Front Endloaders under 2½ yd.; Hoists, automatic; Hoists, all elevators; Hoists, Tugger, single drum; Rollers (all); Steam Generators; Stone Crushers; Tractors (all); Winch Trucks with "A" Frame

Class 3: Air Compressor, small 125 and under (1 to 5 not to exceed a total of 300 ft.); Air Compressor, large over 125 combination, small equipment Operator; Generators, small 50KW and under; Generators, large over 50 KW; Heaters, mechanical; Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, well points; Welding Machines (2 through 5); Winches, 4 small electric drill; Winches

Class 4: Oilers

DECISION NO. IL81-2062 Page 6

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: Sewer, Heavy and Highway Construction:					
Class 1	$13.60	$1.20	$1.20	.70	.05
Class 2	13.05	1.20	1.20	.70	.05
Class 3	12.30	1.20	1.20	.70	.05
Class 4	11.20	1.20	1.20	.70	.05
Class 5	10.20	1.20	1.20	.70	.05

Class 1: Asphalt Plant; Asphalt Heater and Planer Combination; Asphalt Spreader; Autograde; Belt Loader; Caisson Rigs; Central Redimix Plant; Concrete Breaker (truck mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Placer; Concrete Tube Float; Cranes, all attachments; Cranes, Linden, Peco and Machines of a like nature; Derricks, traveling; Dredges; Euclid Loader; Elevating type Gradall and Mechanics of a like nature; Derricks; All Derrick Boats; Derricks, traveling; Dredges; Euclid Loader; Elevating type Gradall and Mechanics of a like nature, 1 cu. yd. and over; Mucking Machine, under 1 cu. yd.; Piledrivers and Skid Rig; Pre-stress Machine; Pump Cretes, Dual Ram (requiring frequent lubrication and water); Rock Drill, Crane type; Slip Form Paver; Straddle Buggies; Tractor w/boom; Tractaire w/attachments; Trenching Machine; Underground Boring and/or Mining Machine, under 5 ft.; Wheel Excavator Widener (Apsco)

Class 2: Mechanic-welder; Batch Plant; Bituminous Mixer; Bulldozer; Combination Backhoe Front End Loader Machine; Concrete Breaker of Hydro-hammer; Concrete Grinding Machine; Concrete Mixer or Paver, 7S Series to and including 27 cu. ft.; Concrete Spreader; Concrete Curing Machine; Burlap Machine; Belting Machine and Sealing Machine; Finishing Machine; Concrete Grader; Motor Patrol; Auto Patrol; Form Grader; Pull Grader; Subgrader; Highlift Shovels or Front End Loader; Hydraulic Boom Trucks (all attachments); Locomotives, Dinky; Pump Cretes: Squeeze Cretes, Screw type Pumps; Cypsum Bulker and Pump; Rock Drill (self-propelled); Roto-tiller; Seaman, etc.; Self-propelled Scoops; Tractor drawn, self-propelled Compactor, Spreader, Chipstone, etc.; Scraper; Tank Car Heater; Tractor, push, pulling Sheeps Foot, disc.; Compactor, etc.; Tug Boats

POWER EQUIPMENT OPERATORS (Cont'd)
Sewer, Heavy and Highway construction (Cont'd)

Class 3: Boilers; Boiler and Throttle Valve; Brooms, all power propelled; Cement Supply Tender; Compressor Throttle Valve; Concrete Mixer (2 bags and over); Conveyor, portable; Fireman on Boiler; Forklift Trucks; Greaser Engineer; Grouting Machine Hoists; Automatic Hoists; All Elevator Hoists; Tugger, single drum; Jeep Diggers; Pipe Power Saw, Concrete; Power-driven Pug Mills; Rollers, all; Steam Generators; Stone Crushers; Stump Machine; Winch Truck with "A" Frame; Work Boats; Tamper; Form Motor driven

Class 4: Air Compressors, all; Generators; Heaters; Mechanical Light Plants, all (1 through 5); Pumps, all; Pumps, well points; Tractaire; Welding Machines (2 through 6)

Class 5: Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDED DECISION

STATE: Kentucky COUNTY: Henderson
DECISION NUMBER: KY81-1298 DATE: DATE OF PUBLICATION
Supersedes Decision Number KY80-1094, dated August 22, 1980 in 45 FR 46278
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Asbestos Workers	$14.61	.65	1.00		.03
Boilermakers	14.50	1.275	1.20		.04
Bricklayers, Stonemasons, Marble Masons, Plasterers, Tile Setters, & Terrazzo Workers	12.14	.60	.55		
Carpenters	13.17	.80	1.00		
Cement Masons	13.30	.85	.65		
Electricians:					
Wiremen	15.23	.65	3% + .50		1/8of1%
Cable Splicers	15.48	.65	3% + .50		1/8of1%
Glaziers	13.085	.50	1.00		.01
Millwrights	13.94	.70	.90		
Piledrivermen	13.42	.80	1.00		
Painters:					
Brush & Rollers	12.80	.80	.60		
Drywall Tapers, Paperhangers	13.05	.80	.60		
Sandblasters, Power Tools, Spray	13.80	.80	.60		
Plumbers & Pipefitters	16.58	.85	1.15		.05
Roofers	13.13	.80	.80		
Sheet Metal Workers	15.56	.75	.72		.04
Sprinkler Fitters	15.31	.95	1.40		.08
Welders - Rate for craft					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))					

KY81-1298 cont.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LABORERS:					
Group A	$10.75	1.00	.75		.09
Group B	10.95	1.00	.75		.09
Group C	11.05	1.00	.75		.09
Group D	11.75	1.00	.75		.09

Group A - Building & construction laborers, scaffold builders other than for mason or plasterers, ironworkers' helpers, mechanic helpers, mechanic tenders, window washers & cleaners, roofers' helpers, railroad laborer, masonry wall washers (interior & exterior), cement finishers' helpers, carpenters' helper, all portable water pumps with discharge up to 3"

Group B - Waterproofing handling of Creosote lumber on like treated material (excluding railroad material), asphalt rakers & lutemen, kettlemen, air tool operating, vibrators, chipping hammer operator, jackmen & sheeting men working in ditches 6' in depth or deeper, assembly of unicrete pump, chain saw operators, tile layers (sewer or field), sewer pipe layers (metallic & non-metallic), motor driven wheelbarrows & concrete buggies, hyster opera-pump crete assemblers, conveyors assemblers, core drill operators, cement, lime, or silica clay handlers (bulk or bag), pneumatic spikers, deck, engine & winch operator, water main & cable ducking (metallic & non-metallic)

Group C - Plaster tenders, mortar mixers, welders (acetylene or electric), cutting torch or burner, cement nozzle laborers, cement gun operator, scaffold builders when working for plasterer or mason, mason tenders

Group D - Dynamite men

KY81-1298 cont.

Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
Class A	$14.27	.65	1.20		.08
Class B	11.53	.65	1.20		.08
Class C	10.76	.65	1.20		.08

CLASSIFICATION DEFINITIONS

Class A - Auto Patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu.ft. or over). concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoe type machine hoist (1-drum when used for stack or chimney construction or repair), hoisting engine (2 or more drums), locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifer, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height and except when used for masonry construction) all types of boom cats, core drill, hopto, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, pumpcrete, Ross carrier, boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, Kecal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, sub-grader; tunnel mining machines including moles, shields or similar types of tunnel mining equipment

Class B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor board, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and endloader, elevator (regardless of ownership when used for hoisting any building material) hoisting engine (1-drum or buck hoist), forklift (when used for masonry construction), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor;

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand steersman, hydraulic post driver, drill helper

SUPERSEDEAS DECISION

STATE: Kentucky COUNTY: Boyd
DECISION NUMBER: KY81-1299 DATE: Date of Publication
Supersedes Decision Number KY80-1095 dated August 22, 1980 in 45 FR 56276
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Asbestos Workers	$17.40	.60	1.10		.03
Boilermakers	12.50	1.275	1.20	2.00	.04
Bricklayers & Stonemasons	14.67	.60	1.00		.02
Carpenters	12.42	.75	1.25		.05
Cement Masons	11.92		.60		
Electricians	15.72	.50	3%+1.00	1.00	.04
Elevator Constructors:					
Mechanics	15.57	1.345	.95	a & b	.035
Helpers	10.90	1.345	.95	a & b	.035
Glaziers	13.83		1.00		.01
Ironworkers	15.96	1.00	1.85		.01
Lathers	11.725		.10		
Line Construction:					
Linemen	16.68	.70	3%+.50	1.00	½%
Cable Splicers	18.35	.70	3%+.50	1.00	½%
Groundmen	10.84	.70	3%+.50	1.00	½%
Mechanical Equipment Op.	13.34	.70	3%+.50	1.00	½%
Millwrights	10.79	.40	.37		.03
Painters:					
Brush, paperhanging, roller drywall, saping, steamcleaning, mittens or rags, sandblasting, drywall machine operator	12.20	.80	1.50		.06
Piledrivermen	12.74	.75	1.25		.05
Plasterers	11.92		.60		
Plumbers & Pipefitters:					
Area 1 - within a 5 mile radius of 17th st. & Winchester Ave., Ashland	14.53	1.00	2.00	1.00	
Area 2 - over 5 miles & within a 15 mile radius of 17th st. & Winchester Ave.	14.73	1.00	2.00	1.00	
Area 3 - over 15 miles & within a 30 mile radius of 17th. st. & Winchester Ave.	14.93	1.00	2.00	1.00	

KY81-1299 cont.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Roofers:					
New Construction	$13.50		.65		
Re-roofing	9.30		.65		
Sheet Metal Workers	15.275	1.535	1.08		.12
Sprinkler Fitters	15.31	.95	1.40		.08
Welders - Rate for craft					
LABORERS					
Group 1	11.20	.45	.80		
Group 2	11.35	.45	.80		
Group 3	11.37	.45	.80		
Group 4	11.40	.45	.80		
Group 5	11.45	.45	.80		
Group 6	11.70	.45	.80		
Group 7	11.90	.45	.80		
Group 8	12.40	.45	.80		

Group 1 - Laborers, carpenter tenders, cement finisher tenders, concrete men, wreckers & wall men, flag men & water boys, handling of empty oxygen & acetylene bottles
Group 2 - Hod carriers & mortar men, lather & plaster tenders
Group 3 - Wrapping, heating, & applying hot & cold tar on all pipes, applying tape on pipes & operating of tester
Group 4 - Deck hand & scow men
Group 5 - Jackhammer & electrical, gas or air power driven tools, burning torch wagon, drill operators & tile layers, handling of all creosote material, signal men, & asphalt rakers
Group 6 - Rock & powder men
Group 7 - Sand hog or mucker, & tunnel miners
Group 8 - Caisson workers

FOOTNOTES:
a. Seven Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving Day, & Christmas Day
b. Employer contributes 8% of the basic hourly rate for 5 years or more of service, 6% of the basic hourly rate for 6 months to 5 Years of service as Vacation Pay Credit

UNLISTED CLASSIFICATIONS needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))

KY81-1299 cont.

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Class A	$14.27	.65	1.20		.08
Class B	11.53	.65	1.20		.08
Class C	10.76	.65	1.20		.08

CLASSIFICATION DEFINITIONS

Class A - Auto Patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu.ft. or over). concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoe type machine hoist (1-drum when used for stack or chimney construction or repair), hoisting engine (2 or more drums), locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifer, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height and except when used for masonry construction) all types of boom cats, core drill, hopto, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, pumpcrete, Ross carrier, boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopgobile, Kecal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, sub-grader; tunnel mining machines including moles, shields or similar types of tunnel mining equipment

Class B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu, ft.), form grader, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor board, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and endloader, elevator (regardless of ownership when used for hoisting any building material) hoisting engine (1-drum or buck hoist), forklift (when used for masonry construction), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor;

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand steersman, hydraulic post driver, drill helper

SUPERSEDEAS DECISION

STATE: Kentucky COUNTY: McCracken
DECISION NUMBER: KY81-1300 DATE: DATE OF PUBLICATION
Supersedes Decision Number KY80-1101 dated August 29, 1980 in 45 FR 57919
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
Asbestos Workers	$14.61	.55	1.00		.03
Boilermakers	14.50	1.275	1.20		.04
Bricklayers, Stonemasons, Marble Masons, Tile Setters & Terrazzo Workers	12.14	.60	.55		
Carpenters & Lathers	13.60	.45	.25		.02
Cement Masons	12.45	.90	.40		.05
Electricians:					
Wiremen	13.75	.50	13%		¾ of 1%
Cable Splicers	14.00	.50	13%		¾ of 1%
Glaziers	13.085	.80	1.00	.25	.01
Ironworkers	13.85	.80	1.05		.05
Line Construction:					
Linemen & Equipment Op.	13.65	.70	13%		½ of 1%
Cable Splicers	13.90	.70	13%		½ of 1%
Groundmen Truck Drivers	10.24	.70	13%		½ of 1%
Groundmen	9.96	.70	13%		½ of 1%
Painters:					
Brush & Roller	12.30	.70			
Sandblast & Power Tools	12.85	.70			
Drywall Finishers & Paperhangers	12.80	.70			
Piledrivermen & Millwrights	14.10	.45	.25		.02
Plumbers & Pipefitters	16.10	.75	1.00		.08
Roofers	11.30		.10		
Sheet Metal Workers	15.60	1.651	1.66		.16
Sprinkler Fitters	15.31	.95	1.40		.08
Welders - Rate for craft					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii))					

KY81-1300 cont.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Group 1	$9.90	.45	.80		
Group 2	10.10	.45	.80		
Group 3	10.40	.45	.80		

Group 1 - General laborers, wrecking labor on buildings, clearing right-of-way & building site, carpenter tenders, truck spotters & dumpers, axe & cross cut saw filer, concrete pudlers & form strippers

Group 2 - All power driven tools, hod carriers, mason tenders, finisher tenders, mortar mixers, jack hammers, vibrators, wagon drill, core drill, test drill, well drill, concrete pump machine, tunnel boring machine, men in tunnel & crib ditch work, signal men, riprap rock setters & handlers, asphalt rakers, tampers & smoothers, pipelayers, grout pump men, chain saw, pipe clearing, doping & wrapping, swampers & straight cable hooking, cement guns, grade checkers machine excavating, batch plant scale man, sand hog free air, sand hog compressed air, cutting torch man on salvage work, road form setters, brick slingers, hand spikers, power buggy, handling of creosote material, sandblasters, curing of concrete & apply hardner, air & gas tampers, concrete saw, power posthole diggers & green cut men on concrete work

Group 3 - Powdermen & blasters

KY81-1300 cont.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
Class A	$14.27	.65	1.20		.08
Class B	11.53	.65	1.20		.08
Class C	10.76	.65	1.20		.08

CLASSIFICATION DEFINITIONS

Class A - Auto Patrol, batcher plant, bituminous paver, cableway, central compressor plant, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all types of loaders, hoe type machine hoist (1-drum when used for stack or chimney construction or repair), hoisting engine (2 or more drums), locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), scarifer, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height and except when used for masonry construction) all types of boom cats, core drill, hopto, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist, hyster, pumpcrete, Ross carrier, boom, tail boom, rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, Kecal loader, tower cranes (French, German and other types), hydrocrane, backfiller, gurries, sub-grader; tunnel mining machines including moles, shields or similar types of tunnel mining equipment

Class B - All air compressors (over 900 cu. ft. per min.), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 hp and over), bull float, finish machine, outboard motor board, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self-propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and endloader, elevator (regardless of ownership when used for hoisting any building material) hoisting engine (1-drum or buck hoist), forklift (when used for masonry construction), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor;

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50hp), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand steersman, hydraulic post driver, drill helper

SUPERSEDEAS DECISION

STATE: MASSACHUSETTS

COUNTIES: Berkshire, Franklin, Hampden and Hampshire

DECISION NO.: MA81-3071

DATE: Date of Publication

Supersedes Decision No. MA80-2070, dated August 29, 1980 in 45 FR 57926

DESCRIPTION OF WORK: Building, Heavy, Highway and Residential Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	15.21	1.04	1.50		.01
BOILERMAKERS	14.63	1.275	10%		.03
BRICKLAYERS: Cement Masons, Plasterers, Stone Mason, Marble-Tile-Terrazzo Workers, Pointers, Cleaners, Caulkers:					
HAMPDEN, HAMPSHIRE, FRANKLIN COUNTIES; BERKSHIRE CO. (Twps. of Becket, Otis and Sandisfield)	12.40	1.13	1.30		.06
BERKSHIRE (Twps. of Adams North Adams, Cheshire, Florida, Savoy, Clarksbury and Williamstown)	11.85				
BERKSHIRE (Remainder of County)	12.88	.70	.55		
CARPENTERS: Soft Floor Layers, Drywall Carpenters:					
BERKSHIRE CO; FRANKLIN (Twps. of Monroe and Monroe Bridge)	11.94	.90	1.15		.04
FRANKLIN COUNTY (Erving, Warwick, Orange and N. Orange)	14.35	1.00	1.00		.07
FRANKLIN COUNTY (Remainder of County): HAMPDEN and HAMPSHIRE COUNTIES	13.35	.60	1.00		.07
ELECTRICIANS:					
BERKSHIRE CO., FRANKLIN CO. (Hawley, Monroe, and Rowe); HAMPSHIRE CO. (Middlefield, Cummington & Plainfield)	11.99	.55	3%+.94		.02

DECISION NO. MA81-3071

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
FRANKLIN COUNTY (Remainder of County); HAMPSHIRE CO. (Remainder of Co.); HAMPDEN CO. (Chester, Holyoke and North portion of Chicopee)					
Electrician Contracts under $85,000.00	11.86	.85	3%+.40		.02
Electrical Contracts over $85,000.00	13.86	.85	3%+.40		.02
HAMPDEN CO. (Remainder of County); HAMPSHIRE CO. (Belchertown, Ware)	13.28	.85	3%+.40		.03
ELEVATOR CONSTRUCTORS	12.13	1.195	.95	a+b	.035
ELEVATOR CONSTRUCTORS' HELPERS	8.49	1.195	.95	a+b	.035
ELEVATOR CONSTRUCTORS' PROBATIONARY HELPERS	6.065				
GLAZIERS	11.30	.47	.45		.005
IRONWORKERS:					
HAMPSHIRE; HAMPDEN; FRANKLIN COS.; BERKSHIRE CO. (Becket, Washington, Lee, Sandisfield, New Marlboro, Hinsdale, Peru, Savoy, Monterey, Sheffield Windsor, Otis, N. & E. Otis)	12.20	1.15	2.55		.09
BERKSHIRE CO. (Remainder of County)	12.85	.75	1.60		.04
LATHERS	10.85		.25		.01
LATHERS, DRYWALL	9.00		.25		.01
LINE CONSTRUCTION:					
Linemen	13.50	.70	3%+.75	c	.75%
Equipment Operator	11.55	.70	3%+.75	c	.75%
Groundman	9.28	.70	3%+.75	c	.75%
Driver Groundman	10.35	.70	3%+.75	c	.75%
MILLWRIGHTS	14.45	1.00	1.00		.10

DECISION NO. MA81-3071	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
MARBLE, TILE & TERRAZZO FINISHERS:					
BERKSHIRE AND HAMPDEN COUNTIES	8.95				
PAINTERS:					
Brush and Taper	11.62	.92	.93		.08
Spray and Sandblasting	15.49	.92	.93		.08
Swing Stage under 40' steel	11.81	.92	.93		.08
Swing stage over 40' Steel	12.12	.92	.93		.08
SIGN PAINTERS	10.85	1.00	.50		.04
PILEDRIVERMEN	12.80	1.00	1.00		
PLUMBERS:					
HAMPDEN COUNTY; BERKSHIRE CO. (Otis, Becket, Sandifield); HAMPSHIRE CO. (Belchertown, Granby, Huntington, Middlefield, South Hadley and Ware)	12.25	1.01	1.70		.10
BERKSHIRE CO. (Remainder of County); FRANKLIN CO. (Monroe, Towe and Western part of Charlemont)	13.05	1.06	.75		.05
FRANKLIN COUNTY (Orange)	11.71	.90	.90	4%	.05
FRANKLIN COUNTY (Remainder of County); HAMPSHIRE CO. (Remainder of County)	13.88	.10	1.60		.10
ROOFERS:					
Composition, Damp Waterproof	10.565	1.10	2.03		
Slate, Tile, Precast Concrete	11.065	1.10	2.03		
SHEET METAL WORKERS	12.25	1.09	1.46		
SPRINKLER FITTERS	15.29	.95	1.40		.08

DECISION NO. MA81-3071	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
STEAMFITTERS:					
HAMPDEN COUNTY; BERKSHIRE COUNTY (Otis, Becket, New Boston, Sandisfield); HAMPSHIRE COUNTY	13.88	.10	1.60		.10
BERKSHIRE COUNTY (Remainder of County); FRANKLIN COUNTY (Monroe, Towe, and Western part of Charlemont)	13.05	1.06	.75		.05
FRANKLIN CO. (Orange)	11.71	.90	.90	4%	.05
FRANKLIN COUNTY (Remainder of County)	13.88	.10	1.60		.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. Holidays: A through F, and the day after Thanksgiving

c. Holidays: A through F, provided the employee has been employed for at least 5 days priorto the holiday and is available for work the day before and after the holiday, plus on floating holidays, Washington's Birthday and Patriots Day.

DECISION NO. MA81-3071

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS; (BUILDING)					
GROUP 1	10.55	.80	1.10		.10
GROUP 2	10.80	.80	1.10		.10
GROUP 3	11.05	.80	1.10		.10
GROUP 4	11.30	.80	1.10		.10
GROUP 5	11.55	.80	1.10		.10

LABORERS - BUILDING CLASSIFICATIONS

GROUP 1 - Laborers, carpenter tenders and wrecking laborers

GROUP 2 - Asphalt Rakers, Carbide Core Driller Operators, Chain Saw Operators, Pipelayers, Jackhammer and Paving Breaker Operators, Barco-type Jumping Tampers, Laser Beam Operators, Concrete Pump Operators, Mason-Tenders, Mortar Mixers, RIde-on Motorized Buggy Operators and Wagon Drill Operators

GROUP 3 - Pre-cast Floor and Roof Plank Erectors and Asbestos Removers

GROUP 4 - Air Track Operators, Block Pavers, Rammers and Curb Setters

GROUP 5 - Powdermen and Blasters

DECISION NO. MA81-3071

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (HEAVY & HIGHWAY)					
BERKSHIRE; FRANKLIN (Except Orange and Worwick); HAMPDEN AND HAMPSHIRE					
Class I	10.55	.75	1.10		.10
Class II	10.80	.75	1.10		.10
Class III	11.30	.75	1.10		.10
Class IV	11.55	.75	1.10		.10
FRANKLIN (Orange and Worwick)					
Class I	10.80	.75	1.10		.10
Class II	11.05	.75	1.10		.10
Class III	11.55	.75	1.10		.10
Class IV	11.80	.75	1.10		.10

LABORERS - HEAVY & HIGHWAY CLASSIFICATIONS

Class I - Carpenter Tenders, Cement Finisher Tenders, Laborers, Wrecking Laborers

CLASS II - Asphalt Rakers, Fence and Guard Rail Erectors, Laser Beam Op., Mason Tender, Pipelayer, Pneumatic Drill Op., Pneumatic Tool Op., Wagon Drill Op.

Class III - Air Track Op., Block Pavers, Rammers, Curb Setters

Class IV - Blasterers, Powdermen

DECISION NO. MA81-3071

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS I	13.38	1.05	1.15	a	.10
CLASS II	13.18	1.05	1.15	a	.10
CLASS III	12.98	1.05	1.15	a	.10
CLASS IIIA	12.61	1.05	1.15	a	.10
CLASS IV	11.31	1.05	1.15	a	.10
CLASS V	10.68	1.05	1.15	a	.10
CLASS VI	9.65	1.05	1.15	a	.10
CLASS VII	14.13	1.05	1.15	a	.10
CLASS VIII	10.83	1.05	1.15	a	.10
CLASS IX	13.90	1.05	1.15	a	.10
CLASS X	13.88	1.05	1.15	a	.10
CLASS XI	14.38	1.05	1.15	a	.10

CLASSIFICATIONS

CLASS I - Shovels, Cranes (including all tower, climbing and bridge cranes, as used in Building Construction as defined in Scope of Employment), Hydraulic Cranes--10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, all three drum Hoisting and Trenching Machines, Belttype Loaders, Foreman Mechanics, Front End Loaders--5½ yards or over, Dual Drum Paver, Automatic Grader (i.e. C.M.I.), Combination Backhoe-Loader--3/4 yard or over, Jet Engine Dryer, Tree Shredder, Post Hole Digger, Post Hole Hammer, Post Extractor, Truck Mounted Concrete Pump with boom, Roto-Mill.

CLASS II - Rotary Drill (with mounted compressor), Compressor House (3 to 6 compressors), rock and earth boring machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yeards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 ft. and over, Scrapers--21 yards and over (struck load), Sonic Hammer Console, Road Planer, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers.

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CLASSIFICATION CONT'D

CLASS III - Combination Backhoe-Loader--up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers--up to 21 yards (struck load) self-propelled or tractor drawn, Tireman, Front End Loaders--up to 4 yards, Asphalt Paver, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point Operators (including installing), Electric pumps used in Well Point System, Pumps--12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Engineers in charge of Powered Grease Truck, all automatic elevators (permanent or temporary) operated manually or remote control (not to be confused with elevators operating from conventional hoist--1, 2 or 3 Drum), Grout pumps, Boom Truck, Hydraulic Cranes--under 10 ton.

CLASS IIIA - Asphalt Rollers, Self-powered Rollers and Compactors, Tractor without blade drawing sheepsfoot roller, rubber tire roller, Vibratory roller, or other type of compactors including machines for pulverizing and aerating soil.

CLASS IV - Single Drum Hoist, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading), Bulk Cement Plants, Self-propelled material spreaders, A-Frame Trucks, Fork Lifts--up to 15 ft., 3 or more 10KW Light Plants, 30 KW or more Generators.

CLASS V - Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps--4 inches to 12 inches (total discharge).

CLASS VI - Compressors (up to 315 cu. ft.), small mixers, pumps (up to 4 inches), power heaters, welding machines, (when 3 or more heaters or welding machines are used on one job, classification 4 rate will be paid), Conveyors, Oiler, helpers on grease trucks with hand greasing equipment.

CLASS VII - Truck Crane Crews

CLASS VIII - Oiler

CLASS IX - Master Mechanic

CLASS X - Boom lengths over 184 feet (including jib)

CLASS XI - Boom lengths over 225 feet (including jib)

FOOTNOTE:

a. PAID HOLIDAYS: New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Veteran's Day, Thanksgiving Day and Christmas Day.

DECISION NO. MA81-3071

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS HEAVY AND HIGHWAY CONSTRUCTION:					
CLASS I	13.38	1.05	1.15	a	.10
CLASS II	13.18	1.05	1.15	a	.10
CLASS III	12.98	1.05	1.15	a	.10
CLASS IIIA	12.61	1.05	1.15	a	.10
CLASS IV	11.31	1.05	1.15	a	.10
CLASS V	10.68	1.05	1.15	a	.10
CLASS VI	9.65	1.05	1.15	a	.10
CLASS VII	14.13	1.05	1.15	a	.10
CLASS VIII	10.83	1.05	1.15	a	.10
CLASS IX	13.90	1.05	1.15	a	.10
CLASS X	13.88	1.05	1.15	a	.10
CLASS XI	14.38	1.05	1.15	a	.10

CLASSIFICATIONS

CLASS I - Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader--5½ yards and over Tower Cranes, Self-propelled Hydraulic Cranes--10 tons and over Dual Pavers, Automatic Grader--Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi-automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine, Combination Back Hoe-Loader--3/4 yard hoe or over, Jet Engine Dryer, Tree Shredder, Post Hole Digger, Post Hole Hammer, Post Extractor, Truck Mounted Concrete Pumps with boom, Roto-Mill.

CLASS II - Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders--4 yards to 5½ yards, Scraper--21 yards and over (struck load), Forklifts--7 ft. lift and over or 3 ton capacity and over, SOnic Hammer Console, Road Planer, Cal Tracks, Ballast Regulators, Rail Anchor Machines, Switch Tampers.

DECISION NO. MA81-3071

CLASSIFICATION CONT'D

CLASS III - Bulldozer, Push Cats, Scrapers--up to 21 yards (struck load) self-propelled or Tractor Drawn, Self powered Asphalt Paver, Front End Loaders--up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in well point system, Tireman, Pumps--16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Tunnel Locomotives and Dinkeys, Grout pumps, Hydraulic Jacks (jacking pipe, slif forms, etc.), Boom Truck, self-propelled Hydraulic Cranes--up to 10 ton, Combination Back Hoe-Loader--up to 3/4 yard hoe.

CLASS IIIA - Asphalt Rollers, Self-Powered Rollers and Compactors, Tractor without blade drawing sheeps foot roller, Rubber tire roller, Vibratory roller, or other type of compactors including machines for pulverizing and aerating soil.

CLASS IV - Hoists, Conveyors, Power Rollers and Compactors, Tractor without blade drawing sheeps foot roller, Rubber tire roller, Vibratory roller, or other type of compactors including machines for pulverizing and aerating soil.

CLASS V - Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps--4" to 16" total discharge.

CLASS VI - Compressor (up to 315 cu. ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck Helper on powered Grease Trucks, Power Heaters, Welding Machines (when 3 or more welding machines are used, Classification 4 rate shall be paid), A-Frame Trucks, Forklifts--up to 7 ft. lift and up to 3 ton capacity, Hydro Boom, Power Safety Boat.

CLASS VII - Truck Crane Crews

CLASS VIII - Oiler

CLASS IX - Master Mechanic

CLASS X - Boom lengths over 184 feet (including jib)

CLASS XI - Boom lengths over 225 feet (including jib)

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Christmas Day

DECISION NO. MA81-3071

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
TRUCK DRIVERS					
CLASS I	10.56	1.10	1.20	a+b	
CLASS II	10.73	1.10	1.20	a+b	
CLASS III	10.80	1.10	1.20	a+b	
CLASS IV	10.92	1.10	1.20	a+b	
CLASS V	11.02	1.10	1.20	a+b	
CLASS VI	11.31	1.10	1.20	a+b	
CLASS VII	11.60	1.10	1.20	a+b	

TRUCK DRIVERS CLASSIFICATIONS

CLASS I - Station Wagons, Panel Trucks and Pickup Trucks

CLASS II - Two axle Equipment; Helpers on Low Bed When Assigned at the Discretion of the Employer, Warehousemen, Forklift Operators

CLASS III - Three Axle Equipment and Tiremen

CLASS IV - Four and Five Axle Equipment

CLASS V - Specialized Earth Moving Equipment under 35 tons other than Convential type trucks, Low Bed, Vachual, Mechanics, Paving Restoration Equipment, Mechanics

CLASS VI - Specialized Earth Moving Equipment over 35 Tons

CLASS VII - Trailers for Earth Moving Equipment (Double Hookup)

FOOTNOTES:

a. Paid Holidays: New Year's Day, Washington's Birthday, Patriot's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day

b. Paid Vacation: 4 months to 1 year ½ day's pay per month; 1-5 years - 1 week; 5-10 years - 2 weeks; 10 years or more - 3 weeks. Employee must have received pay for 120 days during last year 4 employment.

SUPERSEDEAS DECISION

STATE: MISSISSIPPI COUNTY: Lowndes (excluding Columbia Lock & Dam & Tennessee Tombigbee Projects)

DECISION NUMBER: MS81-1297 DATE: Date of Publication

Supersedes Decision No.: MS81-1177, January 30, 1981, 46 FR 10094

DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
BOILERMAKERS	$11.30				
CARPENTERS	10.50				
CEMENT MASONS	10.50				
ELECTRICIANS	11.30				
ERECTORS	6.20				
GLAZIERS	6.90				
IRONWORKERS, Structural & Ornamental	11.30				
IRONWORKERS, Reinforcing	11.30				
LABORERS	5.90				
LATHERS	7.00				
MILLWRIGHTS	11.30				
PAINTERS, Brush	7.00				
PLASTERERS	7.00				
PLUMBERS & PIPEFITTERS	11.30				
ROOFERS	5.90				
SHEET METAL WORKERS	7.10				
TILE SETTERS	6.90				
TRUCK DRIVERS	7.05				
WELDERS - Rate for Craft					
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).					

SUPERSEDEAS DECISION

STATE: Missouri & Kansas

COUNTIES: Cass, Clay, Jackson, Platte, Ray, Henry, Johnson & Lafayette Counties, Missouri; Johnson & Wyandotte Counties, Kansas

DECISION NO: MO81-4082

DATE: Date of Publication

Supersedes Decision No. MO81-4035 dated May 22, 1981 in 46 FR 28117

DESCRIPTION OF WORK: Building Projects, (excluding single family homes and apartments up to and including 4 stories) and heavy and highway construction in Johnson and Wyandotte Counties, Kansas only.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ASBESTOS WORKERS	$16.49	1.05	1.50		.05
BOILERMAKERS	14.97	1.375	1.15		.05
BRICKLAYERS & STONEMASONS	14.89	1.00	.95		
CARPENTERS:					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas:					
Carpenters, lathers, millwrights and pile-drivermen	14.05	.65	.75		.07
Zone 2 - Henry County, Missouri:					
Carpenters	12.95	.65	.75		.07
Millwrights, lathers & piledrivermen	14.05	.65	.75		.07
Zone 3 - Johnson County, Missouri:					
Carpenters	13.375	.65	.75		.07
Millwrights, lathers & piledrivermen	14.05	.65	.75		.07
CEMENT MASONS (Building Construction):					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas:					
Cement masons	13.925	.80	.85		
Zone 2 - Henry and Johnson Counties, Missouri	12.83				
CEMENT MASONS (Heavy and Highway Construction):					
Johnson & Wyandotte Counties, Kansas	14.11	.80	.85		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:					
Zone 1 - Western half of Clay and Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County, Missouri; Northwestern portion of Cass County, Missouri not including Pleasant Hill:					
Electricians	$16.18	.69	3%+1.00	7%	.12
Zone 2 - Henry, Johnson and Lafayette Counties, Missouri and remainder of Clay, Jackson, Platte and Cass Counties, Missouri					
Electricians (contracts exceeding 2000 man hours	16.18	.69	3%+1.00	7%	.12
Electricians (contracts not exceeding 200 man hours	15.18	.69	3%+1.00	7%	.12
Zone 3 - Ray County, Missouri:					
Electricians (contracts exceeding 2000 man hours	16.18	.69	3%+1.00	7%	.12
Electricians (contracts not exceeding 2000 man hours	14.58	.69	3%+1.00	7%	.12
Zone 4 - Johnson and Wyandotte Counties, Kansas	16.18	.69	3%+1.00	7%	.12
ELEVATOR CONSTRUCTORS	15.425	1.345	.95	8%+a	.035
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	1.345	.95	8%+a	.035
ELEVATOR CONSTRUCTORS HELPERS (PROB)	50%JR				

FOOTNOTES: - a-Employer contributes 8% of basic hourly rate for over 5 years of service and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Also 7 paid holidays.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GLAZIERS	$13.53	.90	1.34	17.14%	.05
IRONWORKERS	14.00	.80	1.50	1.00	.10
LABORERS:					
Building Construction					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, MIssouri; Johnson and Wyandotte Counties, Kansas					
Group 1	12.25	.60	.60		.10
Group 2	12.40	.60	.60		.10
Group 3	12.55	.60	.60		.10

CLASSIFICATION DEFINITIONS

LABORERS

Group 1 - General labor; wiremesh handlers or setters; carpenter tender; track men; flagmen; signalmen; salamander tenders; window cleaners; floor cleaners; landscape man; sod layers; wrecker (for alterations or entire projects)

Group 2 - Plumber laborers (conduit pipe, sewer work, drain tile and duct lines, digging and power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer, and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch winch operators; swinging scaffolds cutting torch or burner men; goergia buggies (self-propelled) fork lift; hoseman; insulation man

Group 3 - Fork lift (masonry); brick tender; plasterer tender; stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding) Barco, Jackson or similar tamp operators; asphalt rakers; powder men; mastic hot kettle men; sandblasting and gunnite nozzlemen; wagon and churn drill operators

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Zone 3 - Henry and Johnson Counties, Missouri					
Group 1	$9.525	.60	.80		.10
Group 2	9.625	.60	.80		.10
Group 3	9.85	.60	.80		.10

CLASSIFICATION DEFINITIONS

LABORERS:

Group 1 - Carpenter tenders, track men, wreckers (alteration or entire projects); reinforcing rod carriers; flagmen; signal men; all other general laborers

Group 2 - Plumber laborers; stonemason tenders; air tool operators, sewer work, water lines, conduit pipe, drain tile and duct lines; batter board man or pipe & ditch work; pier hole men working below ground; vibrator man; jackhammer & chipping hammer operators; material batch hopper man; scaleman; spreader or screed man on asphalt machine; chain or concrete sawman; brush feeders on pulverizers; swinging scaffold; cement handlers (buck or sack); laser beam man

Group 3 - Plasterer tenders; hod carriers; brick tender; cutting torch & burner men; asphalt rakers; barco tamper; jackson or any similar tamps; power buggy operator; powderman; mastic kettlemen; sandblasting & gunnite nozzlemen; head pipe layer on sewer work; men working in tunnels; head form setters & stringline men; hot tar applicator

LABORERS:					
Site preparation and grading, Heavy and Highway Construction					
Zone 4 - Johnson and Wyandotte Counties, Kansas					
Group 1	11.20	.60	1.00	1.05	.10
Group 2	11.35	.60	1.00	1.05	.10
Group 3	11.50	.60	1.00	1.05	.10
Group 4	11.70	.60	1.00	1.05	.10
Group 5	12.00	.60	1.00	1.05	.10

CLASSIFICATION DEFINITIONS

LABORERS:

Group 1 - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagman; loading trucks under bins, hoppers and conveyors track men and all other general laborers

Group 2 - Air tool operators; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signalman; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only)

Group 3 - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working underground tunnels where compressed air is not used

Group 4 - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any similar tamp wagon driller; churn drills; air track drills and all other similar drills; form setters; cutting torch man; liners and stringline man on concrete paving, curbs, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operator; manhole builders helpers and mortar men on brick or block manholes; sandblasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels

Group 5 - Manhole builder (brick or block); dynamite and powder man

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Zone 1 - Cass, Clay, Jackson, Platte, and Ray Counties, Missouri; Wyandotte and remainder of Johnson Counties, Kansas					
Linemen	$17.33	.45	3% .25		½%
Lineman Operator	16.33	.45	3%+.25		½%
Groundman	11.42	.45	3%+.25		½%
Zone 2 - Western 3/4 of Johnson County, Kansas					
Lineman	14.52	.45	3%		½%
Cable Splicers	15.26	.45	3%		½%
Groundman	9.03	.45	3%		½%
Powderman	12.03	.45	3%		½%
Line Truck and Equipment operators	12.03	.45	3%		½%
Zone 3 - Cass, Clay, Jackson, Platte, Ray, Henry, Johnson & Lafayette Counties, Missouri; Wyandotte County & Johnson Co. - that portion east of Monticello, Olathe & Spring Hill Townships Kansas.					
Line Construction (Telephone and Telegraph Work - including C.A.T.V. Work):					
Cable splicers; air pressure technicians; central office equipment man	10.69	.45	3%		
Telephone lineman & installer repairman; C.A.T.V. terminator; equipment operator (¾ yd. backhoe & larger & D-4 crawlers & larger)	10.39	.45	3%		
Equipment operator (trenchers & all other equipment)	9.11	.45	3%		
Groundman-winch driver	7.87	.45	3%		
Groundman	6.36	.45	3%		

LINE CONSTRUCTION CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line Construction (Railroad and Cross Country Transmission Lines)					
Zone 4 - Wyandotte County and Johnson County- that portion east of Monticello Olathe & Spring Hill Townships:					
Lineman	$14.67	.45	3%+.25		½%
Lineman operator	13.57	.45	3%+.25		½%
Groundman, powderman	10.09	.45	3%+.25		½%
Groundman	9.42	.45	3%+.25		½%
Pole Treating:					
Pole treating specialist	15.40	.45	3%+.25		½%
Pole treating inspector	14.67	.45	3%+.25		½%
Pole treating truck driver	10.09	.45	3%+.25		½%
Pole treating groundman	9.42	.45	3%+.25		½%
MARBLE & TILE SETTERS	15.20	5%	5%		
Marble & tile setters' finishers	13.20				
PAINTERS:					
Zone 1 - Cass, Clay, Henry, Jackson, Johnson (excluding Whiteman Air Force Base), Lafayette, Platte and Ray Counties, Missouri; Johnson and Wyandotte Counties, Kansas					
Brush and tapers	13.59	.55	.75		
Spray	14.59	.55	.75		
Zone 2 - Johnson Co., Missouri (Whitman Air Force Base only)					
Brush	12.25				
Spray	13.25				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLASTERERS:					
Zone 1 - Cass, Clay, Jackson, Lafayette, Platte and Ray Counties, Missouri, Johnson and Wyandotte Counties, Kansas	$15.80				
Zone 2 - Henry and Johnson Counties, Missouri	12.51				
PIPEFITTERS	16.24	.87	1.60		.10
PLUMBERS	16.16	1.20	1.30		.15
POWER EQUIPMENT OPERATORS:					
Building Construction					
Group I	14.11	1.00	1.25	1.05	.20
Group II	13.76	1.00	1.25	1.05	.20
Group III:					
(a)	9.80	1.00	1.25	1.05	.20
(b)	11.86	1.00	1.25	1.05	.20
(c)	11.00	1.00	1.25	1.05	.20
(d)	12.11	1.00	1.25	1.05	.20
Group IV	14.36	1.00	1.25	1.05	.20
Group V	14.01	1.00	1.25	1.05	.20
Group VI	14.61	1.00	1.25	1.05	.20
Group VII:					
(a)	13.86	1.00	1.25	1.05	.20
(b)	13.61	1.00	1.25	1.05	.20
(c)	11.61	1.00	1.25	1,05	.20
Group VIII	15.11	1.00	1.25	1.05	.20
Group IX	14.61	1.00	1.25	1.05	.20

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group I - Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator; back fillers; backhoe; barber-greene loader; blade-power; boats-power; boilers (2); boring machines; cableways; cherry pickers; chip spreader; concrete ready-mixed plant, portable (job site); concrete mixer paver; crane-overhead; crusher, rock; derricks and derricks cars (power operated); ditching machines; dozers; dredges - any type power; grade-all - similar type; hoist, endless chain-power operated with power travel; loaders; mechanic and welder; mucking machine; orange peels; pumps - material; push cats; scoops; self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man

GROUP II Boilers (1); Brooms - power operated; chip spreader (front man); clef plane operator; compressors (1) 125' or over; concrete saws, self-propelled; crab - power operated; curb finishing machine; firemen on rigs; flex plane; floating machine; form grader; greaser; hoist, endless chain - power operated; hopper - power operated; hydra hammer; lad-a-vator - similar type; rollers; siphons, jets, and jennies, sub-grader; tractors over 50 h.p.; compressors (2) 125' ft. or over not more than 20' apart; compressors-tander; compressors sigle, truck mounted; elevator; finishing machine

Group III -
(a) Oilers
(b) Fork lift-masonry
(c) Oiler driver
(d) A-frame trucks; fork lift-all types (except masonry); mixers (w/side loaders); pumps (w/well points) dewatering systems, test or pressure pumps; tractors (except when hauling material) less than 50 h.p.

Group IV -
Clamshells, 80 ft. of boom or over (incl. jib); crane or rigs, 80 ft. of boom or over (incl. jib); draglines, 80 ft. of boom or over (incl. jib); pile drivers, 80 ft. of boom or over (incl. jib)

Group V
Hoists-each additional drum over 1 drum

Group VI
Crane or rigs, over 200 ft. of boom

Group VII
Ready Mixed Concrete Plants;
(a) Crane operator
(b) Loader operator & plant man
(c) Conveyor Operator

Group VIII
Master Mechanic

Group IX
Crane-tower or climbing

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS (CONT'D)					
Site preparation and grading, Heavy and Highway Construction					
Zone 1 - Johnson and Wyandotte Counties, Kansas					
Group I	$13.10	1.05	1.25	1.05	.15
Group II	12.85	1.05	1.25	1.05	.15
Group III	12.15	1.05	1.25	1.05	.15
Group IV					
(a)	9.03	1.05	1.25	1.05	.15
(b)	11.15	1.05	1.25	1.05	.15
Group V	13.35	1.05	1.25	1.05	.15
Group VI	13.10	1.05	1.25	1.05	.15

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group I - Asphalt paver and spreader; asphalt plant console operator; auto grader; backhoe; blade operator, all types; boilers - 2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator - 2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader - fork lift; hoistline engine - 2 active drums; locomotive operator, standard gauge; mechanics and welders; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump - 2; push cat op.; quad-track; scoop operator - all types; scoops in tandem; self-propelled rotary drill (leroy or equal - not air trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operator; slip - form paver (CMI, REX, or equal); throttle man; truck crane; welding machine maintenance operator - 2

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS - (CONT'D)

Group II - A-frame truck, asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; back filler operator; chip spreader; concrete batch plant, dry-power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader; greaser; hoisting engine - 1 drum; latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydrahammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator tractor operator over 50 h.p.

Group III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator - combination boiler and booster; tractor, 50 h.p. or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator -1

Group IV

(a) Oilers

(b) Oiler driver, all types

Group V - Clamshells, 3 yds. capacity or over; crane or rigs, 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; piledrivers, 80 ft. of boom or over (including jib); shovels & backhoes, 3 yds. capacity or over

Group VI - Hoists (each additional drum over 1 drum)

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft or more in length or depth will be paid fifty cents (50¢) per hour above the regular classification.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ROOFERS:					
Roofers	$13.05	.75	.75		.14
SHEET METAL WORKERS	15.42	.75	1.44		.17
SOFT FLOOR LAYERS	11.26	.60	1.00	1.00	1%
SOUND AND SIGNAL INSTALLER	9.69	.54	.27	.18	.02
SPRINKLER FITTERS	16.38	.95	1.40		.06
SPRINKLER FITTERS (Henry, Johnson and Lafayette Counties, Missouri)	15.10	.95	1.40		.08
TERRAZZO WORKERS	14.31	5%	5%		
TERRAZZO WORKERS FINISHERS	12.67				
TERRAZZO BASE MACHINE	13.02				
TRUCK DRIVERS:					
Building Construction:					
Group I	10.925	.75	1.00		
Group II	10.975	.75	1.00		
Group III	11.05	.75	1.00		
Group IV	11.175	.75	1.00		
Group V	11.075	.75	1.00		
Group VI	11.275	.75	1.00		
Group VII	11.125	.75	1.00		
Group VIII	11.025	.75	1.00		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

Group I - Warehousemen and stock man

Group II - Flat beds; pick-ups; drum trucks, under 10 yds.

Group III - Dump trucks, 10 yds. and over; steel trucks; semi truck drivers

Group IV - Straddle trucks, steel tractors (when used for towing); hydro lift trucks, hydraulically operated serial lifts; heavy hauling, a-frame winch and fork lifts; heavy excavating (dumpter, euclid, etc.); double bottom units (20 tons capacity and over)

Group V - Distributor truck drivers and operators; oilers, greasers and mechanics' helpers

Group VI - Mechanics

Group VII - Transit mix, 5 yds. and over

Group VIII - Transit mix, under 5 yds.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Site preparation and grading, Heavy and Highway Construction					
Zone 1 - Johnson and Wyandotte Counties, Kansas					
Group I	$11.75	1.00	1.50	.75	
Group II	11.95	1.00	1.50	.75	
Group III	12.26	1.00	1.50	.75	
Group IV	12.41	1.00	1.50	.75	
Group V	11.53	1.00	1.50	.75	

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

Group I - One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle

Group II - Material trucks, tandem; two teams; semi-trailers; winch trucks - fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers, single axle; tank wagon drivers tandem or semi-trailers; insley wagons; dump trucks, excavating, 5 cu. yds. and over; dumpsters; half-tracks; speedace; euclids and other similar excavating equipment

Group III - A-frame, lowboy, and boom truck driver

Group IV - Mechanics and welders

Group V - Oilers and greasers

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5(a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Missouri & Kansas

COUNTIES: Cass, Clay, Jackson, Platte & Ray Missouri; Johnson & Wyandotte, Kansas

DECISION NO. MO81-4081

DATE: Date of Publication

Supersedes Decision No. MO81-4065 dated August 21, 1981 in 46 FR 42605

DESCRIPTION OF WORK: Residential construction consisting of single family homes and apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	16.49	1.05	1.50		.05
BOILERMAKERS	14.97	1.375	1.15		.05
BRICKLAYERS & STONEMASONS	14.89	1.00	.95		
CARPENTERS	13.55	.65	.75		.07
CEMENT MASONS	13.925	.80	.85		
ELECTRICIANS:					
Buildings of (3) stories or Less:					
ZONE 1 - Johnson County, Kansas (that portion of Johnson County west of Aubry, Oxford & Shawnee Twps.) Cass, Clay, Jackson, Platte & Ray Counties, Missouri; & Wyandotte County, Kansas; & remainder of Johnson County, Kansas	10.67	.69	3%+.90	7%	.12
Buildings of over (3) stories:					
ZONE 1 - Western hald of Clay & Jackson Counties, Missouri not including Blue Springs; Northern half of Platte County; Northwestern portion of Cass County, Missouri; not including Pleasant Hill	16.18	.69	3%+1.00	7%	.12
ZONE 2 - Remainder of Cass, Clay, Jackson & Platte Counties, Missouri: Electricians (Contracts exceeding 2000 man hours)	16.18	.69	3%+1.00	7%	.12

DECISION NO. M081-4081

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ELECTRICIANS: CONT'D					
Buildings of over (3) stories:					
ZONE 3 - Electricians (contracts not exceeding 2000 man hours	15.18	.69	3%+1.00	7%	.12
ZONE 4 - Ray County, Missouri					
Electricians (contracts exceeding 2000 man hours	16.18	.69	3%+1.00	7%	.12
Electricians (contracts not exceeding 2000 man hours	14.58	.69	3%+1.00	7%	.12
ELEVATOR CONSTRUCTORS'	15.425	1.345	.95	8%+a	.035
ELEVATOR CONSTRUCTORS HELPERS	70%JR	1.345	.95	8%+a	.035
ELEVATOR CONSTRUCTORS HELPER (PROB.)	50%JR				

FOOTNOTES: - a Employer contributes 8% of basic hourly rate for over 5 years of service and 6% of basic hourly rate for 6 months to 5 years service as Vacation Pay Credit. Also 7 paid holidays.

GLAZIERS	13.53	.90	1.34	17.14%	.05
IRONWORKERS	14.00	.80	1.50	1.00	.10
LABORERS:					
Building Construction:					
ZONE I					
GROUP I	12.25	.60	.60		.10
GROUP II	12.40	.60	.60		.10
GROUP III	12.55	.60	.60		.10

DECISION NO. M081-4081

CLASSIFICATION DEFINITIONS

LABORERS (ZONE 1)

GROUP I - General labor; wiremesh handlers or setters; carpenter tender; track men; flagmen; signalmen; salamander tenders; window cleaners; floor cleaners; landscape man; sod layers; wrecker (for alterations or entire projects).

GROUP II - Plumber laborers (conduit pipe, sewer work, drain tile and duck lines, digging and backfilling), power tool operators; pier hole diggers (over 10 ft.); vibrator, jackhammer, and chipping hammer operators; chain saw operators; concrete saw operators; brush feeders on pulverizers; reinforcing steel handlers; air tamp operators; ditch winch operators; swinging scaffolds cutting torch or burner men; georgie buggies (self-propelled) fork lift; hosemen; insulation man.

GROUP III - Fork lift (masonry); brick tender; plaster tender; stonemasons tender (includes all hod carriers classifications previously shown as mortar men and scaffolding) Barco, Jackson or similar tamp operators; asphalt rakers; power men; mastic hot kettle men; sandblasting and gunnite nozzlemen; wagon and churn drill operators.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Site Preparation & Grading					
ZONE 2 - Johnson & Wyandotte Counties, Kansas; Site preparation, incidental paving & utilities Clay, Jackson, Platte & Ray Counties, Missouri					
GROUP I	$11.20	.60	1.00	1.05	.10
GROUP II	11.35	.60	1.00	1.05	.10
GROUP III	11.50	.60	1.00	1.05	.10
GROUP IV	11.70	.60	1.00	1.05	.10
GROUP V	12.00	.60	1.00	1.05	.10

DECISION NO. MO81-4081

CLASSIFICATION DEFINITIONS

LABORERS: (ZONE 2)

GROUP I - Carpenter tenders; salamander tenders; dump man and ticket takers on stock piles; flagman; loading trucks under bins, hoppers and conveyors track men and all other general laborers.

GROUP II - Air tool operators; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checker on cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pier hole men working below ground); riprap pavers rock, block or brick; signalman; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gasoline, oil, drainage pipe, conduit pipe, tile and duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only).

GROUP III - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working underground tunnels where compressed air is not used.

GROUP IV - Spreader or screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any similar tamp wagon driller; churn drills; air track drills and all other similar drills; form setters; cutting torch man; liners and stringline man on concrete paving, curbs, gutters and etc.; hot mastic kettleman; hot tar application; hand blade operator; manhole builders tenders and mortar men on brick or block manholes; sandblasting and gunnite nozzlemen; rubbing concrete; air tool operator in tunnels.

GROUP V - Manhole builder (brick or block); dynamite and powder man.

DECISION NO. MO81-4081

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
LATHERS	12.55	.40			
TILE & MARBLE SETTERS	15.20	5%	5%		
TILE SETTERS	13.20				
PAINTERS:					
Brush; roller; & tapers	13.09	.55	.75		
Spray	14.09	.55	.75		
PLASTERERS	15.80				
PIPEFITTERS	16.24	.87	1.60		.10
PLUMBERS	16.16	1.20	1.30		.15
POWER EQUIPMENT OPERATORS:					
Building Construction					
(Zone 1)					
GROUP I	14.11	1.00	1.25	1.05	.20
GROUP II	13.76	1.00	1.25	1.05	.20
GROUP III:					
(a)	9.80	1.00	1.25	1.05	.20
(b)	11.86	1.00	1.25	1.05	.20
(c)	11.00	1.00	1.25	1.05	.20
(d)	12.11	1.00	1.25	1.05	.20
GROUP IV	14.36	1.00	1.25	1.05	.20
GROUP V	14.01	1.00	1.25	1.05	.20
GROUP VI	14.61	1.00	1.25	1.05	.20
GROUP VII					
(a)	13.86	1.00	1.25	1.05	.20
(b)	13.61	1.00	1.25	1.05	.20
(c)	11.61	1.00	1.25	1.05	.20
GROUP VIII	15.11	1.00	1.25	1.05	.20
GROUP IX	14.61	1.00	1.25	1.05	.20

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

Group I - Asphalt paver and spreader; asphalt plant mixer operator; asphalt plant operator; back fillers; backhoe; barber-greene loader; blade-power; boats-power; boilers (2); boring machines; cableways; cherry pickers; chip spreader; concrete ready-mixed plant, portable (job site); concrete mixer paver; crane-overhead; crusher, rock; derricks and derricks cars (power operated); ditching machines; dozers; dredges - any type power; grade-all - similar type; hoist, endless chain-power operated with power travel; loaders; mechanic and welder; mucking machine; orange peels; pumps - material; push cats; scoops; self-propelled rotary drill; shovel, power; side boom; skimmer scoop; testhole machine; throttle man

GROUP II Boilers (1); Brooms - power operated; chip spreader (front man); clef plane operator; compressors (1) 125' or over; concrete saws, self-propelled; crab - power operated; curb finishing machine; fireman on rigs; flex plane; floating machine; form grader; greaser; hoist, endless chain - power operated; hopper - power operated; hydra hammer; lad-a-vator - similar type; rollers; siphons, jets, and jennies; sub-grader; tractors over 50 h.p.; compressors (2) 125' ft. or over not more than 20' apart; compressors-tander; compressors single, truck mounted; elevator; finishing machine

Group III -
(a) Oilers
(b) Fork lift-masonry
(c) Oiler driver
(d) A-frame trucks; fork lift-all types (except masonry); mixers (w/side loaders); pumps (w/well points) dewatering systems, test or pressure pumps; tractors (except when hauling material) less than 50 h.p.

Group IV -
Clamshells, 80 ft. of boom or over (incl. jib); crane or rigs, 80 ft. of boom or over (incl. jib); draglines, 80 ft. of boom or over (incl. jib); pile drivers, 80 ft. of boom or over (incl. jib)

Group V
Hoists-each additional drum over 1 drum

Group VI
Crane or rigs, over 200 ft. of boom

Group VII
Ready Mixed Concrete Plants:
(a) Crane operator
(b) Loader operator & plant man
(c) Conveyor Operator

Group VIII
Master Mechanic

Group IX
Crane-tower or climbing

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
POWER EQUIPMENT OPERATORS: Site preparation & grading Johnson & Wyandotte Counties, Kansas; Site preparation, incidental paving & utilites Clay, Jackson, Platte & Ray Counties, Missouri (ZONE 2)					
GROUP I	$13.10	1.05	1.25	1.05	.15
GROUP II	12.85	1.05	1.25	1.05	.15
GROUP III	12.15	1.05	1.25	1.05	.15
GROUP IV					
(a)	9.03	1.05	1.25	1.05	.15
(b)	11.15	1.05	1.25	1.05	.15
GROUP V	13.35	1.05	1.25	1.05	.15
GROUP VI	13.10	1.05	1.25	1.05	.15

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:

GROUP I - Asphalt paver and spreader; asphalt plant console operator; auto grader; backhoe; blade operator, all types; boilers-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drill-cat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader-fork lift; hoistline engine-2 active drums; locomotive operator, standard gauge; mechanics and welders; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump-2; push cat operator; quad-track; scoop operator-all types; scoops in tandem; self-propelled rotary drill (leroy or equal-not air trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operater; slip-form paver (CMI, REX, or equal); throttle man; truck crane; welding machine maintenance operator-2.

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CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS-Zone 2 Cont'd

GROUP II - A-frame truck; asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller operator; back filler operator; chip spreader; concrete batch plant, dry-power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator elevating grader; greaser; hoisting engine-1 drum; letourneau rooter; multiple compactor; pavement breaker, self propelled, of the hydrahammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator, tractor operator over 50 h.p..

GROUP III - Boilers-1; chip spreader (front man); churn drill operator; compressor maintenance operator-1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator-combination boiler and booster; tractor, 50 h.p. or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator-1.

GROUP IV

(a) Oiler

(b) Oiler drivers, all types

GROUP V - Clamshells, 3 yds. capacity or over; crane or rigs, 80 ft. of boom or over (including jib); draglines, 3 yds. capacity or over; piledrivers, 80 ft. of boom or over (including jib); shovels & backhoes, 3 yds. capacity or over

GROUP VI - Hoists (each additional drum over 1 drum)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
ROOFERS:					
Roofers	$13.05	.75	.75		.14
SHEET METAL WORKERS	15.42	.75	1.44		.17
SOFT FLOOR LAYERS	11.26	.60	1.00	1.00	1%
SPRINKLER FITTERS	15.38	.95	1.40		.06
TERRAZZO WORKERS	14.31	5%	5%		
TERRAZZO FINISHERS	12.67				
TERRAZZO BASE MACHINE OP.	13.02				
TRUCK DRIVERS:					
Building Construction:					
Zone 1					
GROUP I	10.925	.75	1.00		
GROUP II	10.975	.75	1.00		
GROUP III	11.05	.75	1.00		
GROUP IV	11.175	.75	1.00		
GROUP V	11.075	.75	1.00		
GROUP VI	11.275	.75	1.00		
GROUP VII	11.125	.75	1.00		
GROUP VIII	11.025	.75	1.00		

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS - Zone 1

GROUP I - Warehousemen and stock man.

GROUP II - Flat beds; pick-ups; dump trucks, under 10 yds.

GROUP III - Dump trucks, 10 yds. and over; steel trucks; semi truck drivers.

GROUP IV - Straddle trucks, steel tractors (when used for towing); hydro lift trucks, hydraulically operated serial lifts; heavy hauling, A-frame winch and fork lifts; heavy excavating (dumpster, euclid, etc.); double bottom units (20 tons capacity and over).

GROUP V - Distributor truck drivers and operators; oilers, greasers and mechanics' tenders.

GROUP VI - Mechanics.

GROUP VII - Transit mix, 5 yds. and over.

GROUP VIII - Transit mix, under 5 yds.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and or Appr. Tr.
TRUCK DRIVERS: Site preparation & grading Johnson & Wyandotte Counties, Kansas; Site preparation, Incidental paving & utilities Clay, Jackson, Platte & Ray Counties, Missouri					
Zone 2					
GROUP I	$11.75	1.00	1.50	.75	
GROUP II	11.95	1.00	1.50	.75	
GROUP III	12.26	1.00	1.50	.75	
GROUP IV	12.41	1.00	1.50	.75	
GROUP V	11.53	1.00	1.50	.75	

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS - Zone 2
GROUP I - One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle.
GROUP II - Material trucks, tandem; two teams; semi-trailers; winch trucks-fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers; single axle; tank wagon drivers tandem or semi-trailers; insley wagons; dump trucks, excavating, 5 cu. yds. and over; dumpsters; half-tracks; speedace; euclids and other similar excavating equipment.
GROUP III - A-frame, lowboy, and boom truck driver.
GROUP IV - Mechanics and welders.
GROUP V - Mechanics tender, oilers and greasers.

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)."

SUPERSEDEAS DECISION

STATE: Nebraska COUNTIES: Cass, Douglas, Sarpy, Washington, & that portion of Saunders County East of Highway #109

DECISION No. NE81-4080 DATE: Date of Publication
Supersedes Decision No. NE80-4013 dated January 25, 1980 in 45 FR 6309

DESCRIPTION OF WORK: Heavy in all, but Washington County & Highway Construction (excluding bridges across navigable waterways)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS:					
Carpenters	$13.58	1.10	.70		.05
CEMENT MASONS	12.77	.85	1.00		
IRONWORKERS: Reinforcing & Structural	12.60	1.10	1.25	1.00	.05
LABORERS:					
Common Laborer	10.04	.80	.75		.05
Towboats & Dredge Deckhands	9.76	.80	.75		.05
Rakers & Screedmen on Asphalt; Mortar Mixers; Chain Saw Operators	9.99	.80	.75		.05
Pipelayers; Concrete Saw Operator	9.93	.80	.75		.05
Form Setters & Precast Manhole Setter, Inlet Builders & Manhole Setters	10.37	.80	.75		.05
LINE CONSTRUCTION:					
Linemen	13.18	.45	3%		½%
Cable Splicers	14.16	.45	3%		½%
Truck Driver	9.52	.45	3%		½%
Equipment Operator	11.86	.45	3%		½%
Groundmen	8.60	.45	3%		½%
POWER EQUIPMENT OPERATORS:					
Group 1	8.31	.80	1.20		
Group 2	8.40	.80	1.20		
Group 3	10.09	.80	1.20		
Group 4	10.53	.80	1.20		
Group 5	11.57	.80	1.20		
Group 6	11.82	.80	1.20		
Group 7	12.17	.80	1.20		
Group 8	12.36	.80	1.20		

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CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS:

Group 1 - Oilers; Greasers

Group 2 - Oiler Driver.
Group 3 - Tractor under 35 h.p.; Air Compressors; Pumps-welding machine; Spray machine; Form Trenchers; Belt machine
Group 4 - Concrete Mixer; Concrete Pumps; Hydro-Hammer.
Group 5- Spreader Oiler
Group 6 - Concrete Spreader; Concrete Finishing Machine; Bulldozer; Roller; Traxcavator; Forklift; One Drum Hoist; Oiler Distributor; Asphalt Roller; One drum winch truck
Group 7 - Blade (patrol); Scraper.
Group 8 - Hoist, 2 drums; Trenching Machine; Paving Mixer; Pile-driver; Heavy duty Mechanic and Welder; Shovel; Dragline; Clamshell; Orange Peel; bachoe; Derrick; Crane; Locomotive; Fireman on Boiler; Laydown Machine; Two Drum Winch Truck; Side Boom Cat; Pug Mill Operator on Asphalt Plant; Leverman on Dredge; Engineer on Dredge; Tugboat Operator; Gradall Operator; Rotary Well Drilling Operator; Hydrocrane; Cleveland type Backfiller; Self-propelled Spreader Vibrator; Slip Form Paver.

TRUCK DRIVERS:						
Group 1 - Single Axle, Jack & Spreader	$ 7.73	.50	.50			
Group 2 - Tandem Axle Euclid Trucks, Power Lift Form Trucks & Jack & Spreader Trucks	7.79	.50	.50			
Group 3- Lowboys-Tractor Trailer, Water Pulls	7.92	.50	.50			
Group 4 - Tandem Dump with Auxiliary End Dump Trailer	7.97	.50	.50			
Group 5 - Lumber Carrier	8.09	.50	.50			

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

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federal register

Friday
October 16, 1981

Part III

Department of Education

Expected Family Contributions (Common Need Analysis) for Pell Grant, National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs; Proposed Regulations

DEPARTMENT OF EDUCATION

34 CFR Part 668

Expected Family Contributions (Common Need Analysis) for Pell Grant, National Direct Student Loan, College Work-Study, and Supplemental Educational Opportunity Grant Programs

AGENCY: Department of Education.

ACTION: Proposed rulemaking.

SUMMARY: The Secretary proposes regulations for a common need analysis to be used for the 1982–83 award year for the programs listed above. It is intended to replace the Family Contribution Schedules used by the Pell Grant Program and all of the other methods of measuring need which were approved in previous years for the three campus-based programs, i.e., National Direct Student Loan (NDSL), College Work-Study (CWS), and Supplemental Educational Opportunity Grant (SEOG) programs. These proposed regulations are based on the need analysis provisions found in paragraphs (a), (b) and (c) of section 482 of the Higher Education Act of 1965, as amended.

DATES: Comments must be received on or before December 15, 1981.

ADDRESS: Comments should be addressed to William L. Moran, Chief, Pell Grant Policy Section, Division of Policy and Program Development, ROB-3, Room 4318, 400 Maryland Avenue SW., Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: William L. Moran or Brian Kerrigan, telephone number (202) 472–4300.

SUPPLEMENTARY INFORMATION:

General Background

These proposals for the common need analysis are being submitted for public comment. The final regulations resulting from this notice of proposed rulemaking will be in effect for the 1982–83 award year (July 1, 1982–June 30, 1983).

Rationale for the Development of the Proposed 1982–83 Formula

This proposed formula is based on the current wording of paragraphs (a), (b), and (c) of section 482 of the Higher Education Act of 1965 as amended by the Education Amendments of 1980. These amendments made substantial changes in the statutory language of the formula that was previously used in determining the expected family contribution for the Pell Grant Program.

Subsequent changes were made in section 482 by the recently enacted Omnibus Budget Reconciliation Act of 1981 which requires the Secretary to set "a series of assessment rates to be applied to parental discretionary income." Section 516(d)(1)(B) of this new law also allows the Secretary to submit to Congress a proposal to waive any provision of Title IV, Part A, Subpart 1 of the Higher Education Act of 1965 (such as the maximum Pell Grant award, percent of cost of attendance) to meet the authorized funding level in the Omnibus Budget Reconciliation Act.

The Secretary had proposed in his testimony of March 11, 1981, that parental discretionary income be assessed at 20 percent. If the provisions of the need analysis formula in section 482 and the Pell Grant authorizing legislation (Section 411), which provides that the 1982–83 maximum award shall be $2,100 to meet up to 60 percent of a student's cost of attendance, were to be implemented using assessment rates which average 20 percent for the first $15,000 of discretionary income, and progressively higher rates above that level, the total program cost would reach about $4 billion.

Using the Secretary's waiver authority to reduce the maximum award to $1,670 ($1,750 minus $80)—the same level as the maximum award for the 1981–82 award year—to meet up to 50 percent of a student's cost of education, the cost would be $2.93 billion if those same assessment rates were used.

To meet a funding level of $2.187 billion, for example, under the current provisions of section 482 while maintaining the maximum award at the 1981–82 level to meet up to 50 percent of a student's cost of attendance, the assessment rates would be increased to the following levels which are included in this proposed regulation.

Discretionary Income and Expected Contribution

$0–5,000—40 percent of discretionary income
$5,001–10,000—$2,000 + 45 percent of amount over $5,000
$10,001–15,000—$4,250 + 50 percent of amount over $10,000
$15,001 and up—$6,750 + 55 percent of amount over $15,000

It should be noted that $3,875 would generally be the maximum amount of discretionary income that the family could have and still be eligible for a Pell Grant under these assessment rates. A discretionary income of $3,875 would result from an adjusted gross income figure of approximately $15,860 for a family of four with both parents working and paying four percent of their income for State and local income taxes, and a typical amount for Federal income taxes. The higher assessment rates, thus, would generally only be applicable to the assessment of the student's need for the three campus-based programs.

Therefore, unless the maximum award were to be reduced to an extremely low level—undoubtedly forcing many students from the lowest family income levels to leave school—reducing the maximum award and percent of cost of attendance through the Secretary's waiver authority would not be sufficient to avoid the necessity of extremely high assessment rates on discretionary income in order to meet the target funding level for the program.

Another option for meeting the target funding level would be to lower the assessment rates but reduce awards on the basis of the statutory reduction language contained in section 411(b) of the Act. However, this method—as a means for achieving substantial savings—would also result in major inequities in the distribution of limited funds. After the initial reduction of award based on a student's eligibility index, an additional flat percentage rate of reduction would be levied against every award. Those eligible for the highest awards—the lowest income students—would receive reductions of the largest dollar amount.

Therefore, as an alternative to either the high assessment rates shown above or the statutory reduction procedure, amendments to the statute could be used to create a more equitable distribution of limited Pell Grant funds. Such amendments would permit the development of a formula which will achieve several objectives within the context of the target funding level:

(a) Avoid extreme reductions in awards to students from the lowest income families.

(b) Avoid the necessity of establishing excessively high assessment rates on discretionary income.

(c) Remove several inequities in awards to students which occur because of statutory requirements as to how certain assets and resources are treated.

(d) Ensure that the need analysis for the three campus-based programs (NDSL, CWS, and SEOG) is allowed to proceed, unaffected by the efforts to constrain Pell Grant expenditures at the Department's proposed funding level.

To achieve these objectives at a $2.187 billion funding level would require appropriation and/or legislative language to:

(a) Establish the maximum grant at the same level as 1981–82 and provide that the student's grant shall not exceed 50 percent of his or her cost of attendance.

(b) Provide that for the 1982–83 award year, (a) the need analysis formula authorized under section 482 of the Higher Education Act of 1965 shall apply only in determining eligibility for a Pell Grant, and (b) the Secretary shall, as in previous years, establish benchmark figures which need analysis systems must meet in order to be approved by the Secretary for determining eligibility for aid under the campus-based programs.

(c) Continue for 1982–83 the deferral, for the Pell Grant Program only, of the liberalized cost of attendance provisions which were enacted as part of the Education Amendments of 1980. Congress had previously permitted deferral of these provisions for the 1981–82 award year in the Supplemental Appropriations and Rescission Act of 1981 (Pub. L. 97–12, June 5, 1981) by allowing the Secretary of Education to establish the cost of attendance for purposes of the Pell Grant Program. The Administration is currently considering a rule which would more accurately reflect living expenses directly related to the cost of postsecondary education, for example those incurred by commuting students.

(d) Include home equity among assessable assets. The Secretary believes that in a time of fiscal constraint home equity, which represents a substantial asset for many families, cannot be ignored in determining eligibility for Federal assistance. With home equity included, the asset reserves for parents of dependent students and independent students with dependents other than a spouse would be revised as follows:

(i) $30,000 would be excluded from the equity of the principal place of residence.

(ii) $50,000 would be excluded from farm and business assets. For farmers $50,000 would be excluded from the value of the farm itself, and an additional $50,000 from the value of the business assets of the farm, i.e., machinery.

(iii) $8,000 would be excluded from all other assets.

It should be noted that under this proposed statutory change, a farm family could have up to $108,000 in assets excluded from assessment.

(e) Treat veterans and Social Security educational benefits as part of the family contribution. Under current procedures in which all of Social Security and one-half of veterans benefits are assessed as income, it is possible for a student's educational cost to be exceeded by a combination of the student's Pell Grant and one or both of these Federal programs. The proposed revision in the statute will prevent these overawards.

(f) Treat the income and assets of married independent students who have no dependents other than a spouse in the same manner that is used for single independent students. Currently the statute provides that independent students with dependents shall receive the same income and asset treatment that applies to the parents of dependent students. The proposed revision will provide that independent students who have dependents of their own will continue to receive the more liberal income and asset treatment that is applied to the parents of dependent students. However, the assessment of income and assets of married independent students with no dependents will be revised to parallel the more conservative treatment applied to single independent students.

(g) Provide that the asset reserves in paragraph (b) of section 482 (the statutory basis for the dependent student formula) shall apply only to the assets of the student's family, and that the student's assets shall continue, as in the past, to be assessed at a higher rate with no reserves.

If these statutory changes are enacted into law, the Secretary believes it will be possible to establish a more equitable formula. One way in which the formula will result in greater equity is that the assessment rates can be substantially reduced since additional resources will be assessed. With the statutory changes made in section 482 and a $1,670 maximum award to meet up to 50 percent cost of attendance, the assessment rates can be reduced as shown below while still maintaining program expenditures at the target funding level.

Discretionary Income and Expected Contribution

$0–5,000—11% of discretionary income
$5,001–10,000—$550+13% of amount over $5,000
$10,001–15,000—$1,200+18% of amount over $10,000
$15,001 and up—$2,100+25% of amount over $15,000

It should be noted that $11,944 would generally be the maximum amount of discretionary income that a family could have and still be eligible for a Pell Grant under these assessment rates. A discretionary income of $11,944 would result from an adjusted gross income of approximately $27,054 for a family of four with both parents working and paying four percent of their income for State and local taxes, and a typical amount for Federal income taxes. The highest assessment rate, thus, would generally only be applicable for an assessment of the student's need for the three campus-based programs.

Should it be necessary to reduce progam expenditures below the target funding level of $2.187 billion, the option of using the statutory reduction formula is still available.

The formula we are submitting for public comment and Congressional review reflects the current language in section 482. The items described below are changes in the formula from the 1981–82 Pell Grant Family Contribution Schedules.

Summary of Proposed Changes

I. CHANGES TO INCOME ASSESSMENT

1. Addition of State and Local Income Taxes as Offsets Against Income

In the past, Federal income taxes were the only taxes that were subtracted from income before an assessment of that income was made to determine the expected contribution towards the student's education. However, the law now specifies that "Federal, State and local taxes paid or payable with respect to . . . income" shall be considered. Thus, State and local income taxes as well as Federal income taxes are subtracted from income in this NPRM.

2. Treatment of Dependent Student Income

In the 1980–81 award year, the Basic Grant Program began assessing the income of a dependent student (in addition to the parental income) in determining the amount of a student's grant. The income that was reported was the income from the calendar year prior to the first calendar year of the award year (i.e., income from 1979 for the 1980–81 award year). This was termed base year income.

The assessment of dependent student income was received with mixed feelings. Of those who objected, many felt that, in some cases, base year income figures did not reflect the student's earnings during the award year. This procedure, when coupled with the fact that the assessment rate on that income—after an offset had been subtracted—was either 75 percent or 25 percent (for single and married students, respectively), resulted in a somewhat harsh reduction in some students' awards.

Thus, a slightly different method of determining a contribution from a dependent student's income for the 1981–82 award year was used. In that award year, the Program decided to use

base year figures for dependent student income, except in those cases where the student estimated that his or her income for the school year would not exceed 60 pecent of the actual income reported for the base year. When at least a 40 percent drop in such income was projected, the Pell Grant formula automatically used the student's estimate in the computation of the student's eligibility.

For 1982–83, the law requires that we add dependent student income to parental income. As a result there will be a lower assessment rate of dependent student income in most circumstances.

Estimated dependent student income, except in those cases where the student's parents are allowed to estimate their income under one of the provisions included in § 668.49 of this NPRM, will not be used in determining the student's eligibility. Section 668.49 allows parents to estimate their income for the first calendar year of the award period rather than to report their actual income for the base year when certain, specific conditions exist. The formula then uses this estimated figure in determining the student's eligibility for assistance. Since student income is to be added to parental income, when the parental income is to be estimated, the student's income will also be estimated. And when the parental income is base year income, the student's income will be base year income.

In addition, we are proposing to drop the dependent student income offset that has been used in the past. That is, for 1982–83 all of the dependent student's income will be added to parental income, and that total income will then have the appropriate offsets applied ot it that would be applied to the parental income. As both an example of how this will work, and an explanation of why we are proposing this feature, the following is illustrative.

If one family of four has a $12,000 after tax income, earned by both the mother and father, and the student earns nothing, the following offsets would potentially apply:

(1) A family size offset of approximately $8,450,

(2) An employment expense offset of $1,500, and

(3) An educational expense offset of $200.

If another family of four is in identical circumstances, except that the parents together earn $10,000 after taxes, and the student earns $2,000 after taxes, the family would have $12,000 after taxes. The same three offsets would apply, resulting in both families showing the same need for assistance. To provide an additional student income offset would result in an indication that the second student—the one with a $2,000 annual income—had greater need than the first student who has no income of his or her own.

3. Multiple Assessment Rates for Family Income

The current (1981–82) assessment rate of 10.5 percent that is applied to parental income after deductions was established under the Middle Income Student Assistance Act (Pub. L. 95–566, November 1, 1978). The Education Amendments of 1980 (Pub. L. 96–374, October 3, 1980) provided for an assessment rate of not more than 14 percent for families with adjusted gross incomes of $25,000 or less. Under the provisions of the Reconciliation Act, however, beginning with the 1982–83 formula the Secretary is required to set a series of rates for discretionary income. Discretionary income is the income that remains after Federal, State and local income taxes and all of the other offsets are subtracted from the total income of the family.

We have proposed that the first $15,000 of discretionary income be divided into three equal amounts. The first $5,000 is assessed at 40 percent; the second $5,000 is assessed at 45 percent; and, the third $5,000 is assessed at 50. All discretionary income above $15,000 is assessed at 55 percent. (As indicated earlier, generally only the first $3,875 of discretionary income is pertinent for the Pell Grant Program.)

4. Assessment of Independent Student Income

Under the current Pell Grant Family Contribution Schedules, the income of independent students is assessed at either 75 percent or 25 percent depending on whether they are single independent students without dependents or are either married independent students without dependents or independent students (married or not) with dependents. In the past, the breakdown for those three categories of independent students has been 75 percent, 50 percent, and 40 percent respectively.

For 1982–83, the law requires that we assess the income of independent students with dependents in the same fashion as we assess the income of the parents of dependent students. As explained in the previous section, that will result in a 40 percent assessment rate for independent students with dependents (when the discretionary income is $5,000 or less). A rate of 45 percent applies for the discretionary income from $5,000 to $10,000, with progressively higher rates above that level. Independent students with no dependents will continue to have their incomes assessed at 75 percent.

5. Updating of the Family Size Offsets To Account for the Rise in the Consumer Price Index (CPI)

This year, as in the past, the family size offsets have been increased to account for the effects of inflation, based on a projected rise in the CPI of 9.8 percent. Thus, the offsets used in 1981–82 were multiplied by 109.8 percent, and the resulting figures were rounded to the nearest $50. When this regulation is published as a final regulation, that projected percentage will be corrected, if necessary, and the family size offsets will be adjusted accordingly.

II. CHANGES TO ASSEST ASSESSMENT

1. Asset Treatment for Dependent Students

For 1981–82, the Pell Grant Family Contribution Schedules provide a $25,000 asset reserve for parents. (Up to $50,000 is provided if farm or business assets are involved.) After subtracting the asset reserve from the parents' net assets (including their home equity), the remainder is assessed at 5 percent. This amount is added to the parental contribution from income.

The law requires that beginning with the 1982–83 award year home equity shall be excluded from assets. Further, it provides some requirements about parental asset reserves, i.e., at least $10,000 for all applicants, and at least an additional $50,000 for applicants with farms or businesses.

Our proposals are based on these requirements. However, we have proposed that the asset reserve for people who do not own homes shall be $25,000 as opposed to the $10,000 reserve for home owners. This provides the person who does not own a home with the same asset reserve that he or she has had for the past several years, and compensates for the fact that the home owner now has all of the equity in his or her home as well as $10,000 of additional assets protected. After all reserves are subtracted, we propose to assess the remaining net assets at the rate of five percent.

The dependent student also has assets that are assessed. These are not included with parental assets. For the 1981–82 award year, all of the net assets of the single dependent student are assessed at 33 percent. For married dependent students, a $25,000 reserve is

provided, and any net assets above the amount of the reserve are assessed at five percent.

The treatment of assets specified in the law for the 1982–83 award year addresses the assets of both the student and the parents. Thus, the asset reserve of $10,000 is to be applied against the combined assets of the parents and the student. However, since we plan to assess parental assets at five percent and the student's assets at 33 percent, we are proposing that the minimum asset reserve of $10,000 be applied first against the parental assets. If the parents do not have $10,000 of net assets, they will not need all of the $10,000 asset reserve. In that case, the amount of asset reserve that they do not need will be applied against the student's assets.

Dependent students would only rarely own farms of business of their own. Thus, we are not proposing that a parallel treatment of farm and business assets be implemented for dependent students. Rather, the farm and business asset reserve of $50,000 will be applied only to the parental assets.

2. Asset Treatment for Independent Students

In the past, the assets of single independent students were assessed at a different rate than the assets of independent students with dependents. Single independent students were expected to use 33 percent of all of their net assets for educational expenses, whereas independent students with dependents were afforded the same treatment as were the parents of dependent students.

For 1982–83, we are proposing that the distinction between independent students with and without dependents continue to be used for asset treatment. Thus, the only change in the asset treatment for indepenent students will be for independent students with dependents, since the asset treatment for the parents of dependent students has changed.

III. OTHER CHANGES

1. Definition of a Married Independent Student

Traditionally, a student has had to establish a history of independence before he or she was considered to be independent for financial aid purposes. Thus, a student has had to answer questions about his or her financial relationship with his or her parents for not only the year in question, but also for the prior year.

For 1982–83, the law requires that a married student only consider such questions for the year of application. We have defined the year of application to be 1982 for the 1982–83 award year because of considerations related to the application form and the application processing system. Thus, for 1982–83, only those dependency questions that relate to the 1982 calendar year will be pertinent in determining a married student's independent status.

The three dependency questions are whether the student:

(1) Will live with the parents for more than six weeks;

(2) Will be claimed by the parents as a dependent on a Federal income tax return; and

(3) Will receive more than $750 in support from the parents.

It should also be noted that the $750 figure, as it applies to married students, is mandated in the law. Thus, while the comparable question to number three above that was used in the 1981–82 award year used a $1,000 figure, we have lowered that figure to $750. For purposes of consistency the $750 figure is used for both married and single students.

Regulatory Flexibility Act Certification

The Secretary certifies that these regulations will not have a significant economic impact on a substantial number of small entities. These regulations establish the formula for determining student eligibility for financial assistance under the Pell Grant, National Direct Student Loan, College Work-Study and Supplemental Educational Opportunity Grant programs. As such they do not have an impact on small entities.

Invitation to Comment

The Secretary is inviting comments on the entire procedure for verifying campus-based financial aid applicants and the proposed revisions to the funding process.

Information From Institutions of Higher Education

The Secretary requests comments on whether these proposed regulations would require institutions of higher education to transmit information that is already being gathered by or is available from any other agency or authority of the United States.

Burden Reduction

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall objective of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations, especially with regard to paperwork and compliance requirements.

Address for Comments

Written comments and recommendations may be sent to the address given at the beginning of this preamble. The Secretary will consider in the development of the final regulations all comments received on or before December 15, 1981.

All comments submitted in response to these proposed regulations will be available for public inspection, during and after the comment period, in Regional Office Building 3, Room 4318, 7th and D Streets, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday of each week, except Federal holidays.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provisions of these proposed regulations.

(Catalog of Federal Domestic Assistance Numbers: Pell (Basic) Grant Program, 84.063; National Direct Student Loan Program, 84.038; Supplemental Educational Opportunity Grant Program, 84.007; and College Work-Study Program, 84.033)

Dated: October 9, 1981.

T. H. Bell,

Secretary of Education.

PART 668—STUDENT ASSISTANCE GENERAL PROVISIONS

Subparts D and E of Part 668 of Title 34 of the Code of Federal Regulations are added as follows:

* * * * *

Subpart D—Expected Family Contribution for a Dependent Student

Sec.

Subpart E—Expected Family Contribution for an Independent Student

* * * * *

Subpart D—Expected Family Contribution for a Dependent Student

§ 668.41 Indicators of financial strength.

(a) As used in this subpart, "Expected family contribution" for a dependent student means the amount that the student and his or her family may reasonably be expected to contribute toward the cost of his or her education for an award period.

(b) The Secretary considers each of the following elements of financial strength in determining the expected family contribution for a dependent student:

(1) The effective incomes of (i) the student and his or her spouse, and (ii) the student's parent(s).

(2) The number of family members in the household of the student's parent(s).

(3) The number of family members in the household of the student's parent(s) who are enrolled in, on at least a half-time basis, a program of postsecondary education.

(4) The assets of (i) the student and his or her spouse, and (ii) the student's parent(s).

(5) The unusual medical expenses of the student's parents.

(6) The additional expenses incurred when both parents of the student are employed or when a family is headed by a single parent who is employed.

(7) The tuition paid by the student's parents for dependent children, other than the student, who are enrolled in an elementary or secondary school.

(20 U.S.C. 1089(b))

§ 668.42 Special definitions.

For purposes of this subpart:

"Assets" means cash on hand, including amounts in checking and savings accounts, trusts, stocks, bonds, other securities, real estate (except the student's or parent's single principal place of residence), income producing property, business equipment, and business inventory.

However, for Native American students, the following shall not be considered as an asset of the student or his or her family in determining the expected family contribution:

(a) Any property received under the Distribution of Judgment Funds Act (25 U.S.C. 1401, et seq.) or the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.),

(b) Any property that may not be sold or encumbered without the consent of the Secretary of Interior, and

(c) Any other property held in trust for the student or his family by the United States Government.

"Business assets" means property that is used in the operation of a trade or business, including real estate, inventories, buildings, machinery and other equipment, patents, franchise rights, and copyrights.

"Dependent of the student's parents" means:

(a) The student,

(b) Any of the student's dependent children,

(c) Dependent children of the student's parents including those children who are determined to be "dependent students" when applying for Title IV student assistance for the 1982–83 award year, and

(d) Other persons (except the student's spouse) who live with and receive more than one-half of their support from the parents and will continue to receive more than half of their support from the parents for the 1982–83 award year.

"Dependent student" means any student who does not qualify as an independent student as defined in § 668.52.

"Effective family income" is described in § 668.43.

"Employment expense offset" means an allowance to meet expenses related to employment when both parents are employed or when one parent qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

"Family size offset" means an allowance to meet the subsistence expenses of a family, including food, shelter, clothing, and other basic needs. This offset is derived from the "Weighted Average Thresholds at the Low Income Level," as developed by the Social Security Administration.

"Farm assets" means any property owned and used in the operation of a farm for profit, including real estate, livestock, livestock products, crops, farm machinery, and other equipment inventories. A farm is not considered to be operated for profit if crops or livestock are raised mainly for the use of the family, even if some income is derived from incidental sales.

"Federal income tax" means (a) the tax on income paid to the U.S. Government under chapter 2 of the Internal Revenue Code, or (b) the tax on income paid to the Governments of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, or the Trust Territory of the Pacific Islands under the laws applicable to those jurisdictions, or (c) the comparable taxes paid to the central government of a foreign country.

"Legal guardian" means an individual who has been appointed by a court to be a legal guardian of a person and who is specifically required by the court to use his or her own financial resources to support that person.

"Local income tax" means the tax on income paid to a town, city, county, or other local municipality.

"Medical expenses" means unreimbursed medical and dental expenses, except premiums for medical insurance, that may be deducted under section 213 of the Internal Revenue Code and that were paid in 1981, unless the student files an application with the Secretary under the provisions of § 668.49. In that case the expenses reported are those paid in 1982.

"Net assets" means the current market value at the time of application of the assets included in the definition of "assets" minus the outstanding liabilities (indebtedness) against those assets.

"Parent" means the student's mother, father or legal guardian. An adoptive parent is considered to be the student's mother or father.

"State income tax" means the tax on income paid to one or more of the 50 States of the United States, or to the District of Columbia.

(20 U.S.C. 1089)

§ 668.43 Effective family income.

(a) Effective family income is the amount of income that remains when Federal, State and local income taxes that are paid or payable on a family's annual adjusted family income are subtracted from that income.

(b) "Annual adjusted family income" means, except as provided in paragraphs (c), (d), (e), (f), (g), and (h) of this section and § 668.49—

(1) The sum received in 1981 by the student, his or her spouse, and his or her parents from—

(i) Adjusted gross income, as defined in section 62 of the Internal Revenue Code;

(ii) Investment income upon which no Federal income tax need be paid. An example of such income is the interest on municipal bonds; and

(iii) Other income upon which no Federal income tax need be paid except—

(A) Veterans benefits paid to the student under chapters 34 and 35 of Title 38 of the United States Code, and

(B) Social Security benefits paid to the student (and spouse) or to the parents of the student for the student, regardless of age, or his or her siblings who are between 18 and 22 inclusive.

(2) One-half of any veteran's benefits to be paid to the student for the 1982–83 award year under chapters 34 and 35 of Title 38 of the United States Code; and

(3) The Social Security benefits to be paid to the student (and spouse), or to the student's parents for the student for the 1982–83 award year.

(c) For a Native American student, the annual adjusted family income does not include the income received by the student, his or her spouse, or his or her parents under the Distribution of Judgment Funds Act (25 U.S.C. 1401, et seq.) or the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.).

(d) For a student whose parents are divorced or separated, the following procedures apply for reporting a parent's income to determine the annual adjusted family income—

(1) Include only the income, as described in paragraph (b) of this section, of the parent with whom the student resided for the greater portion of the 12 month period peceding the date of the application.

(2) If the preceding criterion does not apply, include only the income of the parent who provided the greater protion of the student's support for the 12 month period preceding the date of application.

(3) If neither of the preceding criteria apply, include only the income of the parent who provided the greater support of the period commencing January 1, 1981 and ending 12 months prior to the date of application.

(e) If either of the parents have died, the student shall include only the income of the surviving parent. If both parents have died, the student shall not report any parental income.

(f) The following rule applies if either a parent whose income is taken into account under paragraph (d) of this section, or a parent who is a widow or widower and whose income is taken into account under paragraph (e) of this section, has remarried. The income of that parent's spouse shall be included in determining the student's annual adjusted family income if, in either 1981 or 1982, the student—

(1) Has received or will receive financial assistance of more than $750 in either of those years from that spouse, or

(2) Has lived or will live for more than six weeks in either of those years in the home of the of the parent and that spouse.

(g) For a student who is divorced or separated, or whose spouse has died, the spouse's income shall not be included in determing the effective family income.

(h) The annual adjusted family income does not include any student financial assistance except those veterans benefits cited in paragraph (b)(2) of this section.

(20 U.S.C. 1089)

§ 668.44 Computation of the expected family contribution for a dependent student from the effective family income.

The expected family contribution for a dependent student from effective family income is calulated as follows:

(a) Determine the parents' discretionary income by deducting the following offsets from the effective family income:

(1)(i) A family size offset in the amount specified in the following table:

FAMILY SIZE OFFSETS

Family members	Amount
2	$5,500
3	6,650
4	8,450
5	9,950
6	11,250

Note.—Plus $1,250 for each additional family member over 6.

(ii) In determining the family size, the following rules apply—

(A) If the parents are not divorced or separated, family members include the student's parents and the dependents of the student's parents.

(B) If the parents are divorced or separated and not remarried, family members include the parent whose income is included in computing the effective family income and that parent's dependents.

(C) If the parents are divorced and the parent whose income is included in computing the effective family income has remarried, or if the parent was a widow or widower who has remarried, family members include, in addition to those people referenced in paragraph (a)(1)(ii)(B) of this section, the new spouse and any dependents of the new spouse, if that spouse's income is included in determining the effective family income.

(2) An unusual expense offset equal to the amount by which the sum of unreimbursed medical and dental expenses exceeds 20 percent of the effective family income. The expenses that may be reported are those expenses paid by the student's parents during 1981, unless the student files an application with the Secretary under the provisions of § 668.49. In that case, the expenses reported will be those paid in 1982. The expenses of both parents are included only if the incomes of both are subject to inclusion in determining the effective family income. Similarly, a stepparent's expenses are included only if his or her income is subject to inclusion.

(3) An employment expense offset calculated as follows—

(i) If both parents were employed in the year for which their income is reported and both have their incomes reported in determining the expected family contribution, use the lesser of $1,500 or 50 percent of the earned income (income earned by work) of the parent with the lesser earned income.

(ii) If a parent qualifies as a head of household as defined in section 2 of the Internal Revenue Code, use the lesser of $1,500 or 50 percent of his or her earned income.

(iii) The earned income figure to be used in all cases is that figure for 1981 unless the student files an application with the Secretary under the provisions of § 668.49. In that case, the figure to be used is the one for 1982.

(4) An educational expense offset equal to the tuition paid by the student's parents for dependent children, other than the student, enrolled in elementary or secondary school. The tuition which may be reported is the tuition paid in 1981 unless the student files an application with the Secretary under the provisions of § 668.49. In that case, the tuition reported will be that paid in 1982.

(b) If the discretionary income is a positive amount, determine the expected contribution from the effective family income according to the following chart. If the discretionary income is negative, there is no expected contribution from income.

Discretionary income	Expected contribution
$0 to $5,000	40% of discretionary income
$5,001 to $10,000	$2,000+45% of amount over $5,000
$10,001 to $15,000	$4,250+50% of amount over $10,000
$15,001 and above	$6,750+55% of amount over $15,000

(20 U.S.C. 1089)

§ 668.45 Computation of the expected contribution from parental assets.

The expected contribution from parental assets is determined in the following manner:

(a) If the assets do not include farm or business assets as defined in § 668.42, deduct from the net value of the assets either:

(1) $10,000 if the parents own their principal place of residence; or

(2) $25,000 if the parents do not own their principal place of residence.

(b) If the assets include farm or business assets, deduct:

(1) $50,000 from the net value of farm and business assets, and either

(2) $10,000 from the net value of the non-farm or non-business assets if the parents own their principal place of residence; or

(3) $25,000 from the net value of the non-farm or non-business assets if the parents do not own their principal place of residence.

(c) If the result obtained under paragraphs (a)(1), (a)(2), (b)(1), (b)(2), or (b)(3) of this section is a negative amount, it shall be changed to zero.

(d) Except as provided in paragraph (e) of this section, the expected contribution from parental assets equals five percent of the remainder obtained under paragraph (a)(1) or (a)(2) of this section, or five percent of the remainder under (b)(1), and (b)(2) or (b)(3) of this section.

(e) However, if the calculation of discretionary income required by § 668.44(a) produces a negative number, the expected contribution from parental assets, calculated under paragraph (d) of this section, shall be reduced by the amount of that negative discretionary income, but not to an amount below zero.

(f)(1) If the student's parents are separated or divorced and not remarried, only the assets of the parent whose income is included in computing annual adjusted family income shall be considered.

(2) However, if that parent has remarried, or if the parent was a widow or widower who has remarried, and the parent's spouse's income is also included under § 668.43, the assets of that parent's spouse shall also be included.

(20 U.S.C. 1089)

§ 668.46 Computation of the expected contribution from effective family income and parental assets, adjusted for the number of family members enrolled in programs of postsecondary education.

(a) For each award, the amount expected from effective family income as determined in § 668.44 is added to the amount expected from parental assets as determined in § 668.45.

(b)(1) For each award, the combined expectation determined under paragraphd (a) of this section is adjusted in the following manner for the number of family members who will be attending, on at least a half-time basis, a program of postsecondary education during the award year for which student financial assistance is requested:

Number of family members enrolled in programs of postsecondary education	Expected contribution per student from combined contributions
1	100 percent of the contribution determined in paragraph (a).
2	70 percent of the contribution determined in paragraph (a).
3	50 percent of the contribution determined in paragraph (a).
4 or more	40 percent of the contribution determined in paragraph (a).

(2) Family members are those persons referenced in § 668.44(a)(1).

(20 U.S.C. 1089)

§ 668.47 Computation of the expected contribution from the assets of the dependent student (and spouse).

(a) The expected contribution from the net assets of the dependent student (and spouse) is determined in the following manner.

(1) Determine the student's asset reserve by subtracting the amount of the parent's non-farm and non-business assets from $10,000. If the result is negative, it shall be changed to zero.

(2) Deduct the asset reserve calculated in paragraph (a)(1) of this section from the student's (and spouse's) net assets. If the result is negative, it shall be changed to zero.

(3) The expected contribution from the net assets of the dependent student (and spouse) equals 33 percent of the remainder obtained in paragraph (a)(2) of this section.

(b) If the married dependent student is separated, the assets of his or her spouse shall not be considered.

(20 U.S.C. 1089)

§ 668.48 Computation of the total expected family contribution.

For each award, the total expected family contribution is the sum of—

(a) The expected contribution from the effective family income and parental assets as determined in § 668.46, and

(b) The expected contribution from the student's (and spouse's) assets as determined in § 668.47.

(20 U.S.C. 1089)

§ 668.49 Extraordinary circumstances affecting the expected family contribution determination for a dependent student.

(a) A student may submit an application to the Secretary for determination of his or her expected family contribution using income data from 1982 for effective family income, if—

(1) A parent or stepparent whose 1981 income from work must be reported under § 668.43 has lost his or her job for at least 10 weeks during 1982,

(2) A parent or stepparent whose 1981 income from work must be reported under § 668.43 has been unable to pursue normal income-producing activities for at least 10 weeks during 1982 because of the occurrence—in 1981 or 1982—of (i) a disability, or (ii) a natural disaster,

(3) A parent or stepparent whose income must be reported under § 668.43 received unemployment compensation or nontaxable income in 1981 and had a complete loss for at least 10 weeks in 1982 of one of those benefits. A nontaxable benefit, for purposes of this paragraph, must be paid by a public or private agency, a company, or a person because of a court order. Types of nontaxable benefits include Social Security benefits (except those described in § 668.43(b)(1)(iii)(B)), welfare, and court ordered child support,

(4) The parent(s) of the student have become separated or divorced after the student submitted his or her application. If such a separation or divorce is between a parent and a stepparent, the stepparent's income must have been reportable on the previous application under § 668.43 for this condition to apply, or

(5) A parent or stepparent whose 1981 income must be reported under § 668.43 has died after the student submitted an earlier application for 1982–83. However, if the parent referred to in this paragraph is the last surviving parent with whom the student has or will have a dependency relationship according to § 668.52, the student must file an application under § 668.57(a)(7) if he or she wishes to use income data from 1982.

(b) For an application submitted under paragraph (a) of this section, the student (and parent) shall include the income already received for 1982 and an estimate of the income to be received for the remainder of that year.

(c) A student may submit a revised application to reflect changes in asset amounts reported on the previously submitted application if the student or his or her family has suffered a loss of

or damage to assets resulting from a natural disaster in an area that has been declared a national disaster area by the President of the United States.
(20 U.S.C. 1089)

Subpart E—Expected Family Contribution for an Independent Student

§ 668.51 Indicators of financial strength.

(a) As used in this subpart, "Expected family contribution" for an independent student means the amount that the student and his or her spouse may reasonably be expected to contribute toward the cost of his or her education for an award period.

(b) The Secretary considers each of the following elements of financial strength in determining the expected family contribution for an independent student:

(1) The effective family income of the independent student and spouse.

(2) The number of family members in the household of the student and spouse.

(3) The number of family members in the household of the student and spouse who are enrolled in, on at least a half-time basis, a program of postsecondary education.

(4) The assets of the student and spouse.

(5) The unusual medical expenses of the student and spouse.

(6) The additional expenses incurred when both the student and spouse are employed or when the employed student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

(7) The tuition paid by the student or spouse for dependent children who are enrolled in an elementary or secondary school.

(20 U.S.C. 1089)

§ 668.52 Special definitions.

The definitions of "assets", "business assets", "family size offset", "farm assets", "Federal income tax", "legal guardian", "local income tax", "medical expense", "net assets", "parent", and "State income tax" are set forth in § 668.42.

"Dependent of the student" means:

(a) The student's spouse (unless separated or divorced from the student),

(b) Any of the student's or spouse's dependent children, and

(c) Other persons who live with and receive more than one-half of their support from the student (or spouse) and will continue to receive more than half of their support from the student (or spouse) for the 1982–83 award year.

"Effective family income" is described in § 668.53.

"Employment expense offset" means an allowance to meet expenses relating to employment when both the independent student and his or her spouse are employed or when the independent student qualifies as a surviving spouse or as head of a household under section 2 of the Internal Revenue Code.

"Independent student" means:

(a) A single student who for 1981 and 1982—

(1) Has not lived and will not live for more than six weeks in either year in the home of the parent(s) for whom income must be reported according to § 668.43;

(2) Has not been claimed and will not be claimed as a dependent for Federal income tax purposes by the parent(s) for whom income must be reported according to § 668.43; and

(3) Has not received and will not receive financial assistance of more than $750 in either year from the parent(s) for whom income must be reported according to § 668.43; or

(b) A married student who for 1982—

(1) Will not live for more than six weeks in the home of the parent(s) for whom income must be reported according to § 668.43;

(2) Will not be claimed as a dependent for Federal Income tax purposes by the parent(s) for whom income must be reported according to § 668.43; and

(3) Will not receive financial assistance of more than $750 from the parent(s) for whom income must be reported according to § 668.43.

(20 U.S.C. 1089)

§ 668.53 Effective family income.

(a) Effective family income is the amount of income that remains when Federal, State, and local income taxes that are paid or payable on a family's annual adjusted family income are subtracted from that income.

(b) "Annual adjusted family income" means, except as provided in paragraphs (c), (d), and (e) of this section and § 668.57—

(1) The sum received in 1981 by the student and spouse from—

(i) Adjusted gross income, as defined in section 62 of the Internal Revenue Code;

(ii) Investment income upon which no Federal income tax is paid. An example of such income is the interest on municipal bonds; and

(iii) Other income upon which no Federal income tax need be paid, except—

(A) Veteran benefits paid to the student under Chapters 34 and 35 of Title 38 of the United States Code, and

(B) Social Security benefits paid to the student (and spouse).

(2) One-half of any veterans benefits to be paid to the student for the 1982–83 award year under Chapters 34 and 35 of Title 38 of the United States Code; and

(3) The Social Security benefits to be paid to the student (and spouse) for the 1982–83 award year.

(c) For a Native American student, the annual adjusted family income does not include the income received by the student or spouse under the Distribution of Judgment Funds Act (25 U.S.C. 1401, et seq.) or the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.).

(d) If a student is divorced or separated, or if the student's spouse has died, the spouse's income shall not be considered in determining the annual family income.

(e) The annual adjusted family income does not include any student financial assistance except those veterans benefits cited in paragraph (b)(2) of this section.

(20 U.S.C. 1089)

§ 668.54 Computation of the expected family contribution for an independent student from the effective family income.

The expected family contribution for the independent student from effective family income is calculated as follows:

(a) Determine discretionary income by deducting the following offsets from the effective family income.

(1)(i) A family size offset in the amount specified in the following table.

FAMILY SIZE OFFSETS

Family members	Amount
1	$4,250
2	5,500
3	6,650
4	8,450
5	9,950
6	11,250

Note.—Plus $1,250 for each additional family member over 6.

(ii) In determining the family size, the following rules apply—

(A) Family members normally include the student and spouse and their dependent children. In addition, family members include other persons who live with and receive more than one-half of their support from the student or spouse and will continue to receive more than one-half of their support from the student or spouse for the 1982–83 award year.

(B) However, if the student is divorced or separated, the spouse (ex-spouse) and his or her dependents are not counted in the family size.

(2) An unusual expense offset equal to the amount by which the sum of

unreimbursed medical and dental expenses exceeds 20 percent of effective family income. The expenses that may be reported are those expenses paid by the student and spouse in 1981, unless the student files an application with the Secretary under the provisions of § 668.57. In that case, the expenses reported will be those paid in 1982. The expenses of both the student and spouse are included only if the incomes of both are subject to inclusion in determining the effective family income.

(3) An employment expense offset calculated as follows—

(i) If both the student and spouse were employed in the year for which their income is reported and both have their incomes reported in determining the expected family contribution, use the lesser of $1,500 or 50 percent of the earned income (income earned by work) of the person with the lesser earned income.

(ii) If a student qualifies as a head of household as defined in section 2 of the Internal Revenue Code, use the lesser of $1,500 or 50 percent of his or her earned income.

(iii) The earned income figure to be used in all cases is that figure for 1981, unless the student files an application with the Secretary under the provisions of § 668.57. In that case, the figure to be used is the one for 1982.

(4) An educational expense offset equal to the tuition paid by the student and spouse for dependent children enrolled in elementary or secondary school. The tuition that may be reported is the tuition paid in 1981, unless the student files an application with the Secretary under the provisions of § 668.57. In that case the tuition reported will be that paid in 1982.

(b)(1) If the discretionary income is a positive amount, determine the expected contribution from the effective family income according to the following charts. If the discretionary income is negative, there is no expected contribution from income.

(2)(i) For an independent student with no dependents—

Discretionary income	Expected contribution
Any positive amount	75% of the amount.

(ii) For an independent student with dependents—

Discretionary income	Expected contribution
$0 to $5,000	40% of discretionary income.
$5,001 to $10,000	$2,000+45% of amount over $5,000.
$10,001 to $15,000	$4,250+50% of amount over $10,000.
$15,001 and above	$6,750+55% of amount over $15,000.

(20 U.S.C. 1089)

§ 668.55 Computation of the expected contribution from the assets of the independent student (and spouse).

(a)(1) Except as provided in paragraph (a)(2) of this section, the expected contribution from the net assets of an independent student with no dependents equals 33 percent of the amount of those assets.

(2) However, if the calculation of discretionary income required by § 668.54(a) produces a negative number, the expected contribution from the student's assets calculated under paragraph (a)(1) of this section shall be reduced by the amount of that negative discretionary income, but not to an amount below zero.

(b) For an independent student with dependents, the expected contribution from the assets of the student (and spouse) is determined in the following manner:

(1) If the assets do not include farm or business assets as defined in § 668.42, deduct from the net value of the assets:

(i) $10,000 if the student or spouse owns his or her principal place of residence; or

(ii) $25,000 if neither the student nor spouse owns his or her principal place of residence.

(2) If the assets include farm or business assets, deduct—

(i) $50,000 from the net value of the farm and business assets, and either

(ii) $10,000 from the net value of the non-farm or non-business assets if the student or spouse owns his or her principal place of residence; or

(iii) $25,000 from the net value of the non-farm or non-business assets if neither the student nor spouse owns his or her principal place of residence.

(iv) If the result obtained under paragraphs (b)(1)(i), (b)(1)(ii), (b)(2)(i), (b)(2)(ii), or (b)(2)(iii) of this section is a negative amount, it shall be changed to zero.

(3) Except as provided in paragraph (b)(4) of this section, for an independent student with dependents, the expected contribution from the net assets of that student (and spouse) equals five percent of the remainder obtained in paragraph (b)(1)(i) or (b)(1)(ii), or five percent of the remainder in (b)(2)(i), and (b)(2)(ii) or (b)(2)(iii) of this section.

(4) However, if the calculation of discretionary income required by § 668.54(a) produces a negative number, the expected contribution from the student's (and spouse's) assets calculated under paragraph (b)(3) of this section shall be reduced by the amount of that negative discretionary income, but not to an amount below zero.

(5) If the married independent student with dependents is separated, the assets of his or her spouse shall not be considered.

(20 U.S.C. 1089)

§ 668.56 Computation of the total expected contribution from the income and assets of the independent student (and spouse), adjusted for the number of family members enrolled in programs of postsecondary education.

(a) For each award, the amount expected from family income as determined in § 668.54 is added to the amount expected from assets as determined in § 668.55.

(b) For each award, the combined expectation determined in paragraph (a) of this section is adjusted in the following manner for the number of family members who will be attending, on at least a half-time basis, a program of postsecondary education during the award period for which student financial assistance is requested:

Number of family members enrolled in postsecondary education	Expected contribution per student from combined contributions
1	100 percent of the contribution determined in paragraph (a).
2	70 percent of the contribution determined in paragraph (a).
3	50 percent of the contribution determined in paragraph (a).
4 or more	40 percent of the contribution determined in paragraph (a).

Family members are those persons referenced in § 668.54(a)(1).

(20 U.S.C. 1089)

§ 668.57 Extraordinary circumstances affecting the expected family contribution determination for an independent student.

(a) A student may submit an application to the Secretary for determination of his or her expected family contribution using income data from 1982 for effective family income if—

(1) The student was employed full-time in 1981 (at least 35 hours per week for a minimum of 30 weeks during 1981) and is no longer employed full-time,

(2) A spouse whose 1981 income from work must be reported under § 668.53 has lost his or her job for at least 10 weeks during 1982,

(3) The student or spouse whose 1981 income from work must be reported under § 668.53 has been unable to pursue normal income-producing activities for at least 10 weeks during

1982 because of the occurrence—in 1981 or 1982—of (i) a disability or (ii) a natural disaster,

(4) The student or spouse whose income must be reported under § 668.53 received unemployment compensation or nontaxable income in 1981 and had a complete loss for at least 10 weeks in 1982 of one of those benefits. A nontaxable benefit, for purposes of this paragraph, must be paid by a public or private agency, a company, or a person because of a court order. Types of nontaxable benefits include welfare and court ordered child support. They would not, however, include veterans benefits under chapters 34 and 35 of Title 38 of the United States Code or Social Security benefits,

(5) The student has become separated or divorced after he or she submitted his or her application,

(6) A spouse whose 1981 income must be reported under § 668.53 has died after he or she submitted an earlier application for 1982–83, or

(7) The student's last surviving parent with whom the student has or will have a dependency relationship according to § 668.52 has died.

(b) For an application submitted under paragraph (a) of this section, the student shall include the effective family income already received for 1982 and an estimate of the effective family income to be received for the remainder of that year.

(c) A student may submit a revised application to reflect changes in assets amounts reported on the previously submitted application if the student or his or her spouse has suffered a loss or damage to assets resulting from a natural disaster in an area that has been declared a national disaster area by the President of the United States.

(20 U.S.C. 1089)

[FR Doc. 81-30024 Filed 10-15-81; 8:45 am]

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federal register

Friday
October 16, 1981

Part IV

Department of Interior

National Park Service

National Registry of Natural Landmarks; List of Changes

DEPARTMENT OF THE INTERIOR

National Park Service

National Registry of Natural Landmarks; List of Changes

AGENCY: National Park Service, Department of the Interior.

ACTION: Public Notice.

SUMMARY: This notice lists changes in the National Registry of Natural Landmarks which have occurred since the last publication of the entire Registry in the Federal Register on December 1, 1980 (45 FR 79698). This list thus updates the December 1, 1980 publication and should be considered as a supplement to the entire National Registry of Natural Landmarks. Copies of the entire Registry are available upon request.

FOR FURTHER INFORMATION CONTACT: Mr. Arthur L. Stewart, Chief, Natural Landmarks Division, National Park Service, U.S. Department of the Interior, Washington, D.C. 20240 (202-523-5152).

SUPPLEMENTARY INFORMATION: The National Natural Landmarks Program was established in 1962 to identify and encourage the preservation of areas which represent nationally significant examples of the ecological and geological features of the Nation. Potential natural landmarks are identified through studies conducted by the National Park Service (NPS), evaluated by natural scientists and, if deemed nationally significant, designated as National Natural Landmarks by the Secretary of the Interior. Once a landmark is designated, it is included on the National Registry of Natural Landmarks, which currently lists 537 natural landmarks.

The act of designating an area as a natural landmark is not a land withdrawal and in no way affects the ownership of the site or the landowner's property rights.

Federal agencies may wish to consider the location and significance of natural landmarks in project planning and environmental review.

On May 31, 1981, responsibility for administration of the National Natural Landmarks Program was transferred from the former Heritage Conservation and Recreation Service (HCRS) of the Department of the Interior to the National Park Service. A complete description of the National Natural Landmarks Program policies and procedures is provided at 36 CFR 62 (formerly, 36 CFR 1212).

The National Registry of Natural Landmarks

The National Registry of Natural Landmarks includes nationally significant ecological and geological features in 48 States, American Samoa, Guam, Puerto Rico, and the Virgin Islands. Because no natural landmarks have been included on or removed from the Registry since the entire Registry was last published, the following list includes only those natural landmarks for which changes in site information have occurred since December 1, 1980, and those natural landmarks for which there were errors in site information as printed in the December 1, 1980 publication. Landmarks with such changes are listed alphabetically by State and county. A description of the landmark's location, natural values, designation date, ownership, and owner agreement status is provided. Each landmark's designation date is enclosed in parentheses (). More than one date indicates that the area's boundary was changed after its original designation Ownership date is arranged in the following order and does not reflect the relative amount of land owned by any party: Federal, State, County, Municipal, Private. An asterisk (*) indicates that the owner(s) of the landmark have entered into a voluntary agreement with NPS to protect the area's significant natural values.

Because many landmarks are privately owned and/or not managed for public access, landowner permission must be obtained before a visit is made to a natural landmark. The specific location of some landmarks is not provided because of the owner's request for minimum publicity and/or the fragility of the landmark's natural features.

This list is not inclusive of all 537 National Natural Landmarks currently listed on the National Registry of Natural Landmarks. Copies of the entire Registry (45 FR 79698) are available upon request.

Dated: October 7, 1981.

Russell E. Dickenson,

Director, National Park Service.

ARIZONA

Santa Cruz County

Onyx Cave—Seven miles northwest of Sonoita. Considered to be the finest cave in Arizona. (May 1974) Owner: Private

CALIFORNIA

Inyo County (extends into Mono County)

Fish Slough—Eight miles north of Bishop. Large, essentially undisturbed desert wetland with rare or endangered desert wildlife. Provides habitat for one native and several introduced endangered fish species. (May 1975) Owner: Federal, State, Municipal, Private

San Diego County

*Torrey Pines State Reserve—Along the northwestern edge of the San Diego city limits. Unique and undisturbed biological community supporting endangered bird species. Torrey pine forests occur naturally only here and on Santa Rosa Island, 175 miles to the northwest. High bluffs and sea cliffs are examples of geological processes. (May 1977) Owner: State

San Mateo County

*Ano Nuevo Point and Island—20 miles north of Santa Cruz. The only near-shore breeding ground for the northern elephant seal in the U.S., and habitat for Stellar sea lions, California sea lions, and harbor seals. The processes of wave cutting, geologic uplift, and sea level fluctuation are well represented along the Ano Nuevo Point. (August 1980) Owner: State

GEORGIA

Rockdale County

*Panola Mountain—15 miles southeast of Atlanta. The most natural and undisturbed monadnock of exposed granitic rock in the Piedmont region. The area supports a variety of plant communities. (August 1980) Owner: State

ILLINOIS

Lake County

*Illinois Beach Nature Preserve—Illinois Beach State Park, three miles north-northeast of Waukegan. An area of beach ridges that supports a great diversity of natural communities, including savanna, sand prairie, wetland, and beach communities. The area supports over 60 species of animals and plants that are threatened or endangered in Illinois. (February 1980) Owner: State

Union County

*Giant City Geological Area—Giant City State Park, 15 miles south of Harrisburg. Exceptional example of gravity sliding consisting of massive joint-bounded sandstone blocks of Pennsylvanian age. Rich flora includes xeric oak woods, oak-hickory and mesic forests dominated by sugar maple. (February 1980) Owner: State

INDIANA

Fountain County

Portland Arch Nature Preserve—Seven miles northeast of Covington. Contains massive crossbedded sandstone cliffs and a seven and one-half foot natural bridge, as well as many plant species unknown elsewhere in the State, some being relicts occurring here due to the unusual climate created by the canyon. (May 1973) Owner: State

MAINE

Washington County

*Carrying Place Cove Bog—One and one-half miles south of South Lubec. One of the finest examples of coastal raised plateau bogs, of which there are only six undisturbed, fully featured examples in the nation. Also a

fine example of a tombollo (tied island) eroded by the sea and encroached upon by a tidal beach. (April 1980) Owner: State

MINNESOTA

Cass County

*Pine Point Research Natural Area—Chippewa National Forest, 26 miles southeast of Bemidji. Contains undisturbed stands of red pine and mixed pine that have been protected for over 70 years, as well as bald eagle and osprey nests. (February 1980) Owner: Federal

MISSISSIPPI

Calhoun County

*Chestnut Oak Disjunct—16 miles north of Bruce. An isolated chestnut oak stand well removed from its normal range, surrounded by loblolly pine forest. (October 1966) Owner: Private

Scott County

*Bienville Pines Scenic Area—Bienville National Forest, south of the town of Forest. One of the largest, protected old-growth loblolly pine stands in the region. (May 1976) Owner: Federal

MISSOURI

Barton County

*Golden Prairie—16 miles northeast of Carthage. Example of an essentially virgin tall grass prairie ecosystem providing habitat for many species of flora and fauna, including a large population of greater prairie chicken. (May 1975) Owner: Private

NEW HAMPSHIRE

Strafford County

Spruce Hole Bog—Two miles west-southwest of Durham. A complete ecological community occupying a true kettle hole, the last of six similar sites that have been destroyed. (June 1972) Owner: Municipal

NEW MEXICO

Harding County

*Bueyeros Shortgrass Plains—17 miles east of Bueyeros. An example of the blue grama-buffalograss prairie of the Great Plains considered to be typical of the pre-cattle grazing era. Two of the dominant natural grazing animals (antelope and prairie dogs) are still in the area. (February 1980) Owner: Private

NEW YORK

Rockland County

*Hook Mountain and Nyack Beach State Park—One mile north of Nyack. The area contains a portion of the Palisade Sill. The geological features are deposits characteristic of the filling of basins that developed during rifting and opening of the North Atlantic Basin 180-200 million years ago. (April 1980) Owner: State

Suffolk County

*Long Beach, Orient Beach State Park—One mile south of Orient. One of the finest remaining examples in New York of a sandgravel spit illustrating succession from salt marsh to maritime forest. The area contains a breeding colony of common and roseate terns, species which are becoming scarce on other North Atlantic breeding grounds. (April 1980) Owner: State

NORTH DAKOTA

Stutsman County

Fischer Lake—25 miles northwest of Jamestown. Highly representative of the glacial moraine and pitted outwash plain surface of North Dakota. The area contains relatively undisturbed grasslands and lush prairie woodlands. (April 1980) Owner: State, Private

OHIO

Ashland County

*Crall Woods—Five miles south-southwest of New London. A near-virgin remnant maple-basswood-beech hardwood forest representing the original vegetation found in Ohio's glaciated till plain. (December 1974) Owner: Private

Delaware County (extends into Franklin County)

*Highbanks Natural Area—13 miles north of Columbia. A forested bluff overlooking the Olentangy River and containing a diverse and healthy herbaceous layer as well as outstanding examples of oak-hickory, beech-maple, and floodplain hardwood forests. The bluffs are crested with a disjunct acid xeric community of lichens and mosses. (February 1980) Owner: County

Highland County

*Fort Hill State Park Memorial—Three miles north-northwest of Sinking Spring. Possesses excellent outcrops of Silurian, Devonian, and Mississippian sedimentary bedrock, a natural bridge, and an example of glacial stream reversal. (December 1974) Owner: State

PENNSYLVANIA

Bucks County

*Monroe Border Fault—Two miles south of Riegelsville. The fault illustrates an episode of orogenic compression in which Precambrian rocks were thrust northward over lower Paleozoic deposits. (August 1980) Owner: State

TEXAS

Tarrant County

*Fort Worth Nature Center and Refuge—Within the city limits of Fort Worth. A portion of the larger refuge containing remnants of the Fort Worth Prairie, unique oak-hickory forest association called cross timbers, riparian forest, limestone ledges and marshes. (November 1980) Owner: Municipal

VIRGINIA

Page County

Luray Caverns—One and one-half miles west of Luray. A cave which is ornately decorated with cascades, columns, stalactites, stalagmites, and pools. Discovered in 1878. (November 1973) Owner: Private

WASHINGTON

Benton County (extends into Walla Walla County)

Wallula Gap—16 miles south of Pasco. The largest, most spectacular, and most significant of the several large water gaps through basalt anticlines in the Columbia River Basin. (August 1980) Owner: Federal, Public Hospital, Private

WISCONSIN

Oneida County

Finnerud Forest Scientific Area—Two miles southwest of Minoqua. An excellent example of the northern coniferous forest complex. One of the few sizable areas in the Lake States containing red pine forest over 100 years of age. (November 1973) Owner: University of Wisconsin

WYOMING

Fremont County

*Red Canyon—15 miles south of Lander. A classic example of a dissected cuesta, consisting of gently sloping plains bounded on one edge by an escarpment. (November 1980) Owner: Federal, State, Private

[FR Doc. 81-30065 Filed 10-15-81; 8:45 am]

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federal register

Friday
October 16, 1981

Part V

Department of Commerce

Office of the Secretary

Service of Process and Testimony by Employees and Production of Documents in Civil Legal Proceedings Not Involving the United States

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 15

Service of Process Procedures

AGENCY: Commerce.

ACTION: Final rule.

SUMMARY: This part prescribes the procedures to be followed when service of process is made on the Department or its components or employees by a court or other government body or litigant. It is to serve as a statement of procedure and a guideline for Department components and employees and outside agencies and persons on the appropriate course to follow in these matters.

DATES: Effective October 16, 1981; interested persons are invited to submit written comments no later than December 31, 1981.

ADDRESSES: Submit comments to the Office of the General Counsel, Room 5870, U.S. Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Joseph Levine, (202) 377-5391.

SUPPLEMENTARY INFORMATION: Because this part pertains solely to matters relating to agency management, personnel and general statements of policy, the provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay of effective date, are not applicable. In light of this and because of the immediate need for Departmental rules on this subject, these rules are effective upon publication in the **Federal Register**. However, in accordance with the public policy implicit in 5 U.S.C. 553, interested persons are invited to submit written comments on this Part to the Office of the General Counsel, Room 5870, U.S. Department of Commerce, Washington, D.C. 20230, no later than December 31, 1981. All comments received in this manner will be considered for possible changes in these rules. This part is not a major regulation as defined by Executive Order No. 12291 (Feb. 17, 1981, 46 FR 13193).

Accordingly, Part 15 is added to 15 CFR Subtitle A, to read as follows:

PART 15—SERVICE OF PROCESS

Authority: 5 U.S.C. 301; 15 U.S.C. 1501, 1512, 1513, 1515, and 1518; Reorganization Plan No. 5 of 1950; 44 U.S.C. 3101.

§ 15.1 Scope and purpose.

(a) This Part sets forth the procedures to be followed when a summons or complaint is served on the Department, its components, its employees or on the Secretary in his official capacity.

(b) This Part is intended to ensure the orderly execution of the Department's affairs and not to impede any legal proceeding.

(c) This Part does not apply to subpoenas. Any employee served with a subpoena in a legal proceeding involving the United States shall immediately notify the Associate General Counsel for Litigation. 15 CFR Part 15a sets forth the procedures to be followed when an employee is served with a subpoena in a legal proceeding not involving the United States.

(d) This Part does not apply to service of process made on Departmental employees personally on matters not related to their official responsibilities or to the business of the Department.

§ 15.2 Definitions.

For the purpose of this Part:

(a) "Department" means the Department of Commerce.

(b) "Secretary" means the Secretary of Commerce.

(c) "Component" means the Office of the Secretary or an operating unit of the Department as defined in Department Organization Order 1-1.

(d) "Employee" means any officer or employee of the Department, including commissioned officers of the National Oceanic and Atmospheric Administration.

§ 15.3 Acceptance of service of process.

(a) Any summons or complaint to be served in person or by registered or certified mail on the Department, a component of the Department, or the Secretary or employees in their official capacities, except a summons or complaint to be served on the Commissioner of Patents and Trademarks, shall be served on the Associate General Counsel for Litigation, Department of Commerce, Washington, D.C. 20230, or his designee. Any summons or complaint to be served in person or by registered or certified mail on the Commissioner of Patents and Trademark in his official capacity shall be served on the Solicitor, Patent and Trademark Office, Crystal Plaza, Virginia 20231, or his designee.

(b) Any component or employee served with a summons or complaint shall immediately notify the Associate General Counsel for Litigation or his designee and deliver the summons or complaint to him. The employee shall note on the document the date, hour and place of service and whether service was by personal delivery or by mail.

(c) When a legal proceeding is brought to hold employees personally liable in connection with actions taken in the conduct of their official responsibilities, rather than liable in their official capacities only, those employees by law are to be directly served with process. Service of process in these cases is inadequate when made upon the Associate General Counsel for Litigation or the Solicitor, or their designees. Employees sued personally for actions taken in the conduct of their official responsibilities shall immediately notify the Associate General Counsel for Litigation or his designee and deliver a copy of the summons or complaint to him. They may be represented by the Department of Justice at its discretion, as provided in 28 CFR 50.15 and 50.16 (1980).

(d) The Associate General Counsel for Litigation and the Solicitor, or their designees, when accepting service of process for an employee in his official capacity, shall endorse on the Marshall's or server's return of service form or receipt for registered or certified mail the following statement: "Service accepted in official capacity only." A rubber stamp with the above statement may be used.

(e) Upon accepting service or receiving notification of service, as provided in this section, the Associate General Counsel for Litigation and the Solicitor, shall, immediately notify the Department of Justice or United States Attorney, in order to protect the rights of the persons and agencies involved.

Malcolm Baldrige,

Secretary of Commerce.

[FR Doc. 81-30059 Filed 10-15-81; 8:45 am]

BILLING CODE 3510-BW-M

15 CFR Part 15a

Testimony by Employees and Production of Documents in Civil Legal Proceedings Not Involving the United States

AGENCY: Commerce.

ACTION: Final rule.

SUMMARY: This Part prescribes the policies and procedures to be followed with respect to testimony of Department employees on official matters and production of official documents of the Department in civil legal proceedings not involving the United States. It is to serve as a statement of policy and procedure and a guideline for Department components and employees

and outside agencies and persons on the appropriate course to follow in these matters.

DATES: Effective October 16, 1981; interested persons are invited to submit written comments no later than December 31, 1981.

ADDRESS: Submit comments to the Office of the General Counsel, Room 5870, U.S. Department of Commerce, Washington, D.C. 20230.

FOR FURTHER INFORMATION CONTACT: Joseph Levine, (202) 377-5391.

SUPPLEMENTARY INFORMATION: Because this part pertains solely to matters relating to agency management, personnel and general statements of policy, the provisions of the Administrative Procedure Act (5 U.S.C 553) requiring notice of proposed rulemaking, opportunity for public participation, and delay of effective date, are not applicable. In light of this and because of the immediate need for Departmental rules on this subject, these rules are effective on October 16, 1981. However, in accordance with the public policy implicit in 5 U.S.C. 553, interested persons are invited to submit written comments on this part to the Office of the General Counsel, Room 5870, U.S. Department of Commerce, Washington, D.C. 20230, no later than December 31, 1981. All comments received in this manner will be considered for possible changes in these rules. This Part is not a major regulation as defined by Executive Order No. 12291. (Feb. 17, 1981, 46 FR 13193.)

Accordingly Part 15a is added to 15 CFR Subtitle A to read as follows:

PART 15a—TESTIMONY BY EMPLOYEES AND PRODUCTION OF DOCUMENTS IN CIVIL LEGAL PROCEEDINGS NOT INVOLVING THE UNITED STATES

Authority: 5 U.S.C. 301; U.S.C. 1501, 1512, 1513, 1515, and 1518; Reorganization Plan No. 5 of 1950; 44 U.S.C. 3101.

§ 15a.1 Scope and purpose.

(a) This Part sets forth the procedures to be followed with respect to testimony by Department employees on official matters and production of offical documents of the Department in civil legal proceedings not involving the United States.

(b) The Secretary of Commerce is by law responsible for the custody, use, and preservation of the records, papers and property held by the Department, and for the official conduct of its employees, including their appearances on official matters in civil legal proceedings not involving the United States, and is authorized to prescribe rules on those matters.

(c) The purpose of these rules is to conserve the time of Department employees for their official duties, to maintain the position of the Department as impartial among non-Federal government litigants, and to enable the Secretary and the General Counsel to determine when to authorize employees to testify and to produce documents in civil legal proceedings not involving the United States.

(d) This Part is intended to ensure the orderly execution of the Department's affairs and not to impede any legal proceeding.

(e) This Part in no way affects the rights and procedures governing public access to official documents pursuant to the Freedom of Information Act or the Privacy Act. See 15 CFR Parts 4, 4b.

(f) Components of the Department may publish or leave in place supplementary rules in addition to but not inconsistent with this Part.

§ 15a.2 Definitions.

For the purpose of this Part:

(a) "Department" means the Department of Commerce.

(b) "Secretary" means the Secretary of Commerce.

(c) "General Counsel" means the General Counsel of the Department of Commerce or his designee.

(d) "Component" means Office of the Secretary or an operating unit of the Department as defined in Department Organization Order 1-1.

(e) "Official" means concerning the authorized business of the Department.

(f) "Legal proceeding" means any civil proceeding before a court of law, administrative board or commission, hearing officer, or other body conducting a legal or administrative proceeding or any discovery proceeding in support thereof, in which the United States is not a named party or in which the United States has not instituted the administrative investigation or administrative hearing.

(g) "Documents" means all records and papers held by the Department, including without limitation official letters, telegrams, memoranda, reports, studies, calendar and diary entries, maps, graphs, pamphlets, notes, charts, tabulations, analysis, statistical or informational accumulations, any kind of records of meetings and conversations, film impressions, magnetic tapes, and sound or mechanical reproductions.

(h) "Employee" means any officer or employee of the Department, including commissioned officers of the National Oceanic and Atmospheric Administration.

(i) "United States" means the Federal Government, its agencies, departments and employees in their official capacities.

(j) "Demand" means a request, order or subpoena for testimony or records.

(k) "Counsel" means the Department of Justice attorney or other appropriate Government counsel acting on behalf of an employee.

(l) "Court" means an entity conducting a legal proceeding.

§ 15a.3 General policy.

The Department's policy is that its documents will not be voluntarily produced and its employees will not voluntarily appear as witnesses in legal proceedings. In appropriate circumstances, the General Counsel may grant exceptions to this policy when it is determined that the disclosure of documents or the factual or expert testimony of a Departmental employee would be in the best interest of the Department or in the public interest.

§ 15a.4 Testimony or production of documents.

(a) No Department employee shall give testimony concerning official matters nor produce any official documents in any legal proceeding without the prior written authorization of the General Counsel. Notwithstanding the foregoing, Patent Examiners may testify concerning the patents they have allowed without the prior written authorization of the General Counsel pursuant to Chapter 1700 of the Patent and Trademark Office's *Manual of Patent Examining Procedure*.

(b) Certified copies of Department records will be provided upon written request and payment of applicable fees. Written requests for certification shall be addressed to the chief legal counsel for the component responsible for the records. The applicable fees include charges for certification and reproduction, the amounts of which are set out in 15 CFR 4.9(a) (3) and (5). Other reproduction costs and postage fees, as appropriate, must also be borne by the requester.

(c) A request or order for testimony by a Department employee, except a Patent Examiner as set forth in section 15a.4(a), concerning official matters or for production of official documents in a legal proceeding shall be addressed to

the General Counsel, Room 5870, Department of Commerce, Washington, D.C. 20230. A subpoena for testimony by a Department employee, except a Patent Examiner as set forth in section 15a.4(a), concerning official matters or for production of official documents shall be served in accordance with rule 45 of the Federal Rules of Civil Procedure or applicable state procedure, with a copy of the subpoena sent to the General Counsel. Every demand shall be accompanied by an affidavit or, if that is not feasible, a statement setting forth the title of the case; the forum; the party's interest in the case; the reasons for the request; a showing that the desired testimony or documents are not reasonably available from any other source; and, if an appearance or testimony is requested, the intended use of the testimony, a general summary of the testimony desired, and a showing that no Department record could be provided and used in lieu of the testimony or other appearance requested.

(d) Any Department employee who is served with a demand in a legal proceeding shall immediately notify the General Counsel.

(e) The General Counsel may authorize and direct a Department employee to testify concerning official matters or to produce official documents in a legal proceeding when the Department has a significant interest in the legal proceeding or when such testimony or production of documents is in the public interest. In such cases costs will be assessed in accordance with existing regulations.

(f) The Secretary retains the authority to make the determination described in § 15a.4(e) in situations where statutory law or Presidential order mandate the Secretary to make the decision.

(g) The General Counsel may consult or negotiate with counsel or the party seeking such testimony or documents to (1) refine and limit the demand so that compliance is less burdensome, or (2) obtain information necessary to make the determination described in § 15a.4(e). Failure of the counsel or party seeking the testimony or the documents to cooperate in good faith to enable the General Counsel or the Secretary to make an informed determination under this Part may serve as the basis for a determination not to comply with the request demand.

§ 15a.5 Responses to demands.

(a) Unless authorized by a determination by the General Counsel or the Secretary under this Part, a Department employee shall respectfully decline to comply with a demand in a legal proceeding.

(b) In instances where a determination has not yet been made and a response to a demand is due, or where the determination has been made not to comply with the demand, the General Counsel shall request the Department of Justice represent the employee in the legal proceedings.

(c)(1) If a response to the demand is due, and the determination required under the Part has not yet been made, counsel shall provide the court with a copy of this Part, inform the court that the demand has been referred to or is being referred to the General Counsel or the Secretary for his/her prompt consideration, and shall respectfully request a stay pending receipt of their instructions.

(2) If a determination has been made not to comply with the demand the General Counsel or the Secretary shall inform counsel and such other persons as circumstances may warrant. Counsel shall provide the court with a copy of this Part and inform the court that the employee is prohibited from testifying or producing documents without the prior approval of the General Counsel or the Secretary.

(d) If the court declines to stay the effect of the demand in response to a request made in accordance with paragraph (c)(1) of this section pending receipt of instructions, or if the court rules that the demand must be complied with irrespective of instructions not to comply, the employee upon whom the demand has been made shall respectfully decline to comply with the demand. *United States ex rel. Touhy* v. *Ragen*, 340 U.S. 462 (1951).

(e) A determination under this Part to comply or not to comply with a demand is not an assertion or waiver of privilege, lack of relevance, technical deficiencies or any other ground for noncompliance. The Department reserves the right to oppose any demand on any legal ground independent of its determination under this Part.

Malcolm Baldrige,

Secretary of Commerce.

[FR Doc. 81-30060 Filed 10-15-81; 8:45 am]

BILLING CODE 3510-BW-M

federal register

Friday
October 16, 1981

Part VI

Department of Education

Minority Institutions Science Improvement Program

DEPARTMENT OF EDUCATION

34 CFR Parts 637 and 735

Minority Institutions Science Improvement Program

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: In a notice published on March 27, 1981, in the **Federal Register** (46 FR 19000), the Secretary announced his intention to review and, as appropriate, amend certain regulations in an effort to comply with the requirements of Executive Order 12291 and its overall objective to reduce regulatory burden. As a result of this review, the Secretary revises the final regulations for the Minority Institutions Science Improvement Program. These revisions clarify and reduce program requirements. Also the Secretary is redesignating these regulations as a new Part 637 so that they will be located in the Code of Federal Regulations with other Postsecondary education programs.

EFFECTIVE DATE: Unless the Congress takes certain adjournments, these regulations will take effect 45 days after publication in the **Federal Register.** If you want to know if there has been a change in the effective date of these regulations, call or write the Department of Education contact person. At a future date, the Secretary will publish a notice in the **Federal Register** stating the effective date of these regulations.

ADDRESSES: Dr. Robert Fullilove, Minority Institutions Science Improvement Program, U.S. Department of Education, Room 2083, Federal Office Building 6, 400 Maryland Avenue SW, Washington, D.C. 20202.

FOR FURTHER INFORMATION CONTACT: Dr. Robert Fullilove, telephone (202) 472-6583.

SUPPLEMENTARY INFORMATION:

Background

The Minority Institutions Science Improvement Program (MISIP), a Federal discretionary grant program, was transferred from the National Science Foundation to the Department of Education in May, 1980. MISIP provides funds to predominantly minority two and four-year colleges and universities and to nonprofit science-oriented organizations, professional scientific societies, and all nonprofit, accredited colleges and universities.

The objectives of MISIP are two-fold: (1) to effect longrange improvement in science education at predominantly minority institutions, and (2) to increase the representation of qualified ethnic minorities in the fields of science and engineering.

Review of Final Regulations

Under the March 27th notice, all final regulations listed (including the MISIP final regulations) were to be reviewed by September 30, 1981, with public comments due on or before May 31, 1981. Accordingly, the Secretary has reviewed these regulations and finds, at this time, that only minor revisions are necessary which will not require public comment.

Basis and Purpose

The changes in these regulations reduce the burden on applicants, clarify the provisions of existing final regulations, and make certain necessary technical changes.

Under these revised regulations, the Secretary will obtain the information required to establish eligibility as a minority institution directly from the Office for Civil Rights in the Education Department. This change relieves the applicant from the previous requirement of providing a copy of the information from the Higher Education General Information Survey, HEGIS XIII, to the Department.

The regulations governing authorized activities under Special projects have been clarified to permit more than one activity to be funded under a grant. The Special projects section has been rewritten to make clearer the distinction between activities limited only to minority institution applicants and activities that all eligible applicants may undertake.

The sections containing the length of the project period for each type of project have been removed. This information will be announced in the application notice published in the **Federal Register.**

The section outlining factors which the Secretary considers in selecting from applications of substantially equal quality has been reworded.

Finally, all but one of the provisions in the section describing restrictions on the types of cost a grant may support have been removed from the regulations. These deleted provisions merely duplicated unallowable costs contained in the cost principles in the Education Department General Administrative Regulations (EDGAR). Since the EDGAR cost principles apply to MISIP, these provisions have been removed from the regulations. Only one program specific restriction which applies to Design project grants remains. In the future, details regarding allowable costs will be included in the application package.

Burden Reduction

To assist the Department in complying with the specific requirements of Executive Order 12291 and its overall objective of reducing regulatory burden, public comment is invited on whether there may be further opportunities to reduce any regulatory burdens found in these regulations, especially with regard to paperwork and compliance requirements.

Written comments and recommendations may be sent to the address given at the beginning of this preamble. The Secretary will consider all comments received.

Citation of Legal Authority

A citation of statutory or other legal authority is placed in parentheses on the line following each substantive provision of these proposed regulations.

Dated: October 9, 1981.

(Catalog of Federal Domestic Assistance No. 84.120, Minority Institutions Science Improvement Program)

T. H. Bell,

Secretary of Education.

PART 735 [REDESIGNATED AS PART 637]

The Secretary redesignates Part 735, Subtitle B, Chapter VII of Title 34 of the Code of Federal Regulations as new Part 637, Subtitle B, Chapter VI of Title 34 of the Code of Federal Regulations and amends redesignated Part 637 as follows:

PART 637—THE MINORITY INSTITUTIONS SCIENCE IMPROVEMENT PROGRAM

Subpart A—General

Subpart B—What Kinds of Projects Does the Department of Education Assist Under This Program?

Subpart C—How Does One Apply for a Grant?

Authority: Sec. 406A, General Education Provisions Act as enacted by Pub. L. 96-374, 94 Stat. 1497 (20 U.S.C. 1221e-1b)

Subpart A—General

§ 637.1 What is the Minority Institutions Science Improvement Program (MISIP)?

The Minority Institutions Science Improvement Program is designed to effect long-range improvement in science education at predominantly minority institutions and to increase the flow of underrepresented ethnic minorities into scientific careers.

(20 U.S.C. 1221e-1b)

§ 637.2 Who is eligible to receive a grant?

The following parties are eligible to receive grants:

(a) Public and private, nonprofit minority institutions as defined in § 637.4(b) for minority institutions.

(b) Nonprofit science-oriented organizations, professional scientific societies, and all nonprofit, accredited colleges and universities which render a needed service to a group of eligible minority institutions or which provide in-service training for project directors, scientists, and engineers from eligible minority institutions.

(20 U.S.C. 1221e-1b)

§ 637.3 What regulations apply to the Minority Institutions Science Improvement Program?

The following regulations apply to the Minority Institutions Science Improvement Program:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Part 75 (Direct Grant Programs) and 34 CFR Part 77 (Definitions).

(b) The regulations in this Part 637.

(20 U.S.C. 1221e-1b, 20 U.S.C. 3474)

§ 637.4 What definitions apply to the Minority Institutions Science Improvement Program?

(a) *Definitions in EDGAR.* The following terms used in this part are defined in 34 CFR Part 77.

Applicant	Nonprofit
Application	Private
Department	Project
EDGAR	Project period
Grants	Secretary
Grantee	

(20 U.S.C. 1221e-3(a)(1))

(b) *Definitions that apply to this part:*

"Accredited" means currently certified by a nationally recognized accrediting agency or making satisfactory progress toward achieving accreditation.

"Minority" means American Indian, Alaskan Native, black (not of Hispanic origin), Hispanic (including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin), Pacific Islander or other ethnic group underrepresented in science and engineering.

"Minority institution" means an accredited college or university whose enrollment of a single minority group or a combination of minority groups as defined in this section exceeds fifty percent of the total enrollment. The Secretary verifies this information from the data on enrollments (Higher Education General Information Surveys HEGIS XIII) furnished by the institution to the Office for Civil Rights, Department of Education.

"Science" means, for the purposes of this program, the biological, engineering, mathematical, physical, and social sciences, and the history and philosophy of science; also included are interdisciplinary fields which are comprised of overlapping areas among two or more sciences.

"Underrepresented in science and engineering" means a minority group whose number of scientists and engineers per 10,000 population of that group is substantially below the comparable figure for scientists and engineers who are white and not of Hispanic origin.

(20 U.S.C. 1221e-1b)

Subpart B—What Kinds of Projects Does the Department of Education Assist Under This Program?

§ 637.11 What kinds of projects are supported by this program?

The Secretary awards grants under this program for all or some of the following categories of projects:

(a) Institutional projects for implementing a comprehensive science improvement plan as described in § 637.12.

(b) Design projects for developing a long-range science improvement plan as described in § 637.13.

(c) Special projects to support activities as described in § 637.14.

(d) Cooperative projects to share facilities and personnel and disseminate information as described in § 637.15.

(20 U.S.C. 1221e-1b)

§ 637.12 What are institutional projects?

(a) Institutional project grants support the implementation of a comprehensive science improvement plan, which may include any combination of activities for improving the preparation of minority students for careers in science.

(b) Activities that the Secretary may assist under an institutional project include, but are not limited to, the following:

(1) Faculty development programs; or

(2) Development of curriculum materials.

(3) Eligible applicants for institutional projects are minority institutions.

(20 U.S.C. 1221e-1b)

§ 637.13 What are design projects?

(a) Design project grants assist minority institutions that do not have their own appropriate resources or personnel to plan and develop long-range science improvement programs.

(b) Activities that the Secretary may assist under a design project include, but are not limited to, the following:

(1) Development of planning, management, and evaluation systems; and

(2) Improvement of institutional research or development offices.

(c) Eligible applicants for design projects are minority institutions that have not received support under this program in prior years.

(20 U.S.C. 1221e-1b)

§ 637.14 What are special projects?

There are two types of special projects grants—

(a) Special project grants for which minority institutions are eligible which support activities that—

(1) Improve quality training in science and engineering at minority institutions; or

(2) Enhance the minority institutions' general scientific research capabilities.

(b) Special project grants for which all applicants are eligible which support activities that—

(1) Provide a needed service to a group of eligible minority institutions; or

(2) Provide in-service training for project directors, scientists, and engineers from eligible minority institutions.

(c) Activities that the Secretary may assist under a special project include, but are not limited to, the following:

(1) Advanced science seminars;

(2) Science faculty workshops and conferences;

(3) Faculty training to develop specific science research or education skills;

(4) Research in science education;

(5) Programs for visiting scientists;

(6) Preparation of films or audio-visual materials in science;

(7) Development of learning experiences in science beyond those normally available to minority undergraduate students;

(8) Development of pre-college enrichment activities in science; and

(9) Any other activities designed to address specific barriers to the entry of minorities into science.

(c) Eligible applicants for special projects of the type listed in paragraphs (a) (1) and (2) of this section are minority institutions. Eligible applicants for special project of the type listed in paragraphs (a) (3) and (4) of this section are all applicants eligible for assistance under this program.

(20 U.S.C. 1221e-1b)

§ 637.15 What are cooperative projects?

(a) Cooperative project grants assist groups of nonprofit accredited colleges and universities to work together to conduct a science improvement project.

(b) Activities that the Secretary may fund under cooperative projects include, but are not limited to, the following:

(1) Assisting institutions in sharing facilities and personnel;

(2) Disseminating information about established programs in science and engineering;

(3) Supporting cooperative efforts to strengthen the institutions' science and engineering programs; and

(4) Carrying out a combination of any of the activities in paragraphs (c)(1)-(3) of this section.

(c) Eligible applicants for cooperative projects are groups of nonprofit accredited colleges and universities whose primary fiscal agent is an eligible minority institution as defined in § 637.4(b).

(20 U.S.C. 1221e-1b)

Supbart C—How Does One Apply for a Grant?

§ 637.21 Application procedures.

One applies for a grant under the procedures of EDGAR §§ 75.100 through 75.129.

Subpart D—How Does the Secretary Make a Grant?

§ 637.31 How does the Secretary evaluate an application?

(a) The Secretary evaluates an application on the basis of the criteria in § 637.32.

(b) The Secretary awards up to 100 points for these criteria.

(c) The maximum possible score of each criterion is indicated in parentheses.

(d) For applications of substantially equal quality, the Secretary gives priority to applicants which have not previously received funding from the program and to previous grantees with a proven record of success, as well as to applications that contribute to achieving balance among funded projects with respect to:

(1) Geographic region;

(2) Academic discipline; and

(3) Project type.

(20 U.S.C. 1221e-1b)

§ 637.32 What selection criteria does the Secretary use?

The Secretary evaluates applications using the following criteria:

(a) *Plan of operation.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the plan of operation for the project.

(2) The Secretary looks for information that shows—

(i) Higher quality in the design of the project;

(ii) An effective plan of management that insures proper and efficient administration of the project;

(iii) A clear description of how the objectives of the project relate to the purpose of the program;

(iv) The way the applicant plans to use its resources and personnel to achieve each objective; and

(v) Methods of coordination. (See EDGAR 34 CFR 75.581)

(b) *Quality of key personnel.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the key personnel the applicant plans to use on the project.

(2) The Secretary looks for information that shows—

(i) The qualifications of the project director (if one is to be used);

(ii) The qualifications of each of the other key personnel to be used in the project;

(iii) The time that each person referred to in paragraphs (b)(2) (i) and (ii) of this section plans to commit to the project.

(iv) The extent to which the applicant, as part of its nondiscriminatory emloyment practices, encourages applications for employment from persons who are members of groups that have been traditionally underrepresented, such as members of a racial or ethnic minority groups, women, handicapped persons, and the elderly.

(3) To determine the qualifications of a person, the Secretary considers evidence of past experience and training, in fields related to the objectives of the project, as well as other information that the applicant provides.

(c) *Budget and cost effectiveness.* (5 points)

(1) The Secretary reviews each application for information that shows that the project has an adequate budget and is cost effective.

(2) The Secretary looks for information that shows—

(i) The budget for the project is adequate to support the project activities; and

(ii) Costs are reasonable in relation to the objective of the project.

(d) *Evaluation plan.* (10 points)

(1) The Secretary reviews each application for information that shows the quality of the evaluation plan for the project. (See EDGAR 34 CFR 75.590—Evaluation by the grantee; where applicable)

(2) The Secretary looks for information that shows methods of evaluation that are appropriate for the project and, to the extent possible, are objective and produce data that are quantifiable.

(e) *Adequacy of resources.* (5 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to devote adequate resources to the project.

(2) The Secretary looks for information that shows—

(i) The facilities that the applicant plans to use are adequate; and

(ii) The equipment and supplies that the applicant plans to use are adequate.

(20 U.S.C. 1221(e)-3(a)(1))

(f) *Identification of need for the project.* (10 points)

(1) The Secretary reviews each application for information that shows the identification of need for the project.

(2) The Secretary looks for information that shows—

(i) An adequate needs assessment;

(ii) An identification of specific needs in science; and

(iii) An involvement of appropriate individual, especially science faculty, in identifying the institutional needs.

(g) *Potential institutional impact of the project.* (15 points)

(1) The Secretary reviews each application to determine the extent to which the proposed project gives evidence of potential for enhancing the institution's capacity for improving and maintaining quality science education for its minority students.

(2) The Secretary looks for information that shows—

(i) For an institutional or cooperative project, the extent to which both the established science education program(s) and the proposed project will expand or strengthen the established program(s) in relation to the identified needs; or

(ii) For a design project, the extent to which realistic long-range science education improvement plans will be developed with the technical assistance provided under the project; or

(iii) For a special project, the extent to which it addresses needs that have not been adequately addressed by an existing institutional science program or takes a particularly new and exemplary approach that has not been taken by any existing institutional science program.

(h) *Institutional commitment to the project.* (15 points)

(1) The Secretary reviews each application for information that shows that the applicant plans to continue the project activities when funding ceases.

(2) The Secretary looks for information that shows—

(i) Adequate institutional commitment to absorb any after-the-grant burden initiated by the project;

(ii) Adequate plans for continuation of project activities when funding ceases;

(iii) Clear evidence of past institutional commitment to the provision of quality science programs for its minority students; and

(iv) A local review statement signed by the chief executive officer of the institution endorsing the project and indicating how the project will accelerate the attainment of the institutional goals in science.

(i) *Expected outcomes.* (10 points)

(1) The Secretary reviews each application to determine the extent to which minority students will benefit from the project.

(2) The Secretary looks for information that shows—

(i) Expected outcomes likely to result in the accomplishment of the program goal;

(ii) Educational value for science students; and

(iii) Possibility of long-term benefits to minority students, faculty, or the institution.

(j) *Scientific and educational value of the proposed project.* (10 points)

(1) The Secretary reviews each application for information that shows its potential for contributions to science education.

(2) The Secretary looks for information that shows—

(i) The relationship of the proposed project to the present state of science education;

(ii) The use or development of effective techniques and approaches in science education; and

(iii) Potential use of some aspects of the project at other institutions.

(20 U.S.C. 1221e-1b)

Subpart E—What Conditions Must be Met by a Grantee?

§ 637.41 What are the cost restrictions on design project grants?

For design project grants funds may not be used to pay more than fifty percent of the academic year salaries of faculty members involved in the project.

(20 U.S.C. 1221e-1b)

[FR Doc. 81-30085 Filed 10-15-81; 8:45 am]

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federal register

Friday
October 16, 1981

Part VII

Office of Management and Budget

Cumulative Report on Rescissions and Deferrals

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals; October 1, 1981

This report is submitted in fulfillment of the requirements of Section 1014(e) of the Impoundment Control Act of 1974 (Pub. L. 93–344). Section 1014(e) provides for a monthly report listing all budget authority for this fiscal year with respect to which, as of the first day of the month, a special message has been transmitted to the Congress.

This month's report gives the status as of October 1, 1981, of 26 deferrals contained in the first special message for FY 1982. This message was transmitted to the Congress on October 1, 1981.

Deferrals (Attachment A)

As of October 1, 1981, $730.9 million in 1982 budget authority were being deferred from obligation and another $6.3 million in 1982 obligations were being deferred from expenditure. Attachment A shows the history and status of each deferral reported during FY 1982.

David A Stockman,

Director.

BILLING CODE 3110-01-M

STATUS OF DEFERRALS
(AMOUNTS IN THOUSANDS OF DOLLARS)

ATTACHMENT A

AGENCY/ BUREAU/ ACCOUNT	DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 10-01-81
Funds Appropriated to the President								
Appalachian Regional Development Programs								
Appalachian regional development programs								
	D82-1	15,000		10/1/81				15,000
Subtotal, Funds Appropriated to the President		15,000						15,000
Department of Agriculture								
Forest Service								
Timber salvage sales								
	D82-2	6,723		10/1/81				6,723
Expenses, brush disposal								
	D82-3	49,349		10/1/81				49,349
Subtotal, Department of Agriculture		56,072						56,072
Department of Commerce								
General Administration								
Participation in U.S. expositions								
	D82-4	507		10/1/81				507
National Oceanic and Atmospheric Administration								
Construction								
	D82-5	2,000		10/1/81				2,000
Subtotal, Department of Commerce		2,507						2,507
Department of Defense-Military								
Military Construction								
All services								
	D82-6	38,837		10/1/81				38,837
Family Housing, Defense								
Family housing, defense								
	D82-7	1,992		10/1/81				1,992
Subtotal, Department of Defense-Military		40,829						40,829
Department of Defense-Civil								
Wildlife Conservation, Military Reservations								
All services								
	D82-8	597		10/1/81				597
Subtotal, Department of Defense-Civil		597						597

STATUS OF DEFERRALS
(AMOUNTS IN THOUSANDS OF DOLLARS)

AGENCY/ BUREAU/ ACCOUNT DEFERRAL NUMBER	AMOUNT TRANSMITTED ORIGINAL REQUEST	AMOUNT TRANSMITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULATIVE OMB /AGENCY RELEASES	CONGRESSIONALLY REQUIRED RELEASES	CUMULATIVE ADJUSTMENTS	AMOUNT DEFERRED AS OF 10-01-81
Department of Energy							
Energy Programs							
Fossil energy construction							
D82-9	135,000		10/1/81				135,000
Strategic petroleum reserve							
D82-10	8,000		10/1/81				8,000
Subtotal, Department of Energy	143,000						143,000
Department of Health and Human Services							
Health Services Administration							
Health services							
D82-11	1,508		10/1/81				1,508
Alcohol, Drug Abuse, and Mental Health Admin.							
Const. and Renovation, St. Elizabeths Hosp.							
D82-12	11,500		10/1/81				11,500
Office of Assistant Secretary for Health							
Scientific activities overseas (special foreign currency program)							
D82-13	7,000		10/1/81				7,000
Subtotal, Department of Health and Human Services	20,008						20,008
Department of the Interior							
Heritage Conservation and Recreation Service							
Land and water conservation fund							
D82-14	30,000		10/1/81				30,000
Geological Survey							
Payments from proceeds, sale of water							
D82-15	45		10/1/81				45
Bureau of Mines							
Drainage of anthracite mines							
D82-16	991		10/1/81				991
Subtotal, Department of the Interior	31,036						31,036
Department of Justice							
Federal Prison System							
Buildings and facilities							
D82-17	2,700		10/1/81				2,700
Subtotal, Department of Justice	2,700						2,700

STATUS OF DEFERRALS
(AMOUNTS IN THOUSANDS OF DOLLARS)

AGENCY/ BUREAU/ ACCOUNT DEFERRAL NUMBER	AMOUNT TRANS-MITTED ORIGINAL REQUEST	AMOUNT TRANS-MITTED SUBSEQUENT CHANGE	DATE OF MESSAGE MO DA YR	CUMULA-TIVE OMB /AGENCY RELEASES	CONGRES-SIONALLY REQUIRED RELEASES	CUMULA-TIVE ADJUST-MENTS	AMOUNT DEFERRED AS OF 10-01-81
Department of Labor							
Employment of Training Administration							
Employment and training assistance							
D82-18	49,881		10/1/81				49,881
Subtotal, Department of Labor	49,881						49,881
Department of State							
Other							
U.S. emergency refugee and migration assistance fund							
D82-19	35,043		10/1/81				35,043
Subtotal, Department of State	35,043						35,043
Department of Transportation							
Federal Aviation Administration							
Civil supersonic aircraft development termination							
D82-20	3,446		10/1/81				3,446
Facilities and equipment (Airport and airway trust fund)							
D82-21	185,783		10/1/81				185,783
Subtotal, Department of Transportation	189,229						189,229
Department of the Treasury							
Office of Revenue Sharing							
State and local gov't. fiscal asst. trust fund							
D82-22	109,738		10/1/81				109,738
State and local gov't. fiscal asst. trust fund 1/							
D82-23	6,287		10/1/81				6,287
Federal Law Enforcement Training Center							
Construction							
D82-24	4,200		10/1/81				4,200
Subtotal, Department of the Treasury	120,225						120,225
Other Independent Agencies							
Pennsylvania Avenue Development Corporation							
Land acquisition and development fund							
D82-25	30,896		10/1/81				30,896
Motor Carrier Ratemaking Study Commission							
Salaries and expenses							
D82-26	150		10/1/81				150
Subtotal, Other Independent Agencies	31,046						31,046
TOTAL	737,173						737,173

FOOTNOTES
1/ Outlays only.

[FR Doc. 81-30140 Filed 10-15-81; 8:45 am]
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federal register

Friday
October 16, 1981

Part VIII

Department of Labor

Employment and Training Administration

Comprehensive Employment and Training Act Regulations; Amendments to Title VII and PSE Base Average Annual Wage Provisions

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Parts 676 and 679

Comprehensive Employment and Training Act Regulations; Amendments to Title VII and PSE Base Average Annual Wage Provisions

AGENCY: Employment and Training Administration, Labor.

ACTION: Final rule.

SUMMARY: This document contains final regulations for programs under Title VII of the Comprehensive Employment and Training Act, the Private Sector Initiative Program. The final rule, among other things, deletes the economic development initiative bonus setaside requirement and reinstates the previous provisions which require formula distribution of 95 percent of Title VII funds to prime sponsors. Also, the one-for-one hiring (backfilling) requirement is waived in full for retraining programs and in part for upgrading programs under Title VII.

EFFECTIVE DATE: November 16, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Jess C. Ramaker, Acting Administrator, Office of Comprehensive Employment Development, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213; Telephone: (202) 376-6254.

SUPPLEMENTARY INFORMATION:

Background

Proposed revisions to the rules implementing Title VII of the Comprehensive Employment and Training Act (CETA) were published in the **Federal Register** on May 19, 1981 (46 FR 27462), for the purpose of soliciting public comment. The Department received approximately 35 written comments on the proposed changes. Following is a description of each affected section as it appears in these final regulations, a summary of the comments received, and the Department's response.

In the proposed regulations at § 679.3-2(a), local economic development organizations were added as one of the groups from which Private Industry Council (PIC) members must be drawn. Section 679.3-2(c)(4) specified that at least one representative of local economic development organizations, such as those authorized under the Public Works and Economic Development Act (PWEDA) of 1965, must be on the PIC. Two commenters objected to the additional requirement on the grounds that the PIC is becoming too large and that the local decisionmaking powers of the prime sponsor would be reduced. However, PIC representation from local economic development organizations is mandated by the December 1980 statutory amendment. Therefore, the provisions remain as proposed.

Section 679.3-2(c)(3) was amended to indicate that PIC representatives of educational agencies and institutions should have expertise in on-site, industry-specific vocational training. One commenter asked that the Department specify what constitutes such expertise. The Department intends, however, that prime sponsors make the necessary determination locally. Since no other comments were received, the provision remains as proposed.

The proposal would have amended § 679.4 (a) and (b) to specify the percentages of Title VII funds available for formula allocation to prime sponsors and for economic development incentive bonuses, respectively. This proposal implemented the December 23, 1980 statutory amendment which required a ten percent setaside of the Title VII funds for economic development incentive bonuses. After publication of the proposal, however, the statute was amended again (Pub. L. 97-35, August 13, 1981), to delete the economic development incentive bonus setaside requirement and to reinstate the original provisions of Section 702(b), which require formula distribution of 95 percent of Title VII funds to prime sponsors. To implement this recent statutory amendment, the language in § 679.4 (a) and (b) of the May 20, 1980 CETA regulations dealing with prime sponsor basic allocations (95%) and Native American/multijurisdictional PIC allocations (5%) has also been reinstated.

Section 679.5(b) was amended to specify that a copy of the title VII Annual Plan Subpart shall be transmitted to local economic development organizations, including those authorized under PWEDA. Of the five comments received on this provision, all objected, for various reasons, to the addition of another group to which the Subpart must be transmitted. Accordingly, the final rules require that written notification of the Subpart's availability be made to appropriate local economic development organizations, as is the case for parties listed in § 676.12(d).

Section 679.6(b)(3) was proposed to be amended to specify that 15 percent of the funds allocated under Title VII may be used for upgrading and retraining persons eligible under Title II-C, provided that participating employers in such programs agree to hire at least one economically disadvantaged person for each person being upgraded or retrained. This provision implemented Section 705(c) of the Act. The Department received eight comments on different aspects of the upgrading and retraining provisions. The majority of comments received focused on the "backfilling" (one-for-one hiring) requirement, particularly in terms of its applicability to retraining programs. In response to the comments concerning "backfilling" for retraining programs, the Secretary is waiving the requirement in its entirety, pursuant to Section 705(c) of the Act. It was determined that "backfilling" is impractical in the case of retraining programs since, in most instances, either the worker to be retrained has already left the employer and the retraining is being conducted by someone else, or the employer who issued the lay-off notice is reducing its workforce rather than hiring new workers.

In response to the more limited number of comments concerning "backfilling" for upgrading programs, the Secretary has waived the "backfilling" retirement in part by substituting a provision that only one-half of the new hires at the entry level be economically disadvantaged, up to the number of employees enrolled in upgrading programs.

The Department believes this application of the Secretary's waiver authority under Section 705(c) implements Congressional intent. Thus, the final regulation takes into account that employers who are upgrading their employees may not be in a position to hire new employees, particularly in the case of small employers or those with declining workforces. The regulation also provides employers with flexibility in phasing in economically disadvantaged workers over the life of the upgrading program, and requires "backfilling" for new hires at the entry level only.

To minimize reporting and paperwork burdens, the entry level new hire provisions, if applicable, are to be incorporated into prime sponsor agreements with participating employers, rather than by modification of the Annual or Master Plan or by special reporting to the regional office.

One commenter objected to the Department's use of the term "allocated" instead of "available" when describing prime sponsors' Title VII funds to which the 15 percent limitation applies. The Department notes that the

term "available" in the statute is a limitation on the Department's use of appropriated funds and that it is appropriate when passing down this limitation to prime sponsors to clarify that the 15 percent applies to the recipient's *total* allocation, which may include carry-over funds. Accordingly, the proposed language is retained.

One commentater suggested that the percentage limitations on the use of Title VII funds for upgrading and retraining in § 679.6(b)(3) remain at the level fixed in the May 20, 1980 CETA regulations. The proposed regulation, however, codifies the limitation mandated by the December 1980 statutory amendment. Therefore, this provision is adopted unchanged.

The proposal renumbered paragraph (16) of § 679.7(c) as paragraph (17) and added a new paragraph (16) which identifies as an allowable activity under Title VII the development of on-site, industry-specific training programs in cooperation with State vocational education boards. Two comments were received on this section. One commenter suggested that additional language be added to require that any such training program conform to existing program guidelines under CETA regulations and to restate the wage, allowance and other protections accorded CETA participants in training programs. The Department notes, however, that the CETA wage and allowance provisions and other existing program guidelines apply to all activities in § 679.7(c) and need not be restated specifically in the new paragraph (16).

Another commenter expressed concern that the provision in paragraph (16), which encourages supplementation of CETA funds with other vocational education funds, might be construed as requiring prime sponsors which do not supplement their CETA funds to prove that such funding linkages were not feasible. The Department considers that the term "where feasible," which is used elsewhere in the Act, is generally understood to encourage reasonable effort on the part of prime sponsors, not to require that they negate the possibility of linkages. Accordingly, no changes are made in § 679.7(c)(16).

Since Plan changes are minimal, it is anticipated that most prime sponsors, at their own discretion, will submit Annual Plan Subpart modifications which incorporate any required charges as soon as possible during the first quarter of FY 1982. All necessary Plan changes must be submitted in such time as to be effective by January 1, 1982.

To the extent possible, typographical errors have been corrected throughout the regulations.

Accordingly, Parts 676 and 679 of Title 20 of the Code of Federal Regulations are amended as follows:

PART 676—GENERAL PROVISIONS GOVERNING PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

1. Section 676.26–1 is amended by revising paragraphs (c)(1)–(3).

§ 676.26 Payments to participants.

§ 676.26–1 Payment of wages.

* * * * *

(c) *Wages for Public Service Employment*—(1) *Minimum wage rates.* A participant in PSE shall be paid wages not less than the highest of the rates specified in (a) (1) through (6) (sec. 124(b)).

(2) *Maximum wage rates payable with CETA funds.* (i) The wages (including those received for overtime work and leave taken during the period of employment) paid to any PSE participant from funds under the Act shall be limited to a full-time rate of $10,000 per year (or the hourly, weekly, or monthly rate which, if full-time and annualized would equal a rate of $10,000 per year), unless the Secretary adjusts this maximum upward by the area wage adjustment index. In areas where the maximum wage rate for a fiscal year is decreased from the rate for the previous fiscal year, participants hired in the previous fiscal year may receive the maximum rate from that previous year in the current fiscal year. For school employees whose work is done only during the school year, that school year shall be considered a full year for wage rate annualization purposes.

(ii) Fringe benefits payable from funds under the Act to any PSE participants may not exceed those regularly afforded to similarly employed non-CETA workers, and shall never exceed those afforded to non-CETA workers earning an amount equal to the maximum wage.

(3) *Average wage rates payable with CETA funds.* The average annual wage rate for PSE participants hired on or after April 1, 1979, shall not exceed $8,000 as adjusted upward or downward by the Secretary on an area basis by the area wage adjustment index. In no case shall this wage be adjusted downward to a level that is less than 10 percent above the annualized Federal minimum wage rate.

* * * * *

2. Part 679 is added as follows:

PART 679—PRIVATE SECTOR INITIATIVE PROGRAM FOR THE ECONOMICALLY DISADVANTAGED UNDER TITLE VII OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Authority. Sec. 126 of the Comprehensive Employment and Training Act (29 U.S.C. 801 et seq., Pub. L. 95–524, 92 Stat. 1907), unless otherwise noted.

§ 679.1 Scope and purpose.

This Part contains the regulations for activities under Title VII of the Act, known as the Private Sector Initiative Program.

(a) Title VII of the Act is a demonstration Title. It authorizes a variety of approaches to increase the involvement of the business community in employment and training activities under the Act.

(b) Title VII is designed to increase private sector employment and training opportunities for persons eligible under this Part.

(c) As a primary vehicle to assist prime sponsors in meeting these goals, Title VII provides for the establishment of Private Industry Councils (PIC's) which are to participate jointly with the prime sponsor in the local development and implementation of programs under this Part, and to consult with the prime sponsor on other employment and training activities. Title VII encourages the formulation of a local partnership between the private sector and the prime sponsor in order to meet its purposes.

(d) The ultimate goal of Title VII is to increase private sector employment and training opportunities under all Titles of the Act, commensurate with reduced emphasis on public and private nonprofit subsidized employment.

(e) An important thrust of the Act is to provide for maximum feasible coordination of programs under the Act with related functions supported by the Department and by other Federal, State

and local agencies. Accordingly, PIC's formed by prime sponsors to assist in Title VII implementation are encouraged to work with Job Service Employer Committees (JSEC's), the Bureau of Apprenticeship and Training, and State Apprenticeship Councils, as well as the Economic Development Administration, Small Business Administration, Community Services Administration, and U.S. Department of Housing and Urban Development among others, in order to increase the effectiveness of programs under this Part and under the Act in securing employment for economically disadvantaged persons (sec. 701).

(f) This Part, in conjunction with Parts 675 through 677, Subpart C, comprise the regulations for Title VII of the Act.

§ 679.2 Participant eligibility.

Eligibility requirements applicable to this Part may be found in § 675.5-7.

§ 679.3 Private Industry Councils (PIC's).

§ 679.3-1 Purpose.

(a) To receive financial assistance under this Part, each prime sponsor shall establish a Private Industry Council (PIC). Its purpose shall be to increase the involvement of the business community, including small business, minority business enterprises, and labor organizations in employment and training activities under the Act, and to increase private sector employment opportunities for economically disadvantaged persons (secs. 701 and 704(a)(1)).

(b) Given the diversity of local circumstances and the differing environments in which PIC's will operate, the structure, level of activity, and composition of PIC's may vary considerably from one prime sponsor jurisidiction to another.

(c) Generally, meetings of the PIC shall be open and accessible to the general public, and minutes shall be maintained.

§ 679.3-2 Appointment of PIC members.

Each prime sponsor shall appoint the members of the PIC (sec. 704).

(a) *General.* (1) A majority of the PIC membership shall be representatives of industry and business (including small business and minority business enterprises). The PIC shall also include members representing organized labor, community-based organizations, educational agencies and institutions, and local economic development organizations.

(2) Existing local councils or committees may be designated or adapted to serve as the PIC (sec. 704(a)).

(3) The prime sponsor shall make ultimate decisions regarding the membership of the PIC after soliciting and considering the recommendations of the business and industrial community. Additionally, the prime sponsor should consult with labor organizations, community-based organizations, educational agencies and institutions, the appropriate apprenticeship agency, the State employment security agency (SESA), and women's organizations, existing councils and committees, and other organizations expressing an interest in the Title VII program (sec. 704(a)).

(4) In prime sponsor jurisdictions in which a National Alliance of Business (NAB) metro organization exists, it should be given consideration in the establishment of the PIC.

(5) Nothing in this section is meant to give a presumptive role to any particular organization in the establishment of the PIC (sec. 704(d)).

(b) *Business and industry members.* (1) The prime sponsor shall make every effort to recruit business and industry members for the PIC who will be representative of the private for profit employment community in terms of the types of business represented, such as small businesses, minority-owned businesses, businesses owned by women and others reflective of the commercial and industrial makeup of the area (sec. 704(a)(1)).

(2) Where possible, at least half of the industry and business representatives shall be representatives from small business. For purposes of this requirement, "small business" means any private for profit enterprise employing five hundred or fewer employees (sec. 704(a) (1) and (2)).

(3) Minority business enterprises shall be represented on the PIC, at least consistent with their representation in the business community (sec. 704(a)(1)).

(4) Prime sponsors may consider either the residence of the prospective PIC member or the location of the business or organization with which that person is associated in considering appointments to the PIC.

(c) *Other required members.* At least one representative of each of the following shall be included among the PIC membership:

(1) Organized labor. In appointing members from organized labor, the prime sponsor should consult State or central labor bodies, building and construction trades councils, the Human Resources Development Institute (HRDI), appropriate apprenticeship agencies, and unions representing major occupations in the area.

(2) Community-based organizations that have demonstrated to the prime sponsor a record of effectiveness in their relationships with the business community.

(3) Educational agencies and institutions (particularly those with expertise with on-site, industry-specific vocational education) that have demonstrated to the prime sponsor a record of effectiveness in providing education or vocational training oriented toward the needs of the business community.

(4) Local economic development organizations such as those authorized under the Public Works and Economic Development Act of 1965.

(d) *Other members.* Prime sponsors may also appoint to the PIC other members, such as representatives of persons eligible to participate in activities under this Part and representatives of organizations having unique relationships to both the CETA system and the private sector, such as SESA's and appropriate apprenticeship agencies (sec. 704(a)(1)).

§ 679.3-3 Chairperson.

(a) A chairperson pro tem from the business and industrial community should be appointed by the prime sponsor to assist in identifying potential members and in establishment of the PIC.

(b) Once established, the PIC shall have a permanent chairperson selected by the members of the PIC, who should be a representative of business and industry.

§ 679.3-4 Organizational position.

(a) The organizational position occupied by the PIC within the overall employment and training delivery system shall be determined by the prime sponsor in consultation with the PIC. Such position and relationship shall be designed to enable the PIC to carry out its responsibilities.

(b) To carry out its duties, the PIC should appoint subcommittees to deal with particular areas of concern and secure, either through its staff or other means, the expertise of persons in the private sector having knowledge of business practices and policies (sec. 704(c)).

(c) PIC relationship to the prime sponsor's planning council.

(1) The activities of the PIC shall be coordinated by the prime sponsor with those of the prime sponsor's planning council, and area planning bodies in the case of State prime sponsors. The planning council shall be consulted in the development of the Title VII

program, and shall be afforded the opportunity to review and comment on the Title VII Annual Plan subpart (sec. 703(b)(4)).

(2) For purposes of Title VII, the PIC shall not be subordinate in its authority to the prime sponsor's planning council.

(3) The PIC chairperson (or designee) shall, at a minimum, serve as an ex officio, nonvoting member of the prime sponsor's planning council, and the chairperson (or designee) of the prime sponsor's planning council shall, at a minimum, serve as an ex officio, nonvoting member of the PIC. However, the prime sponsor may assign either chairperson the status of a full voting member on the respective councils (sec. 704(b)).

(d) Due to the unique nature of Balance-of-State organizational structures, such prime sponsors are authorized to develop alternate measures regarding the organization and structure of PIC's such as PIC's covering sub-State planning areas, a single PIC for the entire prime sponsor jurisdiction with a decentralized staff, and other special arrangements.

§ 679.3-5 Staff.

The PIC shall be appropriately staffed, commensurate with its responsibilities. The staffing composition of the PIC shall be determined through mutual agreement between the PIC and the prime sponsor.

(a) When the PIC is a subgrantee or contractor of the prime sponsor, staff shall be hired in a manner consistent with that status and with the terms of the PIC's subgrant or contract with the prime sponsor.

(b) If the PIC is other than a subgrantee or contractor, it shall be consulted by the prime sponsor on the matter of its staffing. To the extent possible, consistent with applicable personnel rules, the PIC should be party to decisions on staff selection or hiring.

§ 679.3-6 Multijurisdictional PIC's.

A PIC may be established to cover more than one prime sponsor area, pursuant to arrangements and written agreements between the prime sponsors and the PIC.

(a) A PIC may be established to cover a multijurisdictional area with the affected prime sponsors submitting and reporting upon separate Title VII Annual Plan subparts.

(b) The above approach does not preclude other arrangements. Prime sponsors may propose alternatives as part of their Title VII Annual Plan subpart. The RA may approve such arrangements after considering the desirability of the proposed arrangements in view of the purposes of Title VII and after reviewing their feasibility in terms of reporting and otherwise meeting Comprehensive Employment and Training Plan requirements of § 676.9, § 676.10 and § 676.11.

(c) Financial incentives shall be provided to prime sponsors establishing multijurisdictional PIC's that meet criteria discussed in § 679.4(b)(2) (secs. 702(b) and 704(a)(1)).

§ 679.3-7 Functions of the PIC.

The prime sponsor and the Private Industry Council shall determine those functions that the PIC will perform, based upon local conditions, the interests of the private sector, and the needs of the community. Those functions include the following, among others:

(a) *General.* (1) The PIC shall serve as an intermediary to assist the local employment and training structure to become more responsive to the business community.

(2) The PIC shall serve as the business and industry contact point in the local employment and training system, to present the private sector's view and recommendations for making programs more responsive to local employment needs.

(3) The PIC shall advise and provide direction to the local employment and training system on ways to increase private sector job placements for persons eligible under this Part (secs. 701 and 704(c)).

(b) *Planning and coordination.* (1) The PIC shall, in conjunction with the prime sponsor, design and develop the Title VII program and subpart to the prime sponsor's Annual Plan (sec. 703(b)).

(2) In designing the plan, and on a continuing basis, the PIC shall analyze private sector job opportunities, including estimates by occupation, industry, and location. The analysis should survey employment demands in the private sector and training possibilities, such as apprenticeship, in order to develop projections of short and long range labor needs, and to refine employment and training programing so that it becomes increasingly responsive to private sector labor needs. In undertaking such analysis, the PIC should assess and utilize information contained in economic development plans for the area and currently available labor market information from sources already in place, such as the SESA and appropriate apprenticeship agencies (sec. 703(b)(3)).

(3) The PIC should, in conjunction with the prime sponsor, develop specific private sector employment and training projects.

(4) The PIC should, in conjunction with the prime sponsor, develop criteria for the types of occupations to be selected for the expenditure of training funds.

(5) The PIC should, in conjunction with the prime sponsor, develop standards and specifications for training in particular occupations.

(6) In designing the plan, the PIC and prime sponsor should, to the extent possible, ensure that the plan is consistent with plans, funding applications and grants for programs related to private sector employment and training which are funded by other Federal agencies. For planning purposes and to coordinate with activities under other Federal programs, the PIC and prime sponsor should where possible review and comment on such plans and funding applications, especially regarding ways in which they affect employment and training, including apprenticeship, in the private sector (including those of the Economic Development Administration, Department of Housing and Urban Development, Small Business Administration and Community Services Administration) (secs. 103(a)(20), 704(c) and 705(a)(4)).

(7) The PIC should consult with the prime sponsor and its planning council during the development of, and shall have the opportunity to review and comment on, other Annual Plan subparts under the Act (sec. 704(c)).

(8) In undertaking activities under this Part, the requirements of § 676.24, "Labor organization consultation and/or concurrence", shall be observed.

(c) *Operational functions.* (1) The PIC should actively solicit public and private support for and participation in the Private Sector Initiative Program and other programs and activities designed to increase private sector employment and training opportunities for persons who are economically disadvantaged.

(2) The prime sponsor may involve the PIC through arrangements and written agreements so that the PIC can carry out its responsibilities. In particular, the PIC should be involved with the SESA, Job Service Employer Committees (JSEC's), local WIN sponsors and other private sector intermediaries in marketing and disseminating information on the Targeted Jobs Tax Credit, created by the Revenue Act of 1978 (Pub. L. 95-600), and the WIN Tax Credit.

(3) The prime sponsor and the PIC may decide that the PIC will administer and directly operate local private sector employment and training programs.

Such an operational function could involve directly marketing on-the-job and other training agreements with private employers, developing training programs, entering into contracts with private firms, community-based organizations, educational agencies and institutions and SESA's and other related activities. Consistent with State and local law, PIC's may incorporate for these purposes.

(4) Organizations represented on the PIC may be directly involved in the operation of employment and training programs funded under this Part, consistent with the conflict of interest provisions of § 679.3–9.

(5) In accordance with § 676.38(b), the PIC may participate with the prime sponsor in developing criteria for the selection of any nongovernmental organization, association, firm or other entity for the conduct of programs or activities under this Part (secs. 121(o) and 704(c)).

(d) *Review and Assessment.* (1) The PIC shall participate with the prime sponsor in overseeing activities under this Part. Programs under this Part are subject to the prime sponsor's monitoring responsibilities (sec. 704(c)).

(2) The PIC may, in consultation with the prime sponsor, identify the factors to be addressed in an assessment of the effectiveness of activities under this Part.

(3) In consultation with existing groups, such as Job Service Employer Committees (JSEC's) and prime sponsor's planning and youth councils, the PIC may examine the performance of the local CETA and SESA delivery system to determine how to better meet the needs of business and industry and increase private sector employment opportunities for the economically disadvantaged, and advise the prime sponsor and the SESA of its observations and recommendations (sec. 704(c)).

(e) Nothing in this section is intended to limit the functions of the PIC, with respect to assisting the prime sponsor to improve the responsiveness of employment and training programs to employment opportunities in the private sector. The business community should be involved in determining the functions of the PIC so that these will be responsive to the needs and interests of business and industry.

§ 679.3–8 Accountability.

The Department holds the prime sponsor accountable for activities conducted and funds expended under this Part.

(a) The PIC, in working with the prime sponsor to develop activities under this Part, must recognize the prime sponsor's ultimate liability for all of the PIC's activities. The PIC and the prime sponsor are thus both responsible for program performance, and the Department in assessing the Title VII program will take both the prime sponsor's and the PIC's performance of functions into account.

(b) Where the PIC is a contractor or subgrantee of the prime sponsor, it is financially liable to the prime sponsor for funds received.

§ 679.3–9 Conflict of interest.

(a) Except for voting on the Title VII Annual Plan Subpart, no member of the PIC may cast a vote on any matter which has a direct bearing on services to be provided by that member or by any organization which such member directly represents on any matter which would financially benefit such member or any organization such member represents.

(b) Contracts in excess of $10,000 between the PIC and any private organization with which a PIC member is associated as an officer, member or employee shall be subject to the final written approval of the prime sponsor, prior to execution of the contract or subgrant.

(c) In addition, the provisions of § 676.62 (b) and (c) apply.

§ 679.4 Allocation of funds.

(a) *Prime sponsor basic allocations.* Ninety-five percent of funds available under Title VII of the Act shall be allocated to prime sponsors as provided in section 202(a) of the Act except that:

(1) In order to ensure that every prime sponsor receives an allocation of sufficient size to mount a viable program, a minimum allocation level may be established; and

(2) In the case of Guam, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and Northern Marianas, these shall be allocated the same percentage of Title VII funds as the percentage of Title II Parts A, B and C funds allocated to them.

(b) *Other allocations.* The remaining five percent of the funds shall be allocated in the following manner:

(1) *Assistance to Native American entities.* No less than two percent of the total funds available under Title VII of the Act will be used to support Title VII programs for Native American entities described in sections 302(c)(1) (A) and (B) of the Act.

(2) *Assistance to prime sponsors who establish a single Private Industry Council.* Additional funds shall be provided to prime sponsors that establish a single Private Industry Council that serves a substantial portion of a functioning labor market area, as determined by the Secretary. Included may be:

(i) An existing consortium covering a substantial portion of a functioning labor market area that qualifies for incentive funds under § 676.4(c);

(ii) Two or more prime sponsors establishing a PIC that serves at least 75% of a functioning labor market area; and

(iii) To the extent that funding is available, other combinations of prime sponsors forming a single PIC (sec. 702(b)).

(c) Funds may be reallocated pursuant to the provisions of § 676.47 (sec. 108).

§ 679.5 Annual plan subpart.

(a) *General.* To receive financial assistance under this Part, a prime sponsor shall submit the following information, which will become part of the Annual Plan as described in § 676.11. This subpart shall consist of a Narrative Description, Statement of Concurrence, Program Planning Summary, and Budget Information Summary, specific to Title VII (sec. 103(b)).

(b) The prime sponsor shall transmit a copy of the Title VII Annual Plan subpart to the prime sponsor's planning council, to appropriate labor organizations and community-based organizations. In addition, the prime sponsor shall provide written notification of the availability of the subpart to those parties listed in Section 676.12(d), and to appropriate economic development organizations (including those authorized under the Public Works and Economic Development Act of 1965). The comment and publication procedures of § 676.12 apply to this Part (secs. 703(b) (4) and (5)).

(c) The Annual Plan subpart shall have the concurrence of both the PIC and the prime sponsor in order to be approved. Therefore, a Statement of Concurrence shall be submitted, signifying the concurrence of the PIC and the prime sponsor with the contents of the Annual Plan subpart or any modifications thereto.

(d) *Narrative Description.* The narrative description shall include:

(1) *Objectives and need for assistance.* State the objectives and need for funding under this Part, including an identification of private sector occupations where there are labor shortages.

(2) *Results and benefits.* Provide a statement on:

(i) Specific quantified performance and placement goals, by program activity.

(ii) Any performance and placement goals with respect to groups designated to be served (sec. 103(b)(4)).

(iii) Explain any variation between such performance and placement goals and the Secretary's performance standards (sec. 103(b)(4)).

(iv) Any nonquantifiable goals or outcomes.

(3) *Approach.* Provide a description of:

(i) The specific activities to be conducted, and how these activities will be integrated with other training and placement activities under the Act (sec. 703(a)).

(ii) The procedures and standards to be used for the selection of occupations in which training is to be provided.

(iii) The system that will be used to review and assess the success of activities, including a description of the role of the PIC.

(4) *Private Industry Council (PIC).* Provide the following:

(i) The responsibilities assumed and the functions to be performed by the Private Industry Council in the planning, operation and review of programs.

(ii) A list of the PIC Membership indicating representation from among those membership categories identified in § 679.3–2.

(iii) Staffing arrangements for support of the PIC agreed upon by the PIC and the prime sponsor.

(iv) A description of procedures established to ensure periodic consultation and coordination of activity between the PIC and the prime sponsor's planning council and other appropriate agencies in the labor market area.

(v) For multijurisdictional PIC's (except for existing consortia) identify the geographic area to be served, the prime sponsors participating, administrative and programmatic relationships between the PIC and the participating prime sponsors and the functions to be performed by each. A copy of the written agreement cited in § 679.3–6 must be included as an attachment to the Annual Plan Subpart.

(e) *Statement of Concurrence.* This statement documents the concurrence of the PIC and the prime sponsor with the contents of the Annual Plan Subpart.

(f) *Program Planning Summary (PPS).* The PPS reflects the goals, objectives and activities planned under Title VII for the program year.

(g) *Budget Information Summary (BIS).* The BIS contains the planned budget under Title VII for the program year.

§ 679.6 Administrative limitations.

(a) *General.* The General Provisions of Part 676 shall apply except as otherwise indicated.

(b) *Allowable costs and cost allocation.* The provisions of § 676.40 and § 676.41 shall apply to programs under Title VII except as follows:

(1) *Employment generating services.*

(i) For programs funded under Title VII only, costs for activities which are not directly related to the immediate provision of training or employment for participants but which are intended to result in the creation or expansion of employment opportunities for persons eligible under this Part may be classified as employment generating services and charged to the "Services" cost category. Examples are:

(A) Those items enumerated in paragraphs (c) (1), (2), (3), (4), (6), (7), (9), (10), (12), (13), (14) and (15) of § 679.7, Allowable Activities.

(B) The costs for the salaries and fringe benefits of labor market and program analysts, for consultants under contract for employment generating services, and for technical assistance to contractors and subgrantees.

(ii) While such activities are allowable and desirable under Title VII, no more than 30 percent of a prime sponsor's Title VII funds may be used for employment generating services.

(iii) The program activity against which the costs for employment generating services are to be allocated is "Other Activities."

(iv) No costs attributable to the general administration of the Title VII program shall be charged to the "Services" cost category.

(2) *Administrative costs.* (i) For purposes of Title VII, administrative costs are those costs which fall within the category of administration as defined in § 676.41–1(f), exclusive of employment generating services.

(ii) The total amount of funds expended for administration by all prime sponsors in carrying out programs under this Part shall not exceed 20 percent of the total expenditures for all prime sponsor Title VII programs. Each prime sponsor and PIC must make every effort to limit administrative costs to only those that are necessary to assure the effective operation of programs under this Part. If the prime sponsor and PIC determine that more than 20 percent is necessary to operate the planned program, a higher amount may be requested by providing a satisfactory explanation of the need for such amount in the Title VII Annual Plan Subpart. The special needs of urban and rural areas and other relevant factors shall be considered by the RA in reviewing requests for administrative costs in excess of 20 percent (sec. 705(b)).

(iii) It is recognized that startup and initial implementation of programs under this Part may require administrative expenditures greater than those necessary for the operation of established program. Thus, it should subsequently become possible for administrative costs to be reduced such that they are brought to a more appropriate level of 10 percent. Prime sponsors and PIC's should therefore plan to reduce administrative costs after startup and initial implementation.

(3) *Upgrading and retraining programs.* Up to 15 percent of funds allocated under Title VII may be used to enroll persons using the § 675.5–3 eligibility criteria into upgrading and/or retraining programs, as follows:

(i) *Upgrading programs.* Participating employers who receive financial assistance under this Part for upgrading their own employees shall agree that at least half their new hires at the entry level, if any, during the period of the upgrading program will be economically disadvantaged, provided, however, that no such employer shall be required to hire more disadvantaged persons than employees being upgraded (Sec. 705(c)). Where applicable, these new hire requirements shall be included in prime sponsors' agreements with participating employers, as provided for in § 677.24.

(ii) *Retraining programs.* Pursuant to Sec. 705(c) of the Act, the Secretary hereby waives the requirement that the employer hire one economically disadvantaged person for each person retrained. Prime sponsors shall adhere to the provisions of § 677.23(e), which pertain to retraining programs under Title II, Part C, when conducting retraining programs under this Part.

(4) Payments to private-for-profit employers through methods not specifically authorized under Parts 676 through 677, Subpart B shall not be allowable unless and until the method of payment is explained in advance and authorization for its use is specifically granted. Prime sponsors shall transmit to the RA requests to permit such new payment methods. The RA shall transmit such requests, with comments and recommendations, to the Assistant Secretary for Employment and Training. Action on a request shall be taken within 60 days after the prime sponsor's submission of the request to the RA. Nothing in this paragraph authorizes wage subsidies (sec. 703(c)).

§ 679.7 Allowable activities.

Funds under this Part shall be used to augment private sector-related activities

under Part 677, including on-the-job training with private employers (sec. 703(b)(2)). Funds shall be used to provide employment and training and related activities consistent with the purposes of Title VII including:

(a) Activities and services authorized in § 677.13;

(b) Upgrading and retraining in accordance with § 675.5-7, and Subpart C of Part 677, and

(c) The following:

(1) Coordinating programs of jobs and training and education enabling individuals to work for a private employer while attending an education or training program;

(2) Developing a small business intern program to provide practical training enabling youths and other individuals to work in small business firms to acquire first-hand knowledge and management experience about small business;

(3) Developing relationships between employment and training programs; educational institutions, and the private sector;

(4) Developing useful methods for collecting information about Federal Government procurement contracts with private employers, new and planned publicly supported projects such as public works, economic development and community development programs, transportation revitalization, alternative energy technology development, demonstration, and utilization projects, energy conservation projects, and rehabilitation of low-income housing as part of a community revitalization or stabilization effort, which provide work through private sector contractors;

(5) Conducting innovative cooperative education programs for youths in secondary and postsecondary schools designed to coordinate educational programs with work in the private sector;

(6) Developing and marketing model contracts designed to reduce the administrative burden on the employer and model contracts to meet the needs of specific occupations and industries;

(7) Coordinating programs under this Part with other job development, placement, and employment and training activities carried out by public and private agencies;

(8) Providing on-the-job training subsidies on a declining ratio to wages over the period of training;

(9) Providing followup services with employees placed in private employment and employers who hire recipients of services under the Act;

(10) Encouraging employers to develop job skill requirement forecasts and to coordinate such forecasts with prime sponsors;

(11) Using direct contracts for training and employment programs with private for profit and private nonprofit organizations;

(12) Developing apprenticeship or comparable high-skill training programs for workers regardless of age in occupations where such programs do not presently exist in the area;

(13) Increasing opportunities for upgrading from entry level jobs by providing counseling and other services to employees and employers beyond initial training periods;

(14) Providing technical assistance to private employers to reduce the administrative burden of employment and training programs;

(15) Disseminating information to private employers so that they may more fully utilize programs under the Act;

(16) Developing on-site, industry specific training programs supportive of industrial and economic development in cooperation with State vocational education boards, provided that, where feasible, funds made available under this Act for such programs are supplemented by Federal, State or local vocational education funds or by non-governmental funds made specifically available for such programs, or both; and

(17) Other program activities which demonstrate effective approaches to the training and employment of persons eligible to participate in programs under this Part (sec. 705(a)).

(Sec. 126 of the Comprehensive Employment and Training Act (Pub. L. 95-524, 92 Stat. 1909, 29 U.S.C. 801 *et seq.*))

Signed at Washington, D.C. this 13th day of October 1981.

Raymond J. Donovan,

Secretary of Labor.

[FR Doc. 81-30082 Filed 10-15-81; 8:45 am]

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Friday
October 16, 1981

Part IX

Department of Energy

Western Area Power Administration

Central Valley Project, California; Final Power Marketing Plan and Proposed Allocations

DEPARTMENT OF ENERGY

Western Area Power Administration

Final Power Marketing Plan; Central Valley Project, California

AGENCY: Western Area Power Administration, Energy.

ACTION: Notice of the final Power Marketing Plan governing the allocation of 102 MW of additional power plus up to 30 MW of power to protect system diversity, the renewal of certain existing contracts, the conservation and renewable energy program, the final Transmission Marketing Plan and the schedule for the proposed power allocations—Central Valley Project, California.

SUMMARY: The Western Area Power Administration (Western) has developed a Power Marketing Plan (Plan) for the power resources marketed by the Sacramento Area Office of Western. Initial activities began July 1980. Thus far, four information forums and three public comment forums have been held. The final Allocation Criteria for the marketing of the 102 MW of additional power plus 30 MW to protect system diversity were announced in the **Federal Register** of August 17, 1981 (46 FR 41547). In that notice, Western also announced its decision regarding the renewal of contracts expiring prior to 1986 and the application format for requesting a power allocation. The closing date for receipt of applications was September 15, 1981. The schedule of remaining events is included below.

DATES: Proposed power allocations will be announced on or about October 16, 1981, in the **Federal Register** and the following newspapers: the Sacramento Bee, the San Francisco Chronicle, the Los Angeles Times, the Reno Gazette, and the Las Vegas Review Journal.

A public comment forum will be held on October 27, 1981, to receive written and oral comments on the proposed power allocations. To assure consideration, written comments on the proposed power allocations must be received within 30 days from the date the proposed allocations appear in the **Federal Register**. These comments are to be sent to the Area Manager at the address given below. Western will consider and review each comment prior to publishing final power allocations in the **Federal Register** and the newspapers listed above. Also to be included in that **Federal Register** will be responses to all major comments, criticisms, and alternatives offered during the comment period.

A brochure containing the proposed power allocations will be printed separately from the final Plan. The proposed power allocations brochure will be made available at the October public comment forum. If sufficient lead time exists, the brochure will be mailed to all customers and interested parties prior to the comment forum.

The responses to the major comments, criticisms, and alternatives with respect to each category of the final Plan and to the Transmission Marketing Plan follow. A brochure containing the Plan will be available in October. If the printing schedule permits, interested parties should receive the brochure about 5 days before the October 27 forum, otherwise, the brochure should be available at the forum. The final Plan as adopted in this **Federal Register** will not be a subject of the October 27 comment forum.

ADDRESS: For further information contact: Mr. David G. Coleman, Area Manager, Sacramento Area Office, Western Area Power Administration, Department of Energy, 2800 Cottage Way, Sacramento, CA 95825, (916) 484-4251.

Final Power Marketing Plan

1. *102 MW of Additional Power Plus up to 30 MW for Protection of System Diversity.* Western will market 102 MW as follows: the 46 MW reserved for the Westlands Water District (Westlands) will be marketed on a withdrawable basis under terms specified below; of the remaining 56 MW, 30 MW will be reserved to "firm" renewable resources and cogeneration, and 26 MW will be allocated on a nonwithdrawable basis. Up to 30 MW will be made available to those entities which can shed load during times of Western's total system simultaneous peak, and thus contribute to Western's system diversity.

2. *Criteria for 26 MW of Nonwithdrawable Power and 46 MW of Westlands Withdrawable Power.* Each recipient of firm power will receive power from both categories. The ratio of nonwithdrawable to withdrawable will be the same for each customer and will depend upon the amount of withdrawable power unused by Westlands, except that no customers contract rate of delivery (CRD) will be less than 0.5 MW. The portion of the 26 MW received by each customer will be nonwithdrawable for the term of the contract. The portion of the 46 MW of Westlands withdrawable power received by each customer will be made subject to Westlands' load growth and will be partially or wholly withdrawable on 3 months advance notice in writing to recipients of an allocation. With the above exception, the amount of withdrawal will be on a pro rata basis among all recipients of allocation from these categories.

3. *Criteria for 30 MW Reserved for Renewable Resources and Cogeneration.* The 30 MW reserved to "firm" renewable resources and cogeneration will involve a capacity and energy exchange. The exchange will be negotiated on an individual basis depending on the type of project under consideration and the "Allocation Criteria for the 30 MW of Firm Power for Renewable Resources and Cogeneration" which is incorporated by reference and made a part hereof.

4. *Marketing Area.* The Sacramento Area Office of Western has a marketing area which generally encompasses the Central Valley Project (CVP) water basin and northern Nevada. The CVP resources have traditionally been utilized in the northern California area, and area planning has developed under the assumption that those resources will be used in the area. Under Western's contract with Pacific Gas and Electric Company (PGandE) (Contract No. 14-06-200-2948A) there are constraints involved with marketing CVP power resources outside the northern California area. Further, Western has no transmission capability to serve the northern Nevada area.

Given these considerations and constraints, Western will market its CVP power only within the northern California portion of the Sacramento Area Office marketing area. However, Western does recognize the longer term possibility of marketing power from other new Federal resources to qualified preference entities in northern Nevada.

5. *Contract Reservations.* The following reservations will apply to all renewed contracts and to contracts for power allocated from the 26 MW of nonwithdrawable power and 46 MW of Westlands withdrawable power.

A. Western may, at its sole discretion, reduce a customer's CRD for firm power by any amount necessary to supply the project use requirements including operation of the Federal San Luis Unit of the Central Valley Project. The reduction amount shall be prorated among all preference customers. Western shall give its customers written notice 6 months in advance of the effective date of the reduction.

B. At those times when Western's total system simultaneous peak demand exceeds the 1,152 MW level, Western may, at its sole discretion, curtail its customers' CRD so as not to exceed a pro rata share of the total power and

energy that is available. No notice will be given and CRD adjustments may be made in the billing following the month in which the curtailment occurred.

C. In order to supply electric power and energy to preference customers in Tuolumne, Calaveras, and Trinity Counties in California in accordance with the requirements of reclamation law, Western, upon 90 days' advance written notice to its customers, may withdraw electric power from its customers. The criteria for withdrawal of power from CVP customers will be determined in a subsequent rulemaking after allowing appropriate public notice and comment.

6. *Transmission Billing Terms for Renewed Contracts, Contracts for the 102 MW, and Contracts for up to 30 MW of Diversity.* Currently, Western has one transmission rate which applies to customers that receive CVP power wheeled over PGandE's system. The majority of the costs for wheeled service were in the past programed to be recovered from the power sales rate and the power rate was adjusted or discounted for direct-service customers. This system is cumbersome and results in inequitable treatment among customers.

Western will maintain an option in each contract to eventually discontinue the present system, replacing it with a separate billing for transmission. Customers shall not be billed for transmission if they are directly served from Western's transmission system, and the customers who have wheeled service will be billed a wheeling charge. Appropriate contract terms will cover each situation. If a new system of transmission rates and billing is adopted, Western expects to adjust or set, as appropriate, transmission rates to be charged under such contractual provisions after allowing appropriate public notice and comment.

7. *Conservation and Renewable Energy Program.* Western is presently in the draft stages of preparing a Conservation and Renewable Energy Program (C&RE). The purpose of this program will be to encourage the involvement of our customers in conservation activities programs and renewable energy projects that are in keeping with the objectives of the National Energy Policy:

—Reduction of U.S. dependence on imported oil.
—Improved efficiency in the use of energy.
—Increased production and use of renewable resources.

The proposed guidelines and criteria for Western's C&RE program, are being developed separately from the power marketing plan and were published in the **Federal Register** on August 10, 1981 (46 FR 40574).

Western's C&RE Program will be voluntary until a customer's power service contract is renewed or an agreement which modifies or changes contract terms is signed. However, each customer who contracts to take power allocated from the 102 MW or the 30 MW of diversity, or to take power under a renewal contract will be required under the contract to continue or implement a conservation and renewable energy program that is acceptable to Western when Western's guidelines and criteria become effective. If a customer does not implement an acceptable conservation program, the customer's CRD will be subject to a 10-percent reduction.

8. *Allocation Criteria.* The final Allocation Criteria which were published at 46 FR 41547 (August 17, 1981) are hereby incorporated by reference and made a part of this Plan.

Final Transmission Marketing Plan

Western's transmission marketing plan will seek to maximize the use of the CVP's 1,200-mile transmission system and the use of the 400-MW entitlement on the Pacific Northwest-Pacific Southwest 500-kV a.c. intertie in accordance with Western's rights under the transmission contract with PGandE (Contract No. 14-06-200-2947A). Western's loads will receive first priority; then, if surplus transmission capability is available, it will be used to obtain other purchase power supplies to support Western's contractual commitments. Next, preference will be given to preference customers who have a need to meet load requirements above their CRD, subject to contractual and physical constraints. If surplus transmission capacity still exists, Western will assist its preference customers in integrating any of their resources which are located in the Northwest or in any part of Western's marketing area. Western will also cooperate fully in area-wide emergency planning programs and utilize its transmission system to lend assistance during emergencies and power curtailment situations to assist all interconnected utilities where feasible.

Supplementary Information

Regulatory Flexibility Analysis. Pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601, *et seq.*) each agency, when required by 5 U.S.C. 553 to publish a proposed rule, is further required to prepare and make available for public comment an initial regulatory flexibility analysis to describe the impact of the proposed rule on small entities. Western has determined that (1) this rulemaking relates to particular services offered by Western and therefore is not a rule of general applicability within the purview of the act; (2) there will be only a few qualifying applicants which will be small entities; and (3) the impacts of an allocation from Western would not cause an adverse economic impact to such entities. The requirements of the act may be waived if the head of the agency certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. For the reasons city above, the Administrator of Western has certified that the proposed allocation criteria published in the **Federal Register** on May 7, 1981 (46 FR 25539), and the proposed power marketing plan would not be rules under the act and would not, if promulgated, have a significant economic impact on a substantial number of small entities. The Administrator's certification was previously published in the June 2, 1981, **Federal Register** (46 FR 29521) and was sent to the Chief Counsel for Advocacy of the Small Business Administration.

Determination Under Executive Order 12291. Pursuant to Executive Order 12291 of February 17, 1981, (46 FR 13193, February 19, 1981), each agency is to determine whether a rule it intends to propose is a "major rule." Western determined that for the purpose of Executive Order 12291, the proposed power marketing plan was not a major rule because:

1. It would not have an annual effect on the economy of $100 million or more.

2. It would not result in a major increase in cost or prices for consumers, individual industries, Federal, State, or local Government agencies, or geographic regions; or

3. It would not have significant adverse effects on competition employment, investment, productivity innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In addition this rule has been exempted by the Office of Management and Budget (OMB) from sections 3, 4, and 7 of the Executive Order. This proposed rulemaking was submitted to the Director, OMB, for review prior to publication of this **Federal Register**.

Environmental Assessment

Western revised its environmental assessment based on comments received prior to promulgating the

proposed Plan. Western has not received further comment on this issue and therefore reaffirms its findings and conclusions that the marketing plan has no significant environmental impact and no further documentation is required pursuant to the National Environmental Policy Act.

Explanation of Changes made in the Final Marketing Plan from the Proposed Marketing Plan

The section in the proposed Plan entitled "102 MW of Additional Power and 10 MW for Protection of System Diversity" was modified to be the first 3 sections of the final Plan. However, the provisions were not changed substantially. One change was to increase the amount of the diversity allocations to 30 MW from the 10 MW proposed to be in accordance with the final Allocation Criteria. In addition, Western decided that each customer receiving part of the 26 MW of nonwithdrawable power will also receive a proportional share of the 46 MW of Westlands withdrawable power. This was done because there did not appear to be any basis of giving any one customer nonwithdrawable power as opposed to withdrawable power. Therefore, each customer receiving an allocation from these categories will have a proportional share of each. This will prevent later inequity should withdrawal be required, since each such customer will have a pro rata reduction. However, no customer will be reduced below 0.5 MW. This exception was required to meet the service conditions under the PGandE Contract No. 2948A. In addition, the withdrawal notice was reduced from 1 year to 3 months to conform to Westlands' contract which only obligates Westlands to give 6 months' notice to Western. A 1-year notice was not practical under the circumstances.

The sections in the proposed Plan entitled "Renewal of Expiring Contracts" and "Contract Termination Date" were eliminated because they substantially duplicated the provisions in the final Allocation Criteria which are incorporated by reference and made a part of the final Plan.

Western's contract reservations were unchanged. However, Western decided not to apply these reservations to the allocation for renewable resources and cogeneration, and for diversity. The reason is that these reservations add an additional contingency which could make financing more difficult to obtain for the customers project. With respect to the diversity allocations, such customers will be protecting the allocations of all the customers by shedding not only their diversity allocation but their nonwithdrawable CRD during the peaks in amounts to be negotiated. As part of the consideration for this load shedding, Western is exempting the diversity allocations from the contract reservations. Such exemptions are legal under reclamation law because all other contracts, including those not subject to this marketing Plan, contain similar contract reservations so that the necessary withdrawals can be effected.

The section in the proposed Plan regarding transmission billing terms was substantively unchanged. However, certain wording changes were made to improve clarity.

The section in the proposed Plan on "Energy Limit Alternatives" was deleted because Western decided not to impose the 40-percent energy limit as provided in the final Allocation Criteria which are incorporated by reference and made a part hereof.

Responses to Comments

1. *New Melones and Trinity Reservations.* The Modesto Irrigation District requested clarification of Western's intent to withdrawn power on a pro rata basis to meet the needs of Trinity, Calaveras, and Tuolomne Counties; specifically, whether withdrawals would apply to all existing and future allocations. The San Francisco Operations Office of the Department of Energy (DOE–SFO) commented: "Reductions necessary to supply project use requirements, to maintain the simultaneous peaks within limits, or to supply power and energy to preference customers in Tuolomne, Calaveras, and Trinity Counties should be spread to *all* customers on a pro rata basis." The PGandE Cities (those cities in the PGandE service area having municipal utilities which currently do not receive power from the CVP) accepted the contract reservations, but believed that they "should be imposed on all customers." The City of Santa Clara suggested that the 102MW be used to serve the county of origin reservations on the basis that existing preference customers' firm power allocations should be protected to the maximum extent possible.

Western has chosen to allocate the 102 MW in deference to the many preference entities who historically have requested an allocation of CVP power. The final Plan sets forth the requirements of reclamation law that the withdrawal of power for the counties of origin shall apply to all CVP customers. Western believes that this will minimize the impact of withdrawal from its customers. It is Western's interpretation of reclamation law that all of the categories of the 102 MW of additional power are subject to the statutory requirement, but that customers receiving an allocation from the renewable resources and cogeneration category or the diversity category can be exempted by contract for the reasons stated in the previous section. Western will thus require contract provisions to enable withdrawal in all contracts except those for diversity or renewable resource and cogeneration allocations. Western anticipates that it will conduct a rulemaking proceeding in 1981 and 1982 to develop the exact formulas for any such withdrawals.

2. *Transmission Billing Terms.* Western proposed to change its transmission billing system from the current system, one in which the power sales rate is discounted for direct service customers and for service above 44 kV, to one that would recognize the physical aspects of interconnection to Western's transmission system, either directly or via PGandE's system. Entities directly served by Western would not receive a discount for transmission, while those served via PGandE's system would be assessed a wheeling charge as agreed upon between PGandE and Western.

The San Luis Water District believes the proposed system " * * * discriminates against irrigation agencies which all receive wheeled service and, therefore, will be subject to an extra wheeling charge." The DOE–SFO questioned whether the new system would be, as Western claimed, less cumbersome, and how it would eliminate inequity. DOE–SFO also commented that "a more efficient system which truly results in equitable treatment should be imposed upon all customers at the same time." The PGandE Cities " * * * expect that Western will provide an opportunity for the affected customers to provide input to Western's studies at such time as the studies are undertaken." The PGandE Cities have also suggested that the transmission billing terms reflect "allocations of power at the bus, with the individual customer absorbing losses associated with transmission." The City of Santa Clara supported the proposed billing system, stating "Separate treatment of transmission in renewals and new contracts will in the future allow customers the flexibility of using the most advantageous contract path available * * * "

Western's proposed transmission billing terms are based on the premise of "charges for services rendered." Studies evaluating the equity of the present

system for accounting for the costs of transmission service to all our customers will begin in the near future; transmission provisions resulting from the studies would apply to all customers. In anticipation of this occurrence, contracts for the 102 MW and renewal contracts will be written to allow a transmission billing basis to be implemented. Future rate proceedings will determine the actual billing method.

Given the discussion above, Western assures the San Luis Water District that implementation of a contract provision is not in and of itself discriminatory. The irrigation districts will not be subject to an "extra" wheeling charge. Rather, they will be charged for transmission service by a separate rate from the power sales rate. The transmission rate would more accurately reflect the cost of providing the sevice and would not, as is currently the practice, be included in the power sales rate.

3. *Transmission Marketing Plan.* The PGandE Cities fully support the transmission plan. The Modesto Irrigation District found the priorities listed in proposed Transmission Marketing plan to be reasonable and encouraged Western to actively participate with others in developing transmission systems to both the Pacific Northwest and Pacific Southwest. PGandE reiterated their previous inquiry as to " * * * whether the proposed marketing of transmission capacity can be reconciled with the proscriptions of Contract 2947A." The California Energy Commission posited that Western " * * * act as a regional power broker and transmitter on behalf of its customers, wheeling to them the generation they themselves purchase and making economical interstate transfers possible by extending the Federal transmission network to presently under utilized powerplants, such as the existing coal-fired installations in Wyoming."

Western will first exercise its rights to its entitlement subject to its transmission contract with PGand E (2947A). In seeking additional economical sources of energy to serve its project and preference customer loads, Western intends to fully load its 400MW entitlement of the 500-kV a.c. Pacific Northeast Intertie. If Western is unable to fully utilize its 400 MW entitlement, preference for the surplus transmission capacity will be given, within the terms and conditions of Western's contracts and reclamation law, to preference customers who have a need to meet load requirements above their CRD. After meeting these objectives, surplus transmission capacity, if still available, may be marketed to entities requesting such transmission. In response to the California Energy Commission's comment, Western believes that this policy currently represents the maximum extent to which it is able to assist its customers given Western's current physical, contractual, and legal capabilities.

4. *Marketing Area.* Citing the contractual constraints of Western's contract with PGand E (2948A), and the fact that Western has no transmission capability of its own to serve northern Nevada, Western proposed not to market its CVP resources outside of northern California. Support for this proposal came from the DOE-SFO and from the Systemwide Administration of the University of California.

The Colorado River Commission of Nevada, on behalf of the State of Nevada, questioned the marketing area definition proposed (and now adopted) by Western. Specifically, the State of Nevada commented that Western did not make "clear the legal justification" for its position, and further commented that Western failed to protect Nevada's interest for an equitable share of CVP power when it entered into Contract 2948A. Although Nevada questioned the "propriety of continuing the contract" they "respectfully suggest(ed) that it would seem preferable if Nevada's interests in Central Valley Project power can be satisfied without interfering with that (resource firming benefit of contract 2948A) benefit."

Lastly, Nevada through its congressional representatives, requested Secretary of Energy, Dr. James Edwards, to initiate a full investigation of Contract 2948A and continued sales to Federal agencies and to hold the marketing plan proceedings in abeyance until completion of the investigation.

The legal basis for Western's decision not to market its CVP resources outside of northern California is the interpretation of Reclamation Law made by the Court in *Arizona Power Authority* v. *Morton*, 649 F. 2d 1231 (9th Cir. 1977), which holds that the Secretary (now acting by and through the Administrator of Western) has discretionary authority to decide how and where Federal resources are to be marketed. The relevant holding was: "Unless Arizona Power can establish its contention that Congress has prohibited the Secretary from taking a customer's location into account in marketing CRSP power, it would appear in light of his broad discretion that the Secretary may adopt whatever geographic preference he desires and that we (the court) have no jurisdiction to review his action."

Western's responses to Nevada's other comments are contained in letters from Assistant Secretary of Energy, Joseph Tribble, to Nevada's congressional representatives—Senator Paul Laxalt, Congressman James Santini, and Congressman Howard Cannon. Excerpted below are the pertinent sections of the letter.

Western's response with respect to Nevada's claim of Western's failure to protect their interest when it entered into contract 2948A with PGand E was:

> * * * regarding Nevada's claim to a share of CVP hydropower. Western's records show that an allocation of CVP power (50 MW initially, 90 MW ultimately) was offered to Nevada in 1949. In 1956 Nevada contracted with the Bureau of Reclamation (Bureau) to take 33 MW of CVP power. It was agreed that Nevada would be responsible for acquiring a transmission interconnection with the CVP system or would arrange for delivery over transmission lines owned by others. Despite three 1-year extensions to allow Nevada sufficient time to make arrangements, the transmission capability never materialized and, therefore, the power contract was declared null and void in accordance with its own provisions. The power was subsequently offered to and contracted for by other preference entities in California. Similar situations have occurred for various reasons with other eligible preference entities. Western (and the Bureau) consistently has held that failure to execute and implement a power contract waives any historic rights to that power, particularly if its is subsequently sold to other preference entities.

Western's response to Nevada's question regarding continued sales to Federal agencies was:

> Another issued raised concerns the legitimacy of sales to Federal agencies as preference entities. For many years the Departments of the Interior and Energy have regarded Federal agencies as equal preference entities under section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c). That section gives preference in the sale of Federal power to municipalities and "other public corporations or agencies."

Western's response to Nevada's question regarding the legality of the banking arrangements under the terms of the contract and whether Nevada can share in the firming benefits provided by PG and E was:

> Contract 2948A is a key facet of the Sacramento Area Office's power marketing program. The entire contract and its integration and banking arrangements are very complex. Contract 2948A was negotiated in conjunction with the building of the Pacific Northwest-Pacific Southwest Intertie and Congress extensively reviewed it prior to appropriating funds for the intertie. The contract which was signed in 1967 provides much valued firming and support of Western's load levels by PGandE. Without such support, Western's hydroelectric

resources can only support 500 to 600 MW of commercial loads. Upper Contract 2948A, the current 1,050 MW or proposed 1,152 MW load level will be supported from the capacity and energy bank accounts. When Western's CVP generation and imported power from the Centralia coal plant in Washington are inadequte to meet customer demands, PGandE sells to Western capacity and energy from these accounts to make up for the deficits. Western's contract for power from the Centralia coal plant expires on December 31, 1981. The loss of Centralia power means that the accounts will be called upon continuously for support in the future.

Contract 2948A expressly states that PGandE has no obligation to provide firming support for CVP power marketed outside of PGandE's service area, which is located wholly within northern California. In a letter to Western dated February 24, 1981, PGandE indicated its unwillingness to provide firming support under the contract for loads in Nevada. Without PGandE firming support there is no way to meet the Nevada request for firm CVP power. As Western noted in its proposed power marketing plan, current and potential preference customers in northern California have requirements that already greatly exceed the capability of the CVP.

The Ninth Circuit Court of Appeals in the *Santa Clara* case (572 F.2d 660 (9th Cir. 1978)) questioned the validity of the Contract 2948A banking arrangements with PGandE. The court held that there was indeed a sale of power to PGandE and that the banking arrangement did not protect the sale from application of the preference clause. The court remanded the case to the trial court to determine after consideration of all relevant facts and legal arguments, whether or not there was a violation of the preference clause. The trial court never made a determination on the issue because the case was settled before trial, which is the settlement that allows marketing of an additional 102 megawatts of CVP firm power supported by PGandE.

5. *The 1994 Contract Termination Date.* Congressman Vic Fazio on behalf of the Sacramento Municipal Utility District (SMUD) commented that "1994 as the year for an overall review of CVP allocations would mean that they (SMUD) might lose some of the capacity now allocated to them as well as some of the energy they obtain from the Project after that year." SMUD reiterated their previous written comments stating that in fairness to SMUD's customers who receive less CVP power per capita than other CVP customers, expiring contracts should be renewed on their present terms to 2004. Further, SMUD asserted "there seems no reason to select 1994 as a reallocation date unless Western seriously believes that some portion of the power SMUD is now receiving should be reallocaed on that date." The DOE–SFO, representing Lawrence Berkeley Laboratory, Lawrence Livermore National Laboratory, and the Stanford Linear Accelerator, in the interest of equity, also urged a termination date of 2004 for all contracts.

Western, in adherence to prudent planning, is adopting the 1994 termination date to give itself a mid-term period by which to formally develop a marketing plan that re-evaluates the loads and resources of the CVP. Western is implementing the same planning strategy adopted by numerous electric utilities who have found it necessary to maximize their planning flexibility as they confront major uncertainties such as bringing into service conventional and unconventional generation resources and transmission facilities, cash flow, the future cost and availability of foreign oil, the effects of load management, the accuracy of load forecasts, and the changes in environmental and financial regulations.

Prior to the 1994 contract termination date, Western will assess the situation of its loads and resources and develop a marketing plan for power sold under contracts for the 102 MW, the 30 MW of diversity, contracts being renewed under this Plan, and contracts expiring at that time. Until that time, it would be premature to speculate whether SMUD or new customers or existing customers having expiring contracts might lose all, a portion, or none of their power allocation.

6. *Westlands Withdrawable Power Allocation.* In its proposed Power Marketing Plan, Western proposed that firm power allocations would come separately from the 26 MW category and from Westlands' entitlement to, but unused 46 MW. James Shepard, counsel for James Irrigation District, suggested that the Westlands' category "be spread over all new and/or renewal contracts."

In the interest of equity, Western has decided to market each megawatt allocation of firm power to include a proportional share of the 26 MW and the 46 MW categories. The formula for the determination of the relative proportion of each component is discussed in detail in the final Power Marketing Plan.

7. *Renewal of Contracts Expiring Prior to 1986.* Western announced previously its decision to renew all contracts expiring prior to 1986 on substantially the same terms and conditions. James Shepard, counsel for the James Irrigation District, requested policy review of four contracts: the two Mather Air Force Base contracts which when renewed, would increase SMUD's supply; and, the two Travis Air Force Base Wherry contracts which when renewed, would subsidize an already subsidized military group. James Shepard also queried whether the housing projects under the contracts qualified as municipalities.

The four Air Force entities are clearly not municipalities, but are preference entities under reclamation law because of their association with the Air Force bases which are "public agencies." The two Mather contracts are distinct from SMUD's loads except for auxiliary service provided by SMUD. Western views the renewal of their contracts as a renewal of preference entity contracts and not an increase in SMUD's supply of Federal power.

8. *Conservation and Renewable Energy Program.* Several commenters favored the conservation goals stated in the marketing plan but felt that Western needs to be more explicit with respect to contract and enforcement provisions. The California Energy Commission recommended that Western use its authority to encourage the development of cost-effective electric power conservation and alternative resources.

The Conservation and Renewable Energy program (C&RE) is being developed as a distinct Western Program and as such has a separate schedule from the one for this marketing plan. Because of this, the substance of the C&RE program will not be discussd here. Proposed guidelines for the development of C&RE programs by the customers of Western's five Area Offices were announced in the Federal Register (46 FR 40574) on August 10, 1981. A public comment forum on the guidelines was held on August 27, 1981.

Contracts being renewed under this Plan and contracts for power under the 102 MW plus up to 30 MW for diversity will be written to allow the future inclusion of conservation contract provisions. A 10-percent reduction in a customer's CRD will be the enforcement provision if the customer does not implement an acceptable C&RE program. Western is committed to work closely with its customers to avoid duplication of regulatory requirements and the imposition of non-cost-effective conservation measures.

9. *System Diversity and the 1,152 MW Load Level.* PGandE which provides CVP resource firming benefits questioned: "With what equipment and by what measure would Western determine that load shreding is necessary? What assurances are to be provided that the 1,152 MW customer load level will not be exceeded?"

Western monitors, on a real time basis, the loads of many of its customers and the recipients of the 30 MW to protect system diversity. These customers will have contracts with Western requiring them to drop

necessary amounts of load at those times when the system simultaneous loads approach the 1,152 MW load level. Working with these customers and PGandE, Western anticipates that the 1,152 MW load level will not be exceeded. In addition, withdrawal provisions provide the last measure to assure that the 1,152 MW load level will not be exceeded.

10. *Power Purchases.* The California Energy Commission argued that Western's plan to purchase power to support a higher load level which could result in the costs of purchased power being melded with the lower cost hydropower costs and sold at a blended rate, would give false price signals to Western's customers which will cause them to maximize their purchases from Western rather than seek out conservation or alternative resources that are cheaper than Western's purchased power costs.

First of all, whether the costs of purchased power are blended with so called "low cost Federal hydropower" costs and whether the rate design will be a blended one, is a matter to be considered during the subsequent ratesetting process. Second, even if the load level was not increased, the purchase power costs would be substantial. Third, most utilities meld the costs of their purchase power and their higher priced units with their lower cost units and sell at a rate which recovers those costs but which does not distinguish between resources (i.e., a blended rate). Fourth, the argument assumes that conservation and other alternative resources are in fact cheaper alternatives. Unless this is true, the argument has no validity. Lastly, the argument assumes that Western's customers' motivation to engage in conservation and alternative resources is solely influenced by price signals from Western. This is simply not true for many of Western's customers because they have alternative suppliers (e.g., PGandE) which have much higher prices. Even those customers which currently receive all of their requirements from Western are facing maximum delivery limits with much higher incremental costs if those limits are exceeded. There are likely many other factors involved as well, because many of Western's customers which have received Federal power for years have very aggressive conservation programs and are actively pursuing viable alternative resources. Therefore, Western is not persuaded that the marketing Plan should be changed because of the possibility of "distorting their (Western's customers) view of the marginal cost of power from whatever source Western chooses to make purchases." Western believes that its conservation program and renewable resource allocations provide the type of assistance and encouragement to its customers which the California Energy Commission is seeking and which is consistent with Western's other contract authorities.

Schedule

The remaining schedule of the CVP Power Marketing Plan is as follows:

October 27—Comment forum on proposed allocations.

Mid-November—30 days from the Notice of Proposed Allocations, the written comments are due.

End of November or beginning of December—Publish final allocations and begin contracting.

Availability of Information

All brochures, studies, comments, letters, memorandums, and other documents made or kept by Western will be available for inspection and copying at the Sacramento Area Office, Western Area Power Administration, 2800 Cottage Way, Sacramento, CA 94825 (916) 484-4251.

Issued at Golden, Colo., October 13, 1981.

Robert L. McPhail,

Administrator, Western Area Power Administration.

[FR Doc. 81-30227 Filed 10-15-81; 10:54 am]

BILLING CODE 6450-01-M

Proposed Allocations, Central Valley Project, California

AGENCY: Western Area Power Administration, Energy.

ACTION: Notice of Proposed Allocations—Central Valley Project (CVP) California.

SUMMARY: This notice contains the proposed allocations for 102 MW of firm power plus up to 30 MW of power to protect system diversity. These allocations are made pursuant to the final Allocation Criteria published at 46 FR 41547 (August 17, 1981), and the final Power Marketing Plan which will be published on or about October 16, 1981. The section below entitled "Supplementary Information" contains a brief statement of the major reasons and rationale for granting or denying allocations in each category.

DATES: A public comment forum will be held on October 27, 1981 beginning at 9:30 a.m. in the Amador Room, Holiday Inn-Holidome, 5321 Date Avenue, Sacramento, California. This forum was rescheduled from the October 15, 1981, date which was published in the **Federal Register** on September 25, 1981 (46 FR 47293). The reason for postponing the comment forum to October 27, 1981, was because Western Area Power Administration (Western) was unable to review and analyze the numerous applications received and make the proposed allocations within the previous schedule. Written comments on the proposed allocations will be received until November 16, 1981. The final allocations will be published following the comment period during the latter part of November or early December, after which contract negotiations will commence.

ADDRESS: For further information concerning the Final Power Marketing Plan, the Proposed Allocations or the October 27, 1981, comment forum, contact: Mr. David G. Coleman, Area Manager, Western Area Power Administration, Sacramento Area Office, 2800 Cottage Way, Sacramento, CA 95825, (916) 484-4251 FTS 468-4251.

Proposed Allocations

The following proposed allocations for the Central Valley Project (CVP) are made in accordance with the "Final Allocation Criteria for Marketing Additional Power" published at 46 FR 41547 (August 17, 1981) and the "Final Power Marketing Plan" published in the **Federal Register** on or about October 16, 1981.

I. *Allocation of 26 MW of Nonwithdrawable Power and 46 MW of Power Withdrawable for the Westlands Water District.* Each allottee under these categories will have a proportional share of the 26 MW of nonwithdrawable power and the available amount of Westlands withdrawable power, except that a customer will not have a Contract Rate of Delivery (CRD) less than 0.5 MW.

	Proposed maximum allocation
Municipalities	
1. City of Alameda	16
2. City of Healdsburg	3
3. City of Lodi	12
4. City of Lompoc	5
5. City of Ukiah	6
Subtotal	42
Irrigation Districts	
6. Delano-Earlimart	1
7. James	1
8. Lindsay-Strathmore	1
9. Lower Tule River	2
10. Modesto	9
11. Terra-Bella	1
12. Turlock	3
Subtotal	18

	Proposed maximum allocation
Water Districts	
13. Broadview	0.5
14. Kern-Tulare	1
15. Rag Gulch	0.5
16. Santa Clara Valley	1
Subtotal	3
Federal	
17. Fish & Wildlife	0.5
18. ICA-Dixon	0.5
Subtotal	1.0
Utility Districts	
19. EBMUD	2
20. Truckee-Donner	2
Subtotal	4
Grand Total 1	68
Unassigned Westland's withdrawable	4
Grand Total 2	72

II. *Allocation of up to 30 MW for Renewable Resources and Cogeneration.* All 30 MW are allocated as specified below. Allocations are subject to the execution of a mutually satisfactory contract, in accordance with the Final Marketing Plan and Allocation Criteria. If any of the power allocated in this category fails to be subscribed, subsequent allocations will be made after allowing for the required public notice and comment.

Preference customer	Proposed maximum allocation
1. NCPA2—Geothermal owner:	
Santa Clara	6.0
Lodi	1.5
Alameda	1.5
Lompoc	0.3
Ukiah	0.4
Healdsburg	0.3
2. DOE Laboratories—cogeneration	4.0
3. SMUD—photovoltaic	1.0
4. Federal Hydroelectric Projects—small hydro:	
FERC license recipient—Warm Springs	1.5
City of Ukiah—Lake Mendocino	2.5
5. Glen-Colusa Irrigation District—Tehama—Colusa Intertie	1.0
6. Modesto Irrigation District—small hydroelectric projects	2.0
7. Turlock Irrigation District—small hydroelectric projects	1.0
8. City of Santa Clara—cogeneration	2.0
9. City of Alameda—municipal waste combustion	4.0
10. City of Palo Alto—cogeneration	1.0
Grand total	30.0

III. *Diversity Allocation.* Diversity allocations are contingent upon reaching a mutually satisfactory contract whereby the customer will agree to shed, during the times when Western's system's simultaneous peak is at or approaches 1,152 MW, both the diversity allocation and amounts being served under nonwithdrawable contracts with Western (as necessary in accordance with the terms of the contract) to prevent the 1,152 MW simultaneous load limit from being exceeded.

Preference customer	Proposed maximum allocation (MW)
NASA Ames	21
DOE Laboratories	9
Grand total	30

SUPPLEMENTARY INFORMATION:

Rationale for Allocations Made in Each Category

I. *Allocation of 26 MW of Nonwithdrawable Power and 46 MW of Withdrawable Power.* In addition to the criteria adopted in the Final Marketing Plan and Allocation Criteria, three other factors were considered. These factors arose as the result of recent occurrences or were found necessary to be considered by the Administrator after review of the applications received and are as follows:

1. Preference was given to irrigation and water districts which deliver CVP water.

2. Any former customer that lost its entire firm CRD allocation from Western because of the occurrence of a system peak demand which exceeded the 1,050 load level, was given favorable consideration.

3. Mitigation of CVP impacts on fish and wildlife was considered.

The entities listed below were not given allocations for the reasons stated. The references in parentheses are to the log file numbers assigned to the applications as they were received.

Irrigation Districts and Water Districts

Ineligible because applicant is an existing customer:

Glenn Colusa I.D. (81-PMP-043)
East Contra Costa I.D. (81-PMP-071)
San Luis W.D. (81-PMP-067)
Arvin Edison W.D. (81-PMP-049)

Not selected because applicant is a non-CVP water supplier:

El Solyo W.D. (81-PMP-008)
Reclamation No. 1001 (81-PMP-021)
Wheeler Ridge—Maricopa W.D. (81-PMP-033)
Sonoma County Water Agency (81-PMP-057)
Buttonwillow W.D. (81-PMP-058)
Pond Poso W.D. (81-PMP-059)
Kern City Water Agency (81-PMP-052)
Castaic Lake Water Agency (81-PMP-062)

Ineligible because application received after filing deadline:

Cawelo W.D. (81-PMP-072)—received September 16, 1981

Municipalities

Not selected because applicants did not own and operate their own electricl distribution system or did not directly serve residential customers. These applicants had sewage treatment or water pumping loads.

City of Madera (81-PMP-048)
City of Stockton (81-PMP-020)
City of Vallejo (81-PMP-024)
City of Coalinga (81-PMP-050)

Federal Agencies

Ineligible because applicant is an existing customer:

Beale AFB (81-PMP-004)
Castle AFB (81-PMP-007)
Mather AFB (Main) (81-PMP-010)
Mather AFB (Wherry) (81-PMP-011)
Navy (81-PMP-034)

Not selected because the applicant is directly served by the Sacramento Municipal Utility District (SMUD) which is an existing customer. Also service would violate terms of SMUD's contract.

McClellan AFB (81-PMP-063)

Utility Districts

None were found ineligible.

State Agencies

Not selected because the State is an existing customer, has a lack of individually served residential loads, and the State, through its Department of Water Resources, owns and utilizes for the State's purposes several major hydroelectric power resources.

UC Santa Barbara (81-PMP-014)
UC San Francisco (81-PMP-016)
UC Santa Cruz (81-PMP-018)
UC Berkeley (81-PMP-019)
Fresno SU (81-PMP-035)
San Francisco SU (81-PMP-036)
Sonoma SU (81-PMP-037)
Cal Poly (81-PMP-038)
Humboldt SU (81-PMP-039)
Hayward SU (81-PMP-040)
Bakersfield SU (81-PMP-041)
Chico US (81-PMP-042)
San Jose US (81-PMP-070)
Dept. of Fish and Game (81-PMP-051)

No allocation because State is an existing customer and because of little or no residential load:

Sierra Conservation Center (81-PMP-002)
Department of Water Resources (81-PMP-065)

State of Nevada (81-PMP-073)

Nevada was ruled inelgible because it is not within the CVP marketing area as established in the Power Marketing Plan. Further, several of Nevada's identified loads were not eligible for the following reasons: Mt. Wheeler has the majority of its load supplied by Federal (Colorado River Storage Project) power. Winnemucca, and Elko did not own or operate an electrical distribution system as of October 1, 1980.

The following groups received allocations for the reasons stated: for the municipalities which received allocations, the allocations were granted

primarily because each of them served a larger proportion of residential load than did the remainder of allottees receiving power in these categories. Each municipality was granted an allocation which would meet approximately one-third of their requirements for their 1980 winter peak. The exception to this was the City of Alameda (Alameda) which was limited to a maximum of 16 MW. The reason for choosing to allocate on the basis of winter peaks was because the winter peaks appear to best represent the range of firm load which Western could serve a portion of to each such municipality. In addition, the winter peak demands gave a more equitable and desirable distribution because the load curves of the municipalities were very similar. The summer load curves showed much more dissimilarity from city to city which appeared to be a result of air conditioning loads in those cities which experience hotter summer temperatures.

None of the cities appeared to contribute substantially to the diversity of Western's system (Lompoc's contribution was small). It is recognized that those cities with lower load factors during the summer would tend to lessen Western's purchase power requirement. However, those who have their maximum peak during the winter tend to contribute less to the system peak problem which occurs in the summer and thus they tend to improve system diversity. Because of these two opposing factors, Western did not grant or deny allocations based on contribution to system diversity.

The reason for the 16 MW cap was to preserve the widespread use concept. Because Alameda has such a large load, it was impossible to grant them a proportional amount to their load as was allocated to the other cities. Nonetheless, Alameda by far received the largest single allocation in this category.

The Modesto Irrigation District (MID) and Turlock Irrigation District (TID) were given allocations because of the substantial residential load which they serve. The amounts were roughly proportional to the amount of residential load served by each of them. However, for several reasons this proportion was less then that applicable to the municipalities. Because of the large loads served by these districts, it was not possible to give the same proportion within the power available for allocation. Second, the districts were awarded an allocation in the renewable resources and cogeneration category. Third, these districts receive a substantial amount of hydropower from non-Pacific Gas and Electric (PG&E) resources which are owned or utilized by them. Thus, MID and TID are not currently experiencing the same price-cost squeeze which the municipalities are facing. The amounts allocated to the remaining irrigation districts and water districts were first based on whether they would be using the power for pumping CVP water. Those entities which do not purchase and use CVP water were not given allocations. Among the remaining irrigation and water districts, allocations were made to supply roughly one-third of their peak load, except that the amounts were rounded to the nearest ½ MW and the minimum amount was 0.5 MW. There were several joint and individual applications. These were reviewed and the allocations were made to avoid double service to any one irrigation or water district.

The Fish and Wildlife Service was given an allocation because one of the purposes of the Central Valley Project is the protection of fish and wildlife resources and it was found to be in the public interest to supply them a proportion of their needs. The allocation will supply approximately one-third of their requirements and meet the minimum supply criteria in PGandE Contract No. 14-06-200-2948A. ICA-Dixon was given an allocation because their former allocation of withdrawable firm power went to zero in 1981, terminating their contract with the CVP. Western believes that it is in the public interest to continue a supply to this former customer for the same reasons contracts expiring prior to 1986 are being renewed. The allocation to the Truckee-Donner Public Utility District was made because it serves primarily residential load and it is within Western's northern California market area. Secondly, because it has a winter peak, its loads tend to compliment the seasonal diversity of the CVP (by not having high energy usage during the summer). However, because there is a question as to what transmission arrangement may be necessary to provide service, it is anticipated that it may take longer to consumate a contract.

The East Bay Municipal Utility District does not provide electric service to residential customers, however, it does distribute CVP water. Thus, East Bay was given an allocation for the same reasons allocations were given to the Irrigation Districts and Water Districts. Despite the fact that the proportion of allocation to load served is smaller, the allocation is larger than the allocations to the Irrigation and Water Districts. Thus, the net benefits to East Bay will be greater than entities similarly situated although the benefit to load served ratio will not be as great.

The 4 MW of Westland's Withdrawable was reserved because of Westland's recent request to Western to serve, under the terms of Westland's contract, certain canalside pumps currently served by PG&E. Western is in the process of determining whether these pumps qualify for service under the contract. If the pumps qualify, the 4 MW will be unavailable for allocation. However, if the pumps do not qualify, the 4 MW will be allocated.

II. *Allocation of 30 MW for Renewable Resources and Cogeneration.* The primary factors in making or not making allocations to applicants applying for power under this category were the following:

1. The cost of the resource.
2. The expected capacity factor of the resource.
3. Allocating to a diverse set of resources rather than to a few select ones.
4. The expected in-service date and the likelihood of project completion within the five year time period.
5. The amount of power already received by the customer as it relates to the likelihood of the project going forward if an allocation were not made.

The application of these factors to each application to arrive at the decision of how much power should be allocated involved highly judgmental decisions.

Each of the applicant's resources were reviewed. Generally most of those which did not receive allocations were rejected because the cost was too high, the energy output was low, or it was clear that the project inservice date was not anticipated within the five year period. On the other hand, projects with less desirable costs, but meeting the other criteria were awarded allocations, although generally much less than that requested. The reason for giving allocations to this latter group was to diversify resources and to promote these projects. However, the criteria that the purchase price must be competitive with other resources available to Western still applies.

Even though allocations were not made to my projects, Western remains willing to negotiate for the purchase of all or part of the output of such projects or to otherwise assist to the extent possible, consistent with authorization, contract, or physical limitations, any customer or other entity having or planning renewable resources and cogeneration projects.

III. *Allocations for the 30 MW for Protection of System Diversity.* The majority of the power in this category was allocated to NASA-Ames because it demonstrated in its application that it had greatest ability to shed load at times when Western's system simultaneous peak approaches the load level limits. In addition Ames has a relatively low load factor which mitigates the amount of additional purchased power required to achieve the degree of protection of system diversity desired.

The remainder of the 30 MW in this category was allocated to the three DOE Laboratories: Stanford Linear Acclerator, Lawrence Livermore Labs and Lawrence Berkley Labs. The DOE labs indicated an ability to shed load, although not quite to the extent desired by Western. However, in accordance with the criteria, the ultimate amounts of load to be shed will be negotiated. Secondly, the DOE labs have relatively high load factors which are less desirable to Western due to the impact on the purchase power requirements. However, diversity among entities which would be able to shed load was more desirable than a single allocation to one entity. Western will allow the DOE labs to determine how much of the allocation will be used by each of them. In addition, Western will allow the DOE labs to shift their existing nonwithdrawable CRD among themselves so that the required load shedding can be accomplished.

The entities which applied for, but did not receive, allocations in this category were denied because their plans for load shedding were undermined or could only be accomplished by the addition of facilities. Ames and the DOE labs were preferred because they have demonstrated in the past an ability to shed load when desired.

Availability of Information. All brochures, studies, comments, letters, memorandums, and other documents made or kept by Western will be available for inspection and copying at the Sacramento Area Office, Western Area Power Administration, 2800 Cottage Way, Sacramento, California, 94825, (916) 484–4251.

Issued at Golden, Colo., October 13, 1981.

Robert L. McPhail,

Administrator, Western Area Power Administration.

[FR Doc. 81-30228 Filed 10-15-81; 10:54 am]

BILLING CODE 6450-01-M

Reader Aids

Federal Register

Vol. 46, No. 200

Friday, October 16, 1981

INFORMATION AND ASSISTANCE

PUBLICATIONS

Code of Federal Regulations

CFR Unit	202-523-3419
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Printing schedules and pricing information	523-3419

Federal Register

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FEDERAL REGISTER PAGES AND DATES, OCTOBER

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

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
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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.

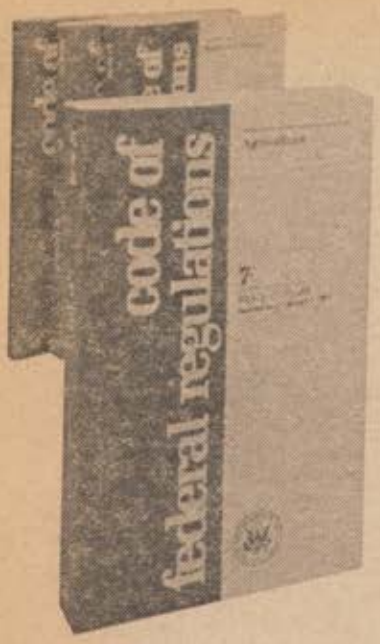
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

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 September 22, 1981



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A Cumulative checklist of CFR issuances for 1981 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).

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