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Friday
April 24, 1981

Highlights

Briefings on How To Use the Federal Register—For details on seminar in **Washington, D.C.**, see announcement in the **Reader Aids** section at the end of this issue.

23193 **Days of Remembrance of Victims of the Holocaust** Presidential proclamation

23195 **National Defense Transportation Day and National Transportation Week, 1981** Presidential proclamation

23197 **National Maritime Day, 1981** Presidential proclamation

23396 **Mortgage-Back Securities** HUD publishes audit guide for audits of Government National Mortgage Association (GNMA) approved issuers of mortgage-backed securities for use by independent public accountants. (Part V of this issue)

23389 **National Parks** Interior/NPS reopens comment period on guideline availability and preliminary list of integral vistas for the National Park System. (Part III of this issue)

23240 **Radio** FCC publishes final rule relating to verification and methods of measurement of computing devices.

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

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

Highlights

23233, 23266 **Microwave** HHS/FDA reopens comment period on proposed amendment to microwave oven standard concerning measurement and test conditions. The agency is also staying the effective date of and reconsidering the final rule. (2 documents)

23223 **Fruits and Vegetables** USDA/FSQS changes schedule of fees and charges for inspection of processed fruits, vegetables and other products. The change is to reflect increased costs associated with the program.

23305 **Grant Programs** HHS/HDSO announcement of availability of funds for the Model Projects on Aging Program.

23368 **Minimum Wage** Labor/ESA specifies the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for described classes of labors and mechanics employed on construction projects. (Part II of this issue)

23273 **Social Security** HHS/Sec'y seeks comments on time limits for States to file claims.

23301 **Domestic Policy Directive** FRS gives notice regarding information reviewed at meeting suggesting that the real GNP expanded substantially in the fourth quarter of 1980 and prices on the average continued to rise rapidly.

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Presidential Documents

Title 3—

The President

Proclamation 4838 of April 22, 1981

Days of Remembrance of Victims of the Holocaust

By the President of the United States of America

A Proclamation

The Congress of the United States established the United States Holocaust Memorial Council to create a living memorial to the victims of the Nazi Holocaust. Its purpose: So mankind will never lose memory of that terrible moment in time when the awful spectre of death camps stained the history of our world.

When America and its allies liberated those haunting places of terror and sick destructiveness, the world came to a vivid and tragic understanding of the evil it faced in those years of the Second World War. Each of those names—Auschwitz, Buchenwald, Dachau, Treblinka and so many others—became synonymous with horror.

The millions of deaths, the gas chambers, the inhuman crematoria, and the thousands of people who somehow survived with lifetime scars are all now part of the conscience of history. Forever must we remember just how precious is civilization, how important is liberty, and how heroic is the human spirit.

Like the genocide of the Armenians before it, and the genocide of the Cambodians which followed it—and like too many other such persecutions of too many other peoples—the lessons of the Holocaust must never be forgotten.

As part of its mandate, the Holocaust Memorial Council has been directed to designate annual Days of Remembrance as a national, civic commemoration of the Holocaust, and to encourage and sponsor appropriate observances throughout the United States. This year, the national Days of Remembrance will be observed on April 26 through May 3.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby ask the people of the United States to observe this solemn anniversary of the liberation of the Nazi death camps, with appropriate study, prayers and commemoration, as a tribute to the spirit of freedom and justice which Americans fought so hard and well to preserve.

IN WITNESS WHEREOF, I have hereunto set my hand this 22nd day of April, in the year of our Lord nineteen hundred and eighty-one, and of the Independence of the United States of America the two hundred and fifth.

Ronald Reagan

[FR Doc. 81-12627
Filed 4-23-81: 10:52 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 4839 of April 22, 1981

National Defense Transportation Day and National Transportation Week, 1981

By the President of the United States of America

A Proclamation

From the Boston Post Road to the Pony Express to the golden spike that joined together the transcontinental railroads . . . from the flight at Kitty Hawk and the appearance of the first horseless carriage to the advent of jet travel and the development of the interstate highway system . . . transportation in America has played a vital and historical role in our development as a Nation.

Today, transportation is still vital to our economy, necessary to our defense, essential to our personal mobility and leisure. Transportation keeps America moving, producing, and growing.

Among the Americans who contribute to transportation are the hundreds of thousands who build machines, construct the facilities, operate and maintain the equipment, and provide the services that make our transportation systems work. Countless others labor to make transportation better and to meet the needs of our changing times.

In their honor and in recognition of the indispensable role transportation plays in our lives, we set aside one week each year as National Transportation Week.

By joint resolution, the Congress on May 16, 1957, requested the President to proclaim the third Friday in each May as National Defense Transportation Day, and by joint resolution of May 14, 1962, requested the President to designate the week in which that Friday falls as National Transportation Week.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby designate Friday, May 15, 1981, as National Defense Transportation Day, and the week beginning May 10, 1981, as National Transportation Week.

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

Ronald Reagan

[FR Doc. 81-12828
Filed 4-23-81; 10:53 am]
Billing code 3195-01-M

Presidential Documents

Proclamation 4840 of April 22, 1981

National Maritime Day, 1981

By the President of the United States of America
A Proclamation

The maritime industry has been a key contributor to our economic strength and security since our Nation was founded. Its continued growth and prosperity is necessary for the economic renewal we all seek.

As the leader in world trade and the principal military power of the free world, the United States conveys goodwill through its Merchant Marine, serving the cause of international peace. The Merchant Marine also stands ready to provide logistical support in military emergencies.

In recognition of the importance of the American Merchant Marine and the men and women serving aboard our merchant ships, Americans have observed National Maritime Day on May 22 for the last 49 years. This observance commemorates the same date in 1819, when the SS *Savannah* began the first steamship, transatlantic voyage from the port of Savannah, Georgia.

NOW, THEREFORE, I, RONALD REAGAN, President of the United States of America, do hereby urge the people of the United States to honor our American Merchant Marine on May 22, 1981, by displaying the flag of the United States at their homes and other suitable places, and I request that all ships under the American flag dress ship on that day.

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

Ronald Reagan

[FR Doc. 81-12629
Filed 4-23-81; 10:54 am]
Billing code 3195-01-M

Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Part 411

[Amdt. No. 1]

Grape Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation is revising and reissuing Appendix B to the Grape Crop Insurance Regulations (7 CFR Part 411) to include additional counties approved by the Board of Directors of the Corporation.

The purpose of this amendment is to add these additional counties to those listed in Appendix B of such regulations where this insurance is available, and to notify producers in the additional counties that they will be eligible to participate in the program effective with the 1981 crop year.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington D.C., 20250, telephone 202–447–3325.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: The Acting Manager of the Federal Crop Insurance Corporation (FCIC) has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) the revision and reissuance of Appendix B, as described herein, conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

FCIC has consulted with the Office of Management and Budget (OMB) pursuant to Executive Order No. 12291, and received their clearance for this publication.

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC published a notice of proposed rulemaking in the **Federal Register** on Thursday, January 15, 1981 (46 FR 3536), prescribing the addition of new counties approved by the FCIC Board of Directors for grape crop insurance starting with the 1981 crop year, and to notify producers in these additional counties that they will be eligible to participate in the program.

Under the provisions of Executive Order No. 12044 (March 23, 1978), and the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed rule, but none were received.

Upon reviewing the Grape Crop Insurance Regulations, FCIC has determined that 7 CFR 411.3, Public Notice of Indemnities Paid, should be deleted. The provisions of this subsection required FCIC to annually post in each county courthouse a listing of indemnities paid in each county and were contained in the Federal Crop Insurance Act, as amended. The 1980 amendments to the Act (Pub. L. 96–365, September 26, 1980) deleted this provision and the Corporation is no longer required to post such lists. Therefore, 7 CFR 411.3 is hereby removed and reserved.

The title and number of the Federal Assistance Program that this final rule applies to is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by OMB Circular A–95 was not used to assure that units of local Government are informed of this action.

It has been determined that this action to revise and reissue the list of counties where grape crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955 (August 25, 1978), and "Improving Government Regulations" (43 FR 50986). That review will be completed prior to the sunset review date.

Final Rule

§ 411.3 [Removed]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby removes and reserves 7 CFR 411.3 of the Grape Crop Insurance Regulations, and revises and reissues Appendix B to such regulations as Amendment No. 1, as follows:

Appendix B

Counties Designated for Grape Crop Insurance—7 CFR Part 411

In accordance with the provisions of 7 CFR 411.1, the following counties are designated for grape crop insurance:

California

Fresno	Merced
Kern	San Joaquin
Kings	Stanislaus
Madera	Tulare

New York

Chautauqua	Seneca
Niagara	Steuben
Ontario	Yates
Schulyer	

Ohio

Ashtabula

Pennsylvania

Erie

Washington

Benton	Yakima
Franklin	

(Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Done in Washington, D.C., on April 7, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Wayne A. Fletcher,

Acting Manager.

Dated: April 7, 1981.

[FR Doc. 81-12350 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 420

[Amdt. No. 2]

Grain Sorghum Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation is revising and reissuing Appendix B to the Grain Sorghum Crop Insurance Regulations (7 CFR Part 420) to include additional counties approved by the Board of Directors of the Corporation.

The purpose of this amendment is to add these additional counties to those listed in Appendix B of such regulations where the insurance is available, and to notify producers in the additional counties that they will be eligible to participate in the program effective with the 1981 crop year.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington D.C., 20250, telephone 202–447–3325.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: The Acting Manager of the Federal Crop Insurance Corporation (FCIC) has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) the revision and reissuance of Appendix B, as described herein, conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

FCIC has consulted with the Office of Management and Budget (OMB) pursuant to Executive Order No. 12291, and received their clearance for this publication.

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC published a notice of proposed rulemaking in the **Federal Register** on Thursday, January 15, 1981 (46 FR 3536), prescribing the addition of new counties approved by the FCIC Board of Directors for grain sorghum crop insurance starting with the 1981 crop year, and to notify producers in these additional counties that they will be eligible to participate in the program.

Under the provisions of Executive Order No. 12044 (March 23, 1978), and the Administrative Procedure Act (5 U.S.C. 553(b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed rule, but none were received.

Upon reviewing the Grain Sorghum Crop Insurance Regulations, FCIC has determined that 7 CFR 420.3, Public Notice of Indemnities Paid, should be deleted. The provisions of this subsection required FCIC to annually post in each county courthouse a listing of indemnities paid in each county and were contained in the Federal Crop Insurance Act, as amended. The 1980 amendments to the Act (Pub. L. 96–365, September 26, 1980) deleted this provision and the Corporation is no longer required to post such lists. Therefore, 7 CFR 420.3 is hereby removed and reserved.

The title and number of the Federal Assistance Program that this final rule applies to is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by OMB Circular A–95 was not used to assure that units of local Government are informed of this action.

It has been determined that this action to revise and reissue the list of counties where grain sorghum crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955 (August 25, 1978), and "Improving Government Regulations" (43 FR 50986). That review will be completed prior to the sunset review date.

Final Rule

§ 420.3 [Removed]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby removes and reserves 7 CFR 420.3 of the Grain Sorghum Crop Insurance Regulations, and revises and reissues Appendix B to such regulations as Amendment No. 2, which supersedes Amendment No. 1 (44 FR 75370–75371, December 20, 1979), as follows:

Appendix B

Counties Designated for Grain Sorghum Crop Insurance—7 CFR Part 420

In accordance with the provisions of 7 CFR 420.1, the following counties have been designated for grain sorghum crop insurance:

Alabama

Autauga	Henry
Baldwin	Houston
Coffee	Lowndes
Dale	Perry
Geneva	Pike

Arizona

Cochise	Pima
Graham	Pinal
Maricopa	Yuma

Arkansas

Clay	Lawrence
Conway	Lincoln
Faulkner	Little River
Greene	Miller
Independence	Randolph
Lafayette	White

California

Butte	Sacramento
Colusa	San Joaquin
Fresno	Solano
Glenn	Stanislaus
Imperial	Sutter
Kern	Tulare
Kings	Yolo
Madera	Yuba
Merced	

Colorado

Baca	Otero
Bent	Prowers
Crowley	Pueblo
Kiowa	Yuma
Kit Carson	

Georgia

Calhoun	Randolph
Decatur	Seminole
Early	Worth
Miller	

Illinois

Franklin	Pulaski
Johnson	Union
Massac	

Kansas

Allen	Gray
Anderson	Greeley
Atchison	Greenwood
Barber	Hamilton
Barton	Harper
Bourbon	Harvey
Brown	Haskell
Butler	Hodgeman
Chase	Jackson
Cherokee	Jefferson
Cheyenne	Jewell
Clay	Johnson
Cloud	Kearny
Coffey	Kingman
Comanche	Kiowa
Cowley	Labette
Crawford	Lane
Decatur	Leavenworth
Dickinson	Lincoln
Doniphan	Linn
Douglas	Logan
Edwards	Lyon
Elk	McPherson
Ellis	Marion
Ellsworth	Marshall
Finney	Meade
Ford	Miami
Franklin	Mitchell
Geary	Montgomery
Gove	Morris
Graham	Morton
Grant	Nemaha

Neosho
Ness
Norton
Osage
Osborne
Ottawa
Pawnee
Phillips
Pottawatomie
Pratt
Rawlins
Reno
Republic
Rice
Riley
Rooks
Rush
Russell
Saline
Scott
Sedgwick
Seward
Shawnee
Sheridan
Smith
Stafford
Stanton
Stevens
Sumner
Thomas
Trego
Wabaunsee
Wallace
Washington
Wichita
Wilson
Woodson

Kentucky

Ballard
Butler
Carlisle
McCracken

Louisiana

Richland

Mississippi

Noxubee

Missouri

Atchison
Audrain
Barton
Bates
Benton
Bollinger
Butler
Carroll
Cass
Cooper
Dade
Franklin
Henry
Jasper
Johnson
Moniteau
Monroe
New Madrid
Osage
Pettis
Platte
Ripley
St. Clair
Scott
Stoddard
Vernon
Warren

Nebraska

Adams
Antelope
Boone
Boyd
Buffalo
Butler
Cass
Clay
Colfax
Dodge
Dundy
Fillmore
Franklin
Frontier
Furnas
Gage
Gosper
Greeley
Hall
Hamilton
Harlan
Hitchcock
Jefferson
Johnson
Kearney
Knox
Lancaster
Madison
Nance
Nemaha
Nuckolls
Otoe
Pawnee
Platte
Polk
Red Willow
Richardson
Saline
Saunders
Seward
Thayer
Thurston
Valley
Webster
York

New Mexico

Curry
Lea
Luna
Quay
Roosevelt
Union

North Carolina

Alamance
Caberrus
Cleveland
Davidson
Granville
Guilford
Halifax
Pasquotank
Randolph
Stanly
Union
Warren

Oklahoma

Beaver
Beckham
Caddo
Cimarron
Comanche
Cotton
Craig
Delaware
Grady
Grant
Harmon
Hughes
Jackson
Kay
McCurtain
Mayes
Muskogee
Nowata
Ottawa
Texas
Wagoner
Washita

South Carolina

Anderson
Newberry
Spartanburg
York

South Dakota

Aurora
Bennett
Bon Homme
Buffalo
Butte
Charles Mix
Davison
Douglas
Gregory
Hanson
Hughes
Hutchinson
Hyde
Lyman
McCook
Mellette
Minnehaha
Sanborn
Stanley
Sully
Todd
Tripp

Tennessee

Henry
Maury
Obion

Texas

Andrews
Armstrong
Atascosa
Austin
Bailey
Baylor
Bee
Bell
Bexar
Borden
Bosque
Brazoria
Brazos
Briscoe
Brown
Burleson
Caldwell
Calhoun
Callahan
Cameron
Carson
Castro
Cochran
Coleman
Collin
Collingsworth
Colorado
Concho
Cooke
Coryell
Cottle
Crosby
Dallam
Dallas
Deaf Smith
Delta
Denton
De Witt
Dickens
Donley
Duval
Ellis
Erath
Falls
Fannin
Fayette
Fisher
Floyd
Fort Bend
Frio
Gaines
Glasscock
Gray
Grayson
Guadalupe
Hale
Hamilton
Hansford
Hartley
Haskell
Hidalgo
Hill
Hockley
Howard
Hunt
Hutchinson
Jackson
Jim Wells
Jones
Johnson
Karnes
Kaufman
Kent
Kleberg
Knox
Lamar
Lamb
Lavaca
Lee
Limestone
Live Oak
Lubbock
Lynn
McCulloch
McLennan
Martin
Matagorda
Medina
Milam
Mitchell
Moore
Motley
Navarro
Nolan
Nueces
Ochiltree
Oldham
Parmer
Randall
Reagan
Red River
Refugio
Robertson
Runnels
San Patricio
Scurry
Sherman
Starr
Swisher
Tarrant
Taylor
Terry
Throckmorton
Tom Green
Travis
Uvalde
Victoria
Wharton
Wheeler
Wichita
Willacy
Williamson
Wilson
Yoakum
Zavala

Virginia

Amelia
Pittsylvania

(Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Done in Washington, D.C., on April 7, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Wayne A. Fletcher,

Acting Manager.

Dated: April 7, 1981.

[FR Doc. 81-12349 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 421

[Amdt. No. 2]

Cotton Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation is revising and reissuing Appendix B to the Cotton Crop Insurance Regulations (7 CFR Part 421) to include additional counties approved by the Board of Directors of the Corporation.

The purpose of this amendment is to add these additional counties to those listed in Appendix B of such regulations where this insurance is available, and to notify producers in the additional counties that they will be eligible to participate in the program effective with the 1981 crop year.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington D.C., 20250, telephone 202–447–3325.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: The Acting Manager of the Federal Crop Insurance Corporation (FCIC) has

determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) the revision and reissuance of Appendix B, as described herein, conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

FCIC has consulted with the Office of Management and Budget (OMB) pursuant to Executive Order No. 12291, and received their clearance for this publication.

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC published a notice of proposed rulemaking in the **Federal Register** on Wednesday, January 14, 1981 (46 FR 3221), prescribing the addition of new counties approved by the FCIC Board of Directors for cotton crop insurance starting with the 1981 crop year, and to notify producers in these additional counties that they will be eligible to participate in the program.

Under the provisions of Executive Order No. 12044 (March 23, 1978), and the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed rule, but none were received.

Upon reviewing the Cotton Crop Insurance Regulations, FCIC has determined that 7 CFR 421.3, Public Notice of Indemnities Paid, should be deleted. The provisions of this subsection required FCIC to annually post in each county courthouse a listing of indemnities paid in each county and were contained in the Federal Crop Insurance Act, as amended. The 1980 amendments to the Act (Pub. L. 96–365, September 26, 1980) deleted this provision and the Corporation is no longer required to post such lists. Therefore, 7 CFR 421.3 is hereby removed and reserved.

The title and number of the Federal Assistance Program that this final rule applies to is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by OMB Circular A–95 was not used to assure that units of local Government are informed of this action.

It has been determined that this action to revise and reissue the list of counties where cotton crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955 (August 25, 1978), and "Improving Government Regulations" (43 FR 50988). That review will be completed prior to the sunset review date.

Final Rule

§ 421.3 [Removed]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby removes and reserves 7 CFR 421.3 of the Cotton Crop Insurance Regulations, and revises and reissues Appendix B to such regulations as Amendment No. 2, which supersedes Amendment No. 1 (44 FR 75371–75372, December 20, 1979), as follows:

Appendix B

Counties Designated for Cotton Crop Insurance—7 CFR Part 421

In accordance with the provisions of 7 CFR 421.1, the following counties have been designated for cotton crop insurance:

Alabama

Autauga
Barbour
Blount
Calhoun
Cherokee
Chilton
Coffee
Colbert
Cullman
Dallas
De Kalb
Elmore
Escambia
Etowah
Franklin
Greene
Hale
Jackson
Lamar
Lauderdale
Lawrence
Limestone
Lowndes
Macon
Madison
Marengo
Marshall
Monroe
Montgomery
Morgan
Perry
Pickens
Russell
Shelby
Talladega
Tuscaloosa
Wilcox

Arizona

Cochise
Graham
Maricopa
Pima
Pinal
Yuma

Arkansas

Arkansas
Ashley
Chicot
Clay
Craighead
Crittenden
Conway
Cross
Desha
Drew
Greene
Jackson
Jefferson
Lafayette
Lawrence
Lee
Lincoln
Lonoke
Miller
Mississippi
Monroe
Phillips
Poinsett
Prairie
Pulaski
Randolph
St. Francis
Woodruff

California

Fresno
Imperial
Kern
Kings
Madera
Merced
Riverside
Tulare

Florida

Santa Rosa

Georgia

Bartow
Ben Hill
Bleckley
Brooks
Burke
Calhoun
Clay
Colquitt
Cook
Crisp
Dodge
Dooly
Early
Emanuel
Houston
Irwin
Jefferson
Laurens
Macon
Miller
Mitchell
Pulaski
Randolph
Screven
Sumter
Terrell
Thomas
Tift
Turner
Washington
Worth

Louisiana

Avoyelles
Bossier
Caddo
Caldwell
Catahoula
Concordia
East Carroll
Franklin
Madison
Morehouse
Natchitoches
Ouachita
Rapides
Red River
Richland
Tensas
West Carroll

Mississippi

Adams
Alcorn
Attala
Benton
Bolivar
Calhoun
Carroll
Chickasaw
Coahoma
De Soto
Grenada
Hinds
Holmes
Humphreys
Issaquena
Itawamba
Lafayette
Lee
Leflore
Lowndes
Madison
Marshall
Monroe
Montgomery
Noxubee
Panola
Pontotoc
Prentiss
Quitman
Rankin
Sharkey
Sunflower
Tallahatchie
Tate
Tippah
Tunica
Union
Warren
Washington
Webster
Yalobusha
Yazoo

Missouri

Butler
Dunklin
Mississippi
New Madrid
Pemiscot
Scott
Stoddard

New Mexico

Chaves
Dona Ana
Eddy
Lee
Luna
Quay
Roosevelt

North Carolina

Anson
Cleveland
Edgecombe
Halifax
Hoke
Nash
Northampton
Robeson
Scotland
Union

Oklahoma

Beckham
Caddo
Comanche
Cotton
Custer
Grady
Greer
Harmon
Jackson
Kiowa
Tillman
Washita

South Carolina

Aiken
Allendale
Anderson
Bamberg

Barnwell	Laurens
Calhoun	Lee
Chester	Lexington
Clarendon	Marion
Darlington	Marlboro
Dillon	Orangeburg
Edgefield	Spartanburg
Florence	Sumter
Hampton	York
Kershaw	

Tennessee

Carroll	Henderson
Chester	Lake
Crockett	Lauderdale
Dyer	Lincoln
Fayette	McNairy
Franklin	Madison
Gibson	Obion
Giles	Shelby
Hardeman	Tipton
Haywood	Weakley

Texas

Andrews	Hunt
Armstrong	Jackson
Austin	Jim Wells
Bailey	Johnson
Baylor	Jones
Bee	Kaufman
Bell	Kent
Borden	Kleberg
Bosque	Knox
Brazos	Lamar
Briscoe	Lamb
Burleson	Limestone
Caldwell	Live Oak
Calhoun	Lubbock
Cameron	Lynn
Castro	McCulloch
Childress	McLennan
Cochran	Martin
Coleman	Matagorda
Collin	Midland
Collingsworth	Milam
Concho	Mitchell
Coryell	Motley
Cottle	Navarro
Crosby	Nolan
Dallas	Nueces
Dawson	Parmer
Deaf Smith	Pecos
Delta	Presidio
Denton	Reagan
Dickens	Red River
Donley	Reeves
Ellis	Refugio
El Paso	Robertson
Falls	Runnels
Fannin	San Patricio
Fisher	Scurry
Floyd	Starr
Foard	Stonewall
Fort Bend	Swisher
Frio	Tarrant
Gaines	Taylor
Garza	Terry
Glasscock	Throckmorton
Gray	Tom Green
Grayson	Travis
Guadalupe	Uvalde
Hale	Wharton
Hall	Wheeler
Hardeman	Wichita
Haskell	Wilbarger
Hidalgo	Willacy
Hill	Williamson
Hockley	Yoakum
Howard	Zavala
Hudspeth	

Virginia

Southampton	

(Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Done in Washington, D.C., on April 7, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Wayne A. Fletcher,

Acting Manager.

Dated: April 7, 1981.

[FR Doc. 81-12348 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 422

[Amdt. No. 1]

Potato Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation is revising and reissuing Appendix B to the Potato Crop Insurance Regulations (7 CFR Part 422) to include additional counties approved by the Board of Directors of the Corporation.

The purpose of this amendment is to add these additional counties to those listed in Appendix B of such regulations where this insurance is available, and to notify producers in the additional counties that they will be eligible to participate in the program effective with the 1981 crop year.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington D.C., 20250, telephone 202-447-3325.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: The Acting Manager of the Federal Crop Insurance Corporation (FCIC) has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) the revision and reissuance of Appendix B, as described herein, conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

FCIC has consulted with the Office of Management and Budget (OMB) pursuant to Executive Order No. 12291, and received their clearance for this publication.

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC published a notice of proposed rulemaking in the Federal Register on Thursday, January 15, 1981 (46 FR 3538), prescribing the addition of new counties approved by the FCIC Board of Directors for potato crop insurance starting with the 1981 crop year, and to notify producers in these additional counties that they will be eligible to participate in the program.

Under the provisions of Executive Order No. 12044 (March 23, 1978), and the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed rule, but none were received.

Upon reviewing the Potato Crop Insurance Regulations, FCIC has determined that 7 CFR 422.3, Public Notice of Indemnities Paid, should be deleted. The provisions of this subsection required FCIC to annually post in each county courthouse a listing of indemnities paid in each county and were contained in the Federal Crop Insurance Act, as amended. The 1980 amendments to the Act (Pub. L. 96-365, September 26, 1980) deleted this provision and the Corporation is no longer required to post such lists. Therefore, 7 CFR 422.3 is hereby removed and reserved.

The title and number of the Federal Assistance Program that this final rule applies to is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by OMB Circular A-95 was not used to assure that units of local Government are informed of this action.

It has been determined that this action to revise and reissue the list of counties where potato crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955 (August 25, 1978), and "Improving Government Regulations" (43 FR 50988). That review will be completed prior to the sunset review date.

Final Rule

§ 422.3 [Removed]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby removes and reserves 7 CFR 422.3 of the Potato Crop Insurance

Regulations, and revises and reissues Appendix B to such regulations as Amendment No. 1, as follows:

Appendix B

Counties Designated for Potato Crop Insurance—7 CFR Part 422

In accordance with the provisions of 7 CFR 422.1, the following counties are designated for cotton crop insurance:

Idaho

Canyon

North Dakota

Grand Forks Walsh

Washington

Grant

(Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Done in Washington, D.C., on April 7, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Wayne A. Fletcher,

Acting Manager.

Dated: April 7, 1981.

[FR Doc. 81-12347 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 423

[Amdt. No. 1]

Flax Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation is revising and reissuing Appendix B to the Flax Crop Insurance Regulations (7 CFR Part 423) to include additional counties approved by the Board of Directors of the Corporation.

The purpose of this amendment is to add these additional counties to those listed in Appendix B of such regulations where this insurance is available, and to notify producers in the additional counties that they will be eligible to participate in the program effective with the 1981 crop year.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202-447-3325.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: The Acting Manager of the Federal Crop Insurance Corporation (FCIC) has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) the revision and reissuance of Appendix B, as described herein, conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

FCIC has consulted with the Office of Management and Budget (OMB) pursuant to Executive Order No. 12291, and received their clearance for this publication.

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC published a notice of proposed rulemaking in the **Federal Register** on Thursday, January 15, 1981 (46 FR 3539), prescribing the addition of new counties approved by the FCIC Board of Directors for flax crop insurance starting with the 1981 crop year, and to notify producers in these additional counties that they will be eligible to participate in the program.

Under the provisions of Executive Order No. 12044 (March 23, 1978), and the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed rule, but none were received.

Upon reviewing the Flax Crop Insurance Regulations, FCIC has determined that 7 CFR 423.3, Public Notice of Indemnities Paid, should be deleted. The provisions of this subsection required FCIC to annually post in each county courthouse a listing of indemnities paid in each county and were contained in the Federal Crop Insurance Act, as amended. The 1980 amendments to the Act (Pub. L. 96-365, September 26, 1980) deleted this provision and the Corporation is no longer required to post such lists. Therefore, 7 CFR 423.3 is hereby removed and reserved.

The title and number of the Federal Assistance Program that this final rule applies to is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by OMB Circular A-95 was not used to assure that units of local Government are informed of this action.

It has been determined that this action to revise and reissue the list of counties where flax crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955 (August 25, 1978), and "Improving Government Regulations" (43 FR 50986). That review will be completed prior to the sunset review date.

Final Rule

§ 423.3 [Removed]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *se seq.*), the Federal Crop Insurance Corporation hereby removes and reserves 7 CFR 423.3 of the Flax Crop Insurance Regulations, and revises and reissues Appendix B to such regulations as Amendment No. 1, as follows:

Appendix B

Counties Designated for Flax Crop Insurance—7 CFR 423

In accordance with provisions of 7 CFR 423.1 the following counties are designated for flax crop insurance:

Minnesota

Becker
Big Stone
Chippewa
Clay
Lake of the Woods
Lincoln
Lyon
Mahnomen
Marshall
Murray
Nobles
Norman
Otter Tail
Pennington
Clearwater
Grant
Kittson
Lac qui Parle
Pipestone
Polk
Pope
Red Lake
Redwood
Roseau
Stevens
Swift
Traverse
Wilkin
Yellow Medicine

North Dakota

Barnes
Benson
Bottineau
Burleigh
Cass
Cavalier
Dickey
Eddy
Emmons
Foster
Grand Forks
Griggs
Kidder
La Moure
Logan
McHenry
McIntosh
McLean
Mountrail
Nelson
Pembina
Pierce
Ramsey
Ransom
Renville
Richland
Rolette
Sargent
Sheridan
Steele
Stutsman
Towner
Traill
Walsh
Ward
Wells

South Dakota

Brookings
Brown
Campbell
Clark
Codington
Corson
Day
Deuel
Edmunds
Grant
Hamlin
Kingsbury
Lake
McPherson
Marshall
Miner
Moody
Roberts
Sully
Walworth

(Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Done in Washington, D.C., on April 7, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Wayne A. Fletcher,

Acting Manager.

Dated: April 7, 1981.

[FR Doc. 81-12346 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 424

[Amdt. No. 2]

Rice Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation is revising and reissuing Appendix B to the Rice Crop Insurance Regulations (7 CFR Part 424) to include additional counties approved by the Board of Directors of the Corporation.

The purpose of this amendment is to add these additional counties to those listed in Appendix B of such regulations where this insurance is available, and to notify producers in the additional counties that they will be eligible to participate in the program effective with the 1981 crop year.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202–447–3325.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: The Acting Manager of the Federal Crop Insurance Corporation (FCIC) has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) the revision and reissuance of Appendix B, as described herein, conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

FCIC has consulted with the Office of Management and Budget (OMB) pursuant to Executive Order No. 12291, and received their clearance for this publication.

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC published a notice of proposed rulemaking in the **Federal Register** on Wednesday, January 14, 1981 (46 FR 3222), prescribing the addition of new counties approved by the FCIC Board of Directors for rice crop insurance starting with the 1981 crop year, and to notify producers in these additional counties that they will be eligible to participate in the program.

Under the provisions of Executive Order No. 12044 (March 23, 1978), and the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed rule, but none were received.

Upon reviewing the Rice Crop Insurance Regulations, FCIC has determined that 7 CFR 424.3, Public Notice of Indemnities Paid, should be deleted. The provisions of this subsection required FCIC to annually post in each county courthouse a listing of indemnities paid in each county and were contained in the Federal Crop Insurance Act, as amended. The 1980 amendments to the Act (Pub. L. 96–365, September 26, 1980) deleted this provision and the Corporation is no longer required to post such lists. Therefore, 7 CFR 424.3 is hereby removed and reserved.

The title and number of the Federal Assistance Program that this final rule applies to is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by OMB Circular A–95 was not used to assure that units of local Government are informed of this action.

It has been determined that this action to revise and reissue the list of counties where rice crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955 (August 25, 1978), and "Improving Government Regulations" (43 FR 50986). That review will be completed prior to the sunset review date.

Final Rule

§ 424.3 [Removed]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby removes and reserves 7 CFR 424.3 of the Rice Crop Insurance Regulations, and revises and reissues Appendix B to such regulations as Amendment No. 2, which supersedes Amendment No. 1 (44 FR 75372, December 20, 1979), as follows:

Appendix B

Counties Designated for Rice Crop Insurance—7 CFR Part 424

In accordance with the provisions of 7 CFR 424.1, the following counties have been designated for rice crop insurance:

Arkansas

Arkansas	Jefferson
Ashley	Lafayette
Chicot	Lawrence
Clark	Lee
Clay	Lincoln
Conway	Lonoke
Craighead	Miller
Crittenden	Monroe
Cross	Poinsett
Desha	Prairie
Drew	Pulaski
Faulkner	Randolph
Greene	St. Francis
Independence	White
Jackson	Woodruff

California

Butte	San Joaquin
Colusa	Stanislaus
Fresno	Sutter
Glenn	Tulare
Kern	Yolo
Merced	Yuba
Sacramento	

Louisiana

Acadia	Jefferson Davis
Allen	Lafayette
Beauregard	Morehouse
Calcasieu	Ouachita
Cameron	Richland
East Carroll	St. Landry
Evangeline	Vermilion

Mississippi

Bolivar	Sunflower
Leflore	Washington

Missouri

Butler	Stoddard
Ripley	

Texas

Austin	Jackson
Brazoria	Jefferson
Calhoun	Lavaca
Chambers	Liberty
Colorado	Matagorda
Fort Bend	Victoria
Galveston	Waller
Harris	Wharton

(Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Done in Washington, D.C., on April 7, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Wayne A. Fletcher,

Acting Manager.

Dated: April 7, 1981.

[FR Doc. 81-12343 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 425

[Amdt. No. 2]

Peanut Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation is revising and reissuing Appendix B to the Peanut Crop Insurance Regulations (7 CFR Part 425) to include additional counties approved by the Board of Directors of the Corporation.

The purpose of this amendment is to add these additional counties to those listed in Appendix B of such regulations where this insurance is available, and to notify producers in the additional counties that they will be eligible to participate in the program effective with the 1981 crop year.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202–447–3325.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: The Acting Manager of the Federal Crop Insurance Corporation (FCIC) has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) the revision and reissuance of Appendix B, as described herein, conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

FCIC has consulted with the Office of Management and Budget (OMB) pursuant to Executive Order No. 12291, and received their clearance for this publication.

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC published a notice of proposed rulemaking in the Federal Register on Wednesday, January 14, 1981 (46 FR 3223), prescribing the addition of new counties approved by the FCIC Board of Directors for peanut crop insurance starting with the 1981 crop year, and to notify producers in these additional counties that they will be eligible to participate in the program.

Under the provisions of Executive Order No. 12044 (March 23, 1978), and the Administrative Procedure Act (5 U.S.C. 553(b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed rule, but none were received.

Upon reviewing the Peanut Crop Insurance Regulations, FCIC has determined that 7 CFR 425.3, Public Notice of Indemnities Paid, should be deleted. The provisions of this subsection required FCIC to annually post in each county courthouse a listing of indemnities paid in each county and were contained in the Federal Crop Insurance Act, as amended. The 1980 amendments to the Act (Pub. L. 96–365, September 26, 1980) deleted this provision and the Corporation is no longer required to post such lists. Therefore, 7 CFR 425.3 is hereby removed and reserved.

The title and number of the Federal Assistance Program that this final rule applies to is : Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by OMB Circular A–95 was not used to assure that units of local Government are informed of this action.

It has been determined that this action to revise and reissue the list of counties where peanut crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955 (August 25, 1978), and "Improving Government Regulations" (43 FR 50986). That review will be completed prior to the sunset review date.

Final Rule

§425.3 [Removed]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby removes and reserves 7 CFR 425.3 of the Peanut Crop Insurance Regulations, and revises and reissues Appendix B to such regulations as Amendment No. 2, which supersedes Amendment No. 1 (44 FR 75372–75373, December 20, 1979), as follows:

Appendix B

Counties Designated for Peanut Crop Insurance—7 CFR Part 425

In accordance with the provisions of 7 CFR 425.1, the following counties are designated for peanut crop insurance:

State and County	Type(s) of Peanuts Insured
Alabama:	
Barbour	Runner, Southeast Spanish, Virginia.
Bullock	Do.
Butler	Do.
Coffee	Do.
Conecuh	Do.
Covington	Do.
Crenshaw	Do.
Dale	Do.
Escambia	Do.
Geneva	Do.
Henry	Do.
Houston	Do.
Pike	Do.
Russell	Do.
Florida:	
Alachua	Runner, Southeast Spanish, Virginia.
Calhoun	Do.
Columbia	Do.
Holmes	Do.
Jackson	Do.
Jefferson	Do.
Gadsden	Do.
Levy	Do.
Santa Rosa	Do.
Suwannee	Do.
Washington	Do.
Georgia:	
Baker	Runner, Southeast Spanish, Virginia.
Ben Hill	Do.
Berrien	Do.
Bleckley	Do.
Bulloch	Do.
Burke	Do.
Calhoun	Do.
Candler	Do.
Clay	Do.
Coffee	Do.
Colquitt	Do.
Cook	Do.
Crisp	Do.
Decatur	Do.
Dodge	Do.
Dooly	Do.
Dougherty	Do.
Early	Do.
Emanuel	Do.
Evans	Do.
Grady	Do.
Houston	Do.
Irwin	Do.
Jefferson	Do.
Jenkins	Do.
Laurens	Do.
Lee	Do.
Lowndes	Do.
Macon	Do.
Marion	Do.
Miller	Do.
Mitchell	Do.
Montgomery	Do.
Pulaski	Do.
Randolph	Do.
Screven	Do.
Seminole	Do.
Stewart	Do.
Sumter	Do.
Taylor	Do.
Tattnall	Do.
Telfair	Do.
Terrell	Do.
Thomas	Do.
Tift	Do.
Toombs	Do.
Turner	Do.
Washington	Do.
Webster	Do.
Wheeler	Do.
Wilcox	Do.
Worth	Do.
New Mexico: Roosevelt	Valencia.
North Carolina:	
Bertie	Runner, Virginia.
Bladen	Virginia.
Chowan	Do.
Edgecombe	Runner, Virginia.
Gates	Virginia.
Halifax	Runner, Virginia.
Hertford	Virginia.
Martin	Runner, Virginia.

State and County and Type(s) of Peanuts Insured—Continued

Nash	Virginia.
Northampton	Runner, Virginia.
Pendor	Do.
Perquimans	Do.
Pitt	Virginia.
Washington	Do.
Oklahoma:	
Bryan	Southwest Spanish.
Comanche	Do.
Caddo	Do.
Grady	Do.
Hughes	Do.
Jackson	Do.
Muskogee	Do.
South Carolina:	
Allendale	Virginia.
Barnwell	Do.
Florence	Do.
Hampton	Do.
Lee	Do.
Sumter	Do.
Texas:	
Atascosa	Southwest Spanish, Runner.
Austin	Do.
Bexar	Do.
Brown	Do.
Callahan	Do.
Comanche	Do.
Cooke	Do.
Duval	Do.
Eastland	Do.
Erath	Do.
Fannin	Southwest Spanish.
Fayette	Southwest Spanish, Runner.
Frio	Do.
Gaines	Southwest Spanish.
Grayson	Do.
Guadelupe	Do.
Harris	Southwest Spanish, Runner.
Hood	Do.
Johnson	Do.
Jones	Do.
Lamar	Do.
Lee	Southwest Spanish.
Medina	Do.
Milam	Do.
Motley	Do.
Waller	Do.
Wilson	Southwest Spanish, Runner.
Virginia:	
Dinwiddie	Virginia.
Greensville	Do.
Isle of Wight	Do.
Prince George	Do.
Southampton	Do.
Suffolk City	Do.
Surrey	Do.
Sussex	Do.

(Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Done in Washington, D.C., on April 7, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Wayne A. Fletcher,

Acting Manager.

Dated: April 7, 1981.

[FR Doc. 81-12342 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 427

[Amdt. No. 3]

Oat Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation is revising and reissuing Appendix B to the Oat Crop Insurance Regulations (7 CFR Part 427) to include additional counties approved by the Board of Directors of the Corporation.

The purpose of this amendment is to add these additional counties to those listed in Appendix B of such regulations where this insurance is available, and to notify producers in the additional counties that they will be eligible to participate in the program effective with the 1981 crop year.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202-447-3325.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: The Acting Manager of the Federal Crop Insurance Corporation (FCIC) has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) the revision and reissuance of Appendix B, as described herein, conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

FCIC has consulted with the Office of Management and Budget (OMB) pursuant to Executive Order No. 12291, and received their clearance for this publication.

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC published a notice of proposed rulemaking in the **Federal Register** on Wednesday, January 14, 1981 (46 FR 3224), prescribing the addition of new counties approved by the FCIC Board of Directors for oat crop insurance starting with the 1981 crop year, and to notify producers in these additional counties that they will be eligible to participate in the program.

Under the provisions of Executive Order No. 12044 (March 23, 1978), and the Administrative Procedure Act (5 U.S.C. 553(b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed rule, but none were received.

Upon reviewing the Oat Crop Insurance Regulations, FCIC has determined that 7 CFR 427.3, Public Notice of Indemnities Paid, should be deleted. The provisions of this subsection required FCIC to annually post in each county courthouse a listing of indemnities paid in each county and were contained in the Federal Crop Insurance Act, as amended. The 1980 amendments to the Act (Pub. L. 96-365, September 26, 1980) deleted this provision and the Corporation is no longer required to post such lists. Therefore, 7 CFR 427.3 is hereby removed and reserved.

The title and number of the Federal Assistance Program that this final rule applies to is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by OMB Circular A-95 was not used to assure that units of local Government are informed of this action.

It has been determined that this action to revise and reissue the list of counties where oat crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955 (August 25, 1978), and "Improving Government Regulations" (43 FR 50986). That review will be completed prior to the sunset review date.

Final Rule

§427.3 [Removed]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby removes and reserves 7 CFR 427.3 of the Oat Crop Insurance Regulations, and revises and reissues Appendix B to such regulations as Amendment No. 3, which supersedes Amendment No. 1 (44 FR 75373, December 20, 1979), as follows:

Appendix B

Counties Designated for Oat Crop Insurance—7 CFR Part 427

In accordance with the provisions of 7 CFR 427.1, the following counties have been designated for oat crop insurance:

California

Modoc

Illinois

Bureau
Carroll
Henry
Jo Daviess
Ogle
Stephenson

Iowa

Adair
Adams
Allamakee
Appanoose
Audubon
Benton
Black Hawk
Boone
Bremer
Buchanan
Buena Vista
Butler
Calhoun
Carroll
Cass
Cedar

Cerro Gordo
Cherokee
Chickasaw
Clarke
Clay
Clayton
Clinton
Crawford
Dallas
Davis
Decatur
Delaware
Des Moines
Dickinson
Dubuque
Emmet
Fayette
Floyd
Franklin
Fremont
Greene
Grundy
Guthrie
Hamilton
Hancock
Hardin
Harrison
Henry
Howard
Humboldt
Ida
Iowa
Jackson
Jasper
Jefferson
Johnson
Jones
Keokuk
Kossuth
Lee
Linn
Louisa
Lucas
Lyon
Madison
Mahaska
Marion
Marshall
Mills
Mitchell
Monona
Monroe
Montgomery
Muscatine
O'Brien
Osceola
Page
Palo Alto
Plymouth
Pocahontas
Polk
Pottawattamie
Poweshiek
Sac
Scott
Shelby
Sioux
Story
Tama
Taylor
Union
Van Buren
Wapello
Warren
Washington
Webster
Winnebago
Winneshick
Woodbury
Worth
Wright

Kansas

Dickinson
Marion

Michigan

Barry
Calhoun
Clinton
Eaton
Huron
Ionia
Isabella
Kent
Lapeer
Montcalm
St. Clair
Sanilac
Tuscola

Minnesota

Anoka
Becker
Beltrami
Brown
Carver
Chippewa
Chisago
Clay
Clearwater
Cottonwood
Crow Wing
Dakota
Dodge
Douglas
Faribault
Fillmore
Freeborn
Goodhue
Grant
Hennepin
Houston
Hubbard
Isanti
Jackson
Kanabec
Kandiyohi
Kittson
Lac qui Parle
Lake of the Woods
Le Sueur
Lincoln
Lyon
McLeod
Mahnomen
Marshall
Martin
Meeker
Mille Lacs
Morrison
Benton
Big Stone
Blue Earth
Mower
Murray
Nicollet
Nobles
Norman
Olmsted
Otter Tail
Pennington
Pine
Pipestone
Polk
Pope
Red Lake
Redwood
Renville
Rice
Rock
Roseau
Scott
Sherburne
Sibley
Stearns
Steele
Stevens
Swift
Todd
Traverse
Wabasha
Wadena
Waseca
Washington
Watonwan
Wilkin
Winona
Wright
Yellow Medicine

Montana

Phillips
Valley

Nebraska

Antelope
Boone
Boyd
Cedar
Dakota
Dixon
Gage
Knox
Pierce
Platte
Thurston
Wayne

New York

Cattaraugus
Cayuga
Erie
Genesee
Jefferson
Madison
Monroe
Montgomery
Oneida
Onondaga
Orleans
Otsego
Tompkins
Wayne

North Dakota

Adams
Barnes
Benson
Billings
Bottineau
Bowman
Burke
Burleigh
Cass
Cavalier
Dickey
Divide
Dunn
Eddy
Emmons
Foster
Golden Valley
Grand Forks
Grant
Griggs
Hettinger
Kidder
La Moure
Logan
McHenry
McIntosh
McKenzie
McLean
Mercer
Morton
Mountrail
Nelson
Oliver
Pembina
Pierce
Ramsey
Ransom
Renville
Richland
Rolette
Sargent
Sheridan
Sioux
Slope
Stark
Steele
Stutsman
Towner
Traill
Walsh
Ward
Wells
Williams

Ohio

Ashtabula
Columbiana
Coshocton
Holmes
Lorain
Mahoning
Mercer
Portage
Stark
Trumbull
Wayne

Oregon

Klamath

Pennsylvania

Armstrong
Bedford
Berks
Bradford
Butler
Cambria
Centre
Chester
Columbia
Crawford
Cumberland
Dauphin
Indiana
Juniata
Lawrence
Lehigh
Lycoming
Mercer
Northumberland
Perry
Schuylkill
Snyder
Somerset
Tioga
Union
Westmoreland

South Dakota

Aurora
Beadle
Bennett
Bon Homme
Brookings
Brown
Brule
Buffalo
Butte
Campbell
Charles Mix
Clark
Clay
Codington
Corson
Davison
Day
Deuel
Dewey
Douglas
Edmunds
Faulk
Grant
Gregory
Hamlin
Hand
Hanson
Harding
Hughes
Hutchinson
Hyde
Jerauld
Kingsbury
Lake
Lincoln
Lyman
McCook
McPherson
Marshall
Mellette
Miner
Minnehaha
Moody
Perkins
Potter
Roberts
Sanborn
Spink
Stanley
Sully
Todd
Tripp
Turner
Union
Walworth
Yankton
Ziebach

Wisconsin

Barron
Brown
Buffalo
Calumet
Chippewa
Clark
Columbia
Crawford
Dane
Dodge
Door
Dunn
Eau Claire
Fond du Lac
Grant
Green
Green Lake
Iowa
Jackson
Jefferson
Juneau
Kenosha
Kewaunee
La Crosse
Lafayette
Langlade
Manitowoc
Marathon
Marinette
Marquette
Monroe
Oconto
Outagamie
Ozaukee
Pepin
Pierce
Polk
Portage
Racine
Richland
Rock
Rusk
St. Croix
Sauk
Shawano
Sheboygan
Taylor
Trempealeau
Vernon
Walworth
Washington
Waukesha
Waupaca
Waushara
Winnebago
Wood

(Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Done in Washington, D.C., on April 7, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Wayne A. Fletcher,

Acting Manager.

Dated: April 7, 1981.

[FR Doc. 81-12340 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 428

[Amdt. No. 2]

Sunflower Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation is revising and reissuing Appendix B to the Sunflower Crop Insurance Regulations (7 CFR Part 428) to include additional counties approved by the Board of Directors of the Corporation.

The purpose of this amendment is to add these additional counties to those listed in Appendix B of such regulations where this insurance is available, and to notify producers in the additional counties that they will be eligible to participate in the program effective with the 1981 crop year.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D. C., 20250, telephone 202–447–3325.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: The Acting Manager of the Federal Crop Insurance Corporation (FCIC) has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) the revision and reissuance of Appendix B, as described herein, conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

FCIC has consulted with the Office of Management and Budget (OMB) pursuant to Executive Order No. 12291, and received their clearance for this publication.

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC published a notice of proposed rulemaking in the **Federal Register** on Thursday, January 15, 1981 (46 FR 3540), prescribing the addition of new counties approved by the FCIC Board of Directors for sunflower crop insurance starting with the 1981 crop year, and to notify producers in these additional counties that they will be eligible to participate in the program.

Under the provisions of Executive Order No. 12044 (March 23, 1978), and the Administrative Procedure Act (5 U.S.C. 553(b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed rule, but none were received.

Upon reviewing the Sunflower Crop Insurance Regulations, FCIC has determined that 7 CFR 428.3, Public Notice of Indemnities Paid, should be deleted. The provisions of this subsection required FCIC to annually post in each county courthouse a listing of indemnities paid in each county and were contained in the Federal Crop Insurance Act, as amended. The 1980 amendments to the Act (Pub. L. 96–365, September 26, 1980) deleted this provision and the Corporation is no longer required to post such lists. Therefore, 7 CFR 428.3 is hereby removed and reserved.

The title and number of the Federal Assistance Program that this final rule applies to is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therfore, review as established by OMB Circular A–95 was not used to assure that units of local Government are informed of this action.

It has been determined that this action to revise and reissue the list of counties where sunflower crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955 (August 25, 1978), and "Improving Government Regulations" (43 FR 50986). That review will be completed prior to the sunset review date.

Final Rule

§ 428.3 [Removed]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby removes and reserves 7 CFR 428.3 of the Sunflower Crop Insurance Regulations, and revises and reissues Appendix B to such regulations as Amendment No. 2, which supersedes Amendment No. 1 (44 FR 75373–75374), as follows:

Appendix B

Counties Designated for Sunflower Crop Insurance—7 CFR Part 428

In accordance with the provisions of 7 CFR 428.1, the following counties have been designated for sunflower crop insurance:

Minnesota

Becker	Marshall
Big Stone	Norman
Chippewa	Otter Tail
Clay	Pennington
Clearwater	Polk
Douglas	Pope
Grant	Red Lake
Kittson	Roseau
Lac qui Parle	Stevens
Lake of the Woods	Swift
Lincoln	Traverse
Lyon	Wilkin
Mahnomen	Yellow Medicine

North Dakota

Adams	McLean
Barnes	Mercer
Benson	Mountrail
Bottineau	Nelson
Burke	Pembina
Burleigh	Pierce
Cass	Ramsey
Cavalier	Ransom
Dickey	Renville
Divide	Richland
Dunn	Rolette
Eddy	Sargent
Emmons	Sheridan
Foster	Steele
Grand Forks	Stutsman
Grant	Towner
Griggs	Traill
Hettinger	Walsh
Kidder	Ward
La Moure	Wells
McHenry	Williams
McIntosh	

South Dakota

Brookings	Faulk
Brown	Grant
Clark	Marshall
Codington	Roberts
Corson	Spink
Deuel	Sully
Edmunds	Walworth

(Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Done in Washington, D.C., on April 7, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Wayne A. Fletcher,

Acting Manager.

Dated: April 7, 1981.

[FR Doc. 81–12341 Filed 4–23–81; 8:45 am]

BILLING CODE 3410–08–M

7 CFR Part 431

[Amdt. No. 3]

Soybean Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation is revising and reissuing Appendix B to the Soybean Crop Insurance Regulations (7 CFR Part 431) to include additional counties approved by the Board of Directors of the Corporation.

The purpose of this

amendment is to add these additional counties to those listed in Appendix B of such regulations where this insurance is available, and to notify producers in the additional counties that they will be eligible to participate in the program effective with the 1981 crop year.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202–447–3325.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: The Acting Manager of the Federal Crop Insurance Corporation (FCIC) has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) the revision and reissuance of Appendix B, as described herein, conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

FCIC has consulted with the Office of Management and Budget (OMB) pursuant to Executive Order No. 12291, and received their clearance for this publication.

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC published a notice of proposed rulemaking in the **Federal Register** on Wednesday, January 14, 1981 (46 FR 3226), prescribing the addition of new counties approved by the FCIC Board of Directors for soybean crop insurance starting with the 1981 crop year, and to notify producers in these additional counties that they will be eligible to participate in the program.

Under the provisions of Executive Order No. 12044 (March 23, 1978), and the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed rule, but none were received.

Upon reviewing the Soybean Crop Insurance Regulations, FCIC has determined that 7 CFR 431.3, Public Notice of Indemnities Paid, should be deleted. The provisions of this subsection required FCIC to annually post in each county courthouse a listing of indemnities paid in each county and were contained in the Federal Crop Insurance Act, as amended. The 1980 amendments to the Act (Pub. L. 96–365, September 26, 1980) deleted this provision and the Corporation is no longer required to post such lists. Therefore, 7 CFR 431.3 is hereby removed and reserved.

The title and number of the Federal Assistance Program that this final rule applies to is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by OMB Circular A–95 was not used to assure that units of local Government are informed of this action.

It has been determined that this action to revise and reissue the list of counties where soybean crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955 (August 25, 1978), and "Improving Government Regulations" (43 FR 50986). That review will be completed prior to the sunset review date.

Final Rule

§ 431.3 [Removed]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby removes and reserves 7 CFR 431.3 of the Soybean Crop Insurance Regulations, and revises and reissues Appendix B to such regulations as Amendment No. 3, which supersedes Amendment No. 1 (44 FR 75374–75375, December 20, 1979), as follows:

Appendix B

Counties Designated for Soybean Crop Insurance—7 CFR Part 431

In accordance with the provisions of 7 CFR 431.1, the following counties have been designated for soybean crop insurance:

Alabama

Autauga	Jackson
Baldwin	Lamar
Bullock	Lauderdale
Butler	Lawrence
Calhoun	Limestone
Cherokee	Lowndes
Coffee	Macon
Colbert	Madison
Conecuh	Marengo
Covington	Marion
Crenshaw	Marshall
Cullman	Mobile
Dallas	Monroe
De Kalb	Montgomery
Elmore	Morgan
Escambia	Perry
Etowah	Pickens
Franklin	Pike
Geneva	Russell
Greene	Shelby
Hale	Sumter
Henry	Talladega
Houston	Wilcox

Arkansas

Arkansas	Lafayette
Ashley	Lawrence
Chicot	Lee
Clark	Lincoln
Clay	Little River
Conway	Lonoke
Craighead	Miller
Crawford	Mississippi
Crittenden	Monroe
Cross	Phillips
Desha	Poinsett
Drew	Prairie
Faulkner	Pulaski
Greene	Randolph
Independence	St. Francis
Jackson	White
Jefferson	Woodruff

Delaware

Kent	Sussex
New Castle	

Florida

Alachua	Jackson
Calhoun	Jefferson
Columbia	Levy
Escambia	Madison
Gadsden	Okaloosa
Gilchrist	Santa Rosa
Hamilton	Suwannee
Holmes	Washington

Georgia

Appling	Jenkins
Atkinson	Johnson
Bacon	Laurens
Baker	Lee
Bartow	Lowndes
Ben Hill	Macon
Berrien	Marion
Bleckley	Miller
Brooks	Mitchell
Bulloch	Montgomery
Burke	Peach
Calhoun	Pierce
Candler	Pulaski
Coffee	Randolph
Colquitt	Screven
Cook	Seminole
Crawford	Stewart
Crisp	Sumter
Decatur	Tattnall
Dodge	Taylor
Dooly	Telfair
Dougherty	Terrell
Early	Thomas
Effingham	Tift
Emanuel	Toombs
Evans	Treutlen
Floyd	Turner
Grady	Washington
Hart	Wayne
Houston	Webster
Irwin	Wheeler
Jeff Davis	Wilcox
Jefferson	Worth

Illinois

Adams	Coles
Alexander	Crawford
Bond	Cumberland
Boone	De Kalb
Brown	De Witt
Bureau	Douglas
Calhoun	Du Page
Carroll	Edgar
Cass	Edwards
Campaign	Effingham
Christian	Fayette
Clark	Ford
Clay	Franklin
Clinton	Fulton

Gallatin
Greene
Grundy
Hamilton
Hancock
Hardin
Henderson
Henry
Iroquois
Jackson
Jasper
Jefferson
Jersey
Jo Daviess
Johnson
Kane
Kankakee
Kendall
Knox
Lake
La Salle
Lawrence
Lee
Livingston
Logan
McDonough
McHenry
McLean
Macon
Macoupin
Madison
Marion
Marshall
Mason
Massac
Menard
Mercer
Monroe
Montgomery
Morgan
Moultrie
Ogle
Peoria
Perry
Piatt
Pike
Pope
Pulaski
Putnam
Randolph
Richland
Rock Island
St. Clair
Saline
Sangamon
Schuyler
Scott
Shelby
Stark
Stephenson
Tazewell
Union
Vermilion
Wabash
Warren
Washington
Wayne
White
Whiteside
Will
Williamson
Winnebago
Woodford

Indiana

Adams
Allen
Bartholomew
Benton
Blackford
Boone
Carroll
Cass
Clark
Clay
Clinton
Daviess
Dearborn
Decatur
De Kalb
Delaware
Dubois
Elkhart
Fayette
Fountain
Franklin
Fulton
Gibson
Grant
Greene
Hamilton
Hancock
Harrison
Hendricks
Henry
Howard
Huntington
Jackson
Jasper
Jay
Jefferson
Jennings
Johnson
Knox
Kosciusko
Lagrange
Lake
La Porte
Lawrence
Madison
Marion
Marshall
Martin
Miami
Montgomery
Morgan
Newton
Noble
Orange
Owen
Parke
Perry
Pike
Porter
Posey
Pulaski
Putnam
Randolph
Ripley
Rush
St. Joseph
Scott
Shelby
Spencer
Starke
Steuben
Sullivan
Switzerland
Tippecanoe
Tipton
Union
Vanderburgh
Vermillion
Vigo
Wabash
Warren
Warrick
Washington
Wayne
Wells
White
Whitley

Iowa

Adair
Adams
Allamakee
Appanoose
Audubon
Benton
Black Hawk
Boone
Bremer
Buchanan
Buena Vista
Butler
Calhoun
Carroll
Cass
Cedar
Cerro Gordo
Cherokee
Chickasaw
Clarke
Clay
Clayton
Clinton
Crawford
Dallas
Davis
Decatur
Delaware
Des Moines
Dickinson
Dubuque
Emmet
Fayette
Floyd
Franklin
Fremont
Greene
Grundy
Guthrie
Hamilton
Hancock
Hardin
Harrison
Henry
Howard
Humboldt
Ida
Iowa
Jackson
Jasper
Jefferson
Johnson
Jones
Keokuk
Kossuth
Lee
Linn
Louisa
Lucas
Lyon
Madison
Mahaska
Marion
Marshall
Mills
Mitchell
Monona
Monroe
Montgomery
Muscatine
O'Brien
Osceola
Page
Palo Alto
Plymouth
Pocahontas
Polk
Pottawattamie
Poweshiek
Ringgold
Sac
Scott
Shelby
Sioux
Story
Tama
Taylor
Union
Van Buren
Wapello
Warren
Washington
Wayne
Webster
Winnebago
Winneshiek
Woodbury
Worth
Wright

Kansas

Allen
Anderson
Atchison
Bourbon
Brown
Butler
Cherokee
Clay
Coffee
Crawford
Dickinson
Doniphan
Douglas
Edwards
Franklin
Greenwood
Harvey
Jackson
Jefferson
Johnson
Kiowa
Labette
Leavenworth
Linn
Lyon
McPherson
Marion
Marshall
Miami
Montgomery
Nemaha
Neosho
Osage
Pottawatomie
Sedgwick
Shawnee
Sumner
Wabaunsee
Wilson
Woodson

Kentucky

Allen
Ballard
Breckenridge
Butler
Caldwell
Calloway
Carlisle
Christian
Crittenden
Fulton
Graves
Grayson
Hancock
Hardin
Henderson
Hickman
Hopkins
Larue
Livingston
Logan
McCracken
McLean
Marshall
Meade
Muhlenberg
Nelson
Ohio
Shelby
Simpson
Taylor
Todd
Trigg
Trimble
Union
Warren
Webster

Louisiana

Acadia
Allen
Avoyelles
Beauregard
Bossier
Caddo
Calcasieu
Caldwell
Cameron
Catahoula
Concordia
East Carroll
Evangeline
Franklin
Iberville
Jefferson Davis
Lafayette
Madison
Morehouse
Natchitoches
Ouachita
Pointe Coupee
Rapides
Red River
Richland
St. Landry
St. Martin
Tensas
Vermilion
West Carroll

Maryland

Caroline
Carroll
Cecil
Charles
Dorchester
Kent
Queen Annes
St. Marys
Somerset
Talbot
Wicomico
Worcester

Michigan

Berrien
Branch
Calhoun
Cass
Clinton
Eaton
Genesee
Gratiot
Hillsdale
Huron
Ionia
Isabella
Lenawee
Macomb
Midland
Monroe
Montcalm
Saginaw
St. Clair
St. Joseph
Sanilac
Shiawassee
Tuscola
Van Buren
Washtenaw

Minnesota

Anoka
Becker
Benton
Big Stone
Blue Earth
Brown
Carver
Chippewa
Chisago
Clay
Cottonwood
Dakota
Dodge
Douglas
Faribault
Fillmore
Freeborn
Goodhue
Grant
Hennepin
Houston
Isanti
Jackson
Kandiyohi
Lac qui Parle
Le Sueur
Lincoln
Lyon
McLeod
Martin
Meeker
Mille Lacs
Morrison
Mower
Murray
Nicollet
Nobles
Norman
Olmsted
Otter Tail
Pipestone
Pope
Redwood
Renville
Rice
Rock
Scott
Sibley
Stearns
Steele
Stevens
Swift
Todd
Traverse
Wabasha
Waseca
Washington
Watonwan
Wilkin
Winona
Wright
Yellow Medicine

Mississippi

Adams
Alcorn
Attala
Benton
Bolivar
Calhoun
Carroll
Chickasaw
Claiborne
Clay
Coahoma
De Soto
George
Grenada
Hinds
Holmes
Humphreys
Issaquena
Itawamba
Lafayette
Lee
Leflore
Lowndes
Madison
Marshall
Monroe
Montgomery
Noxubee
Panola
Pearl River
Pontotoc
Prentiss
Quitman
Rankin
Sharkey
Sunflower
Tallahatchie
Tate
Tippah
Tunica
Union
Warren
Washington
Webster
Yalobusha
Yazoo

Missouri

Adair
Andrew
Atchison
Audrain
Barton
Bates
Benton
Bollinger
Boone
Buchanan
Butler
Caldwell
Callaway
Cape Girardeau
Carroll
Cass
Chariton
Clark
Clay
Clinton
Cooper
Dade
Daviess
De Kalb
Dunklin
Franklin
Gentry
Grundy
Harrison
Henry
Holt
Howard
Jackson
Jasper
Johnson
Knox
Lafayette
Lewis
Lincoln
Linn
Livingston
Macon
Marion
Mercer
Mississippi
Moniteau
Monroe
Montgomery
New Madrid
Nodaway
Osage
Pemiscot
Perry
Pettis
Pike
Platte
Putnam
Ralls
Randolph
Ray
Ripley
St. Charles
St. Clair
Ste. Genevieve
Saline
Schuyler
Scotland
Scott
Shelby
Stoddard
Sullivan
Vernon
Warren
Worth

Nebraska

Antelope
Boone
Buffalo
Burt
Butler
Cass
Cedar
Colfax
Cuming
Dakota
Dixon
Dodge
Douglas
Gage
Knox
Lancaster
Madison
Nemaha
Otoe
Pierce
Platte
Richardson
Sarpy
Saunders
Seward
Stanton
Thurston
Washington
Wayne

New Jersey

Burlington
Cumberland
Gloucester
Hunterdon
Mercer
Salem
Monmouth

North Carolina

Alamance
Anson
Beaufort
Bertie
Bladen
Brunswick
Cabarrus
Camden
Chowan
Cleveland
Columbus
Craven
Cumberland
Currituck
Davidson
Duplin
Edgecombe
Franklin
Gates
Granville
Greene
Guilford
Halifax
Harnett
Hertford
Hoke
Hyde
Iredell
Johnston
Jones
Lenoir
Martin
Nash
Northampton
Onslow
Pamlico
Pasquotank
Perquimans
Pender
Pitt
Randolph
Robeson
Rowan
Sampson
Scotland
Stanly
Tyrrell
Union
Wake
Warren
Washington
Wayne
Wilson
Yadkin

North Dakota

Cass
Grand Forks
Richland

Ohio

Adams
Allen
Ashland
Auglaize
Brown
Butler
Champaign
Clark
Clermont
Clinton
Crawford
Darke
Defiance
Delaware
Erie
Fairfield
Fayette
Franklin
Fulton
Greene
Hancock
Hardin
Henry
Highland
Huron
Knox
Licking
Logan
Lorain
Lucas
Madison
Marion
Medina
Mercer
Miami
Montgomery
Morrow
Ottawa
Paulding
Pickaway
Preble
Putnam
Richland
Ross
Sandusky
Seneca
Shelby
Stark
Trumbull
Union
Van Wert
Warren
Wayne
Williams
Wood
Wyandot

Oklahoma

Craig
Grady
Hughes
McCurtain
Mayes
Muskogee
Ottawa
Wagoner

Pennsylvania

Berks
Bucks
Montgomery
Northampton

South Carolina

Aiken
Allendale
Anderson
Bamberg
Barnwell
Berkeley
Calhoun
Chesterfield
Clarendon
Colleton
Darlington
Dillon
Dorchester
Edgefield
Florence
Georgetown
Greenville
Hampton
Horry
Kershaw
Laurens
Lee
Lexington
Marion
Marlboro
Newberry
Orangeburg
Richland
Saluda
Spartanburg
Sumter
Williamsburg
York

South Dakota

Bon Homme
Brookings
Charles Mix
Clay
Deuel
Grant
Hamlin
Hutchinson
Kingsbury
Lake
Lincoln
McCook
Minnehaha
Moody
Roberts
Turner
Union
Yankton

Tennessee

Bedford
Benton
Carroll
Cheatham
Chester
Coffee
Crockett
Decatur
Dyer
Fayette
Franklin
Gibson
Giles
Hardeman
Hardin
Haywood
Henderson
Henry
Lake
Lauderdale
Lawrence
Lincoln
McNairy
Madison
Maury
Montgomery
Obion
Robertson
Rutherford
Shelby
Sumner
Tipton
Warren
Weakley
Williamson

Texas

Brazoria
Chambers
Colorado
Delta
Fort Bend
Floyd
Galveston
Hale
Harris
Jackson
Jefferson
Lamar
Lamb
Liberty
Lubbock
Matagorda
Red River
Swisher
Waller
Wharton

Virginia

Accomack
Amelia
Brunswick
Caroline
Chesapeake City
Dinwiddie
Essex
Greensville
Halifax
Hanover
Isle of Wight
King and Queen
King William
Mecklenburg
Northampton
Northumberland
Pittsylvania
Prince George
Richmond
Southampton
Suffolk City
Surry
Sussex
Virginia Beach
Westmoreland

Wisconsin

Buffalo
Columbia
Dane
Dunn
Jackson
Jefferson
Juneau
Kenosha
Pepin
Pierce
Polk
Racine
Rock
St. Croix
Trempealeau
Walworth
Waukesha
Winnebago

(Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Done in Washington, D.C., on April 7, 1981.

Peter F. Cole,
Secretary, Federal Crop Insurance Corporation.

Approved by:

Wayne A. Fletcher,
Acting Manager.

Dated: April 7, 1981.

[FR Doc. 81-12332 Filed 4-23-81; 8:45 am]
BILLING CODE 3410-08-M

7 CFR Part 432

[Amdt. No.2]

Corn Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation is revising and reissuing Appendix B to the Corn Crop Insurance Regulations (7 CFR Part 432) to include additional counties approved by the Board of Directors of the Corporation.

The purpose of this amendment is to add these additional counties to those listed in Appendix B of such regulations where this insurance is available, and to notify producers in the additional counties that they will be eligible to participate in the program effective with the 1981 crop year.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-3325.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: The Acting Manager of the Federal Crop Insurance Corporation (F) has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) the revision and reissuance of Appendix B, as described herein, conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

FCIC has consulted with the office of Management and Budget (OMB) pursuant to Executive Order No. 12291, and received their clearance for this publication.

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *t seq.*), FCIC published a notice of proposed rulemaking in the **Federal Register** on Wednesday, January 14, 1981 (46 FR 3229), prescribing the addition of new counties approved by the F Board of Directors for corn crop insurance starting with the 1981 crop year, and to notify producers in these additional counties that they will be eligible to participate in the program.

Under the provisions of Executive Order No. 12044 (March 23, 1978), and the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed rule, but none were received.

Upon reviewing the Corn Crop Insurance Regulations, F has determined that 7 CFR 432.3, Public Notice of Indemnities Paid, should be deleted. The provisions of this subsection required F to annually post in each county courthouse a listing of indemnities paid in each county and were contained in the Federal Crop Insurance Act, as amended. The 1980 amendments to the Act (Pub. L. 96-365, September 26, 1980) deleted this provision and the Corporation is no longer required to post such lists. Therefore, 7 CFR 432.3 is hereby removed and reserved.

The title and number of the Federal Assistance Program that this final rule applies to is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by OMB Circular A-95 was not used to assure that units of local Government are informed of this action.

It has been determined that this action to revise and reissue the list of counties where corn crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955 (August 25, 1978), and "Improving Government Regulations" (43 FR 50986). That review will be completed prior to the sunset review date.

Final Rule

§ 432.3 [Removed]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby removes and reserves 7 CFR 432.3 of the Corn Crop Insurance Regulations, and revises and reissues Appendix B to such regulations as Amendment No. 2, which supersedes Amendment No. 1 (44 FR 75375-75376), as follows:

Appendix B

Counties Designated for Corn Crop Insurance—CFR Part 432

In accordance with the provisions of 7 CFR 432.1, the following counties have been designated for corn crop insurance:

Alabama

Autauga
Baldwin
Barbour
Bullock
Butler
Calhoun
Cherokee
Coffee
Conecuh
Covington
Crenshaw
Cullman
Dale
De Kalb
Elmore
Escambia
Etowah
Franklin
Geneva
Greene
Henry
Houston
Jackson
Lamar
Lawrence
Lowndes
Madison
Macon
Marengo
Marion
Marshall
Mobile
Monroe
Montgomery
Perry
Pike
Russell
Sumter
Talladega
Wilcox

Arizona

Cochise
Graham

Arkansas

White

California

Butte
Colusa
Fresno
Glenn
Kern
Kings
Madera
Merced
Sacramento
San Joaquin
Solano
Stanislaus
Sutter
Tulare
Yolo
Yuba

Colorado

Adams
Baca
Bent
Boulder
Cheyenne
Crowley
Kit Carson
Larimer
Logan
Morgan
Otero
Phillips
Prowers
Pueblo
Sedgwick
Washington
Weld
Yuma

Delaware

Kent
New Castle
Sussex

Florida

Alachua
Calhoun
Columbia
Escambia
Gadsden
Gilchrist
Hamilton
Holmes
Jackson
Jefferson
Levy
Madison
Okaloosa
Santa Rosa
Suwannee
Washington

Georgia

Appling
Atkinson
Bacon
Baker
Bartow
Ben Hill
Berrien
Bleckley
Brooks
Bulloch
Burke
Calhoun
Candler
Coffee
Colquitt
Cook
Crawford
Crisp
Decatur
Dodge

Dooly
Dougherty
Early
Effingham
Emanuel
Evans
Grady
Hart
Houston
Irwin
Jeff Davis
Jefferson
Jenkins
Johnson
Laurens
Lee
Lowndes
Macon
Marion
Miller
Mitchell
Montgomery
Peach
Pierce
Pulaski
Randolph
Screven
Seminole
Stewart
Sumter
Tattnall
Taylor
Telfair
Terrell
Thomas
Tift
Toombs
Treutlen
Turner
Washington
Wayne
Webster
Wheeler
Wilcox
Worth

Idaho

Canyon
Cassia
Elmore
Jerome
Lincoln
Minidoka
Owyhee
Twin Falls

Illinois

Adams
Alexander
Bond
Boone
Brown
Bureau
Calhoun
Carroll
Cass
Campaign
Christian
Clark
Clay
Clinton
Coles
Crawford
Cumberland
De Kalb
De Witt
Douglas
Du Page
Edgar
Edwards
Effingham
Fayette
Ford
Franklin
Fulton
Gallatin
Greene
Grundy
Hamilton
Hancock
Hardin
Henderson
Henry
Iroquois
Jackson
Jasper
Jefferson
Jersey
Jo Daviess
Johnson
Kane
Kankakee
Kendall
Knox
Lake
La Salle
Lawrence
Lee
Livingston
Logan
McDonough
McHenry
McLean
Macon
Macoupin
Madison
Marion
Marshall
Mason
Massac
Menard
Mercer
Monroe
Montgomery
Morgan
Moultrie
Olge
Peoria
Perry
Piatt
Pike
Pope
Pulaski
Putnam
Randolph
Richland
Rock Island
St. Clair
Saline
Sangamon
Schuyler
Scott
Shelby
Stark
Stephenson
Tazewell
Union
Vermilion
Wabash
Warren
Washington
Wayne
White
Whiteside
Will
Williamson
Winnebago
Woodford

Indiana

Adams
Allen
Bartholomew
Benton
Blackford
Boone
Carroll
Cass
Clark
Clay
Clinton
Daviess
Dearborn
Decatur
De Kalb
Delaware
Dubois
Elkhart
Fayette
Fountain
Franklin
Fulton
Gibson
Grant
Greene
Hamilton
Hancock
Harrison
Hendricks
Henry
Howard
Huntington
Jackson
Jasper
Jay
Jefferson
Jennings
Johnson
Knox
Kosciusko
Lagrange
Lake
La Porte
Lawrence
Madison
Marion
Marshall
Martin
Miami
Montgomery
Morgan
Newton
Noble
Orange
Owen
Parke
Perry
Pike
Porter
Posey
Pulaski
Putnam
Randolph
Ripley
Rush
St. Joseph
Scott
Shelby
Spencer
Starke
Steuben
Sullivan
Switzerland
Tippecanoe
Tipton
Union
Vanderburgh
Vermillion
Vigo
Wabash
Warren
Warrick
Washington
Wayne
Wells
White
Whitley

Iowa

Adair
Adams
Allamakee
Appanoose
Audubon
Benton
Black Hawk
Boone
Bremer
Buchanan
Buena Vista
Butler
Calhoun
Carroll
Cass
Cedar
Cerro Gordo
Cherokee
Chickasaw
Clarke
Clay
Clayton
Clinton
Crawford
Dallas
Davis
Decatur
Delaware
Des Moines
Dickinson
Dubuque
Emmet
Fayette
Floyd
Franklin
Fremont
Greene
Grundy
Guthrie
Hamilton
Hancock
Hardin
Harrison
Henry
Howard
Humboldt
Ida
Iowa
Jackson
Jasper
Jefferson
Johnson
Jones
Keokuk
Kossuth
Lee
Linn
Louisa
Lucas
Lyon
Madison
Mahaska
Marion
Marshall
Mills
Mitchell
Monona
Monroe
Montgomery
Muscatine
O'Brien
Osceola
Page
Palo Alto
Plymouth
Pocahontas
Polk
Pottawattamie
Poweshiek
Ringgold
Sac
Scott
Shelby
Sioux
Story
Tama
Taylor
Union
Van Buren
Wapello
Warren
Washington
Wayne
Webster
Winnebago
Winneshiek
Woodbury
Worth
Wright

Kansas

Atchison
Bourbon
Brown
Butler
Cheyenne
Clay
Crawford
Decatur
Dickinson
Doniphan
Douglas
Edwards
Finney
Ford
Franklin
Gove
Grant
Gray
Greeley
Hamilton
Harvey
Haskell
Hodgeman
Jackson
Jefferson
Jewell
Johnson
Kearny
Kiowa
Lane
Leavenworth
Linn
Logan
Lyon
McPherson
Marion
Marshall
Meade
Miami
Morton
Nemaha
Ness
Osage
Pawnee
Pottawatomie
Pratt
Rawlins
Republic
Scott
Sedgwick
Seward
Shawnee
Sheridan
Sherman
Stafford
Stanton
Stevens
Sumner
Thomas
Trego
Wabaunsee
Wallace
Washington
Wichita

Kentucky

Allen
Ballard
Barren
Breckenridge
Butler
Caldwell
Calloway
Carlisle
Christian
Crittenden
Daviess
Graves
Grayson
Hancock
Hardin
Henderson
Hickman
Hopkins
Larue
Livingston
Logan
McCracken
McLean
Marshall
Meade
Muhlenberg
Nelson
Ohio
Shelby
Simpson
Taylor
Todd
Trigg
Trimble
Union
Warren
Webster

Louisiana

Beauregard
Iberville
Pointe Coupee
Richland

Maryland

Baltimore
Caroline
Carroll
Cecil
Charles
Dorchester
Frederick
Harford
Kent
Montgomery
Queen Annes
St. Marys
Somerset
Talbot
Washington
Wicomico
Worcester

Michigan

Allegan
Arenac
Barry
Bay
Berrien
Branch
Calhoun
Cass
Clinton
Eaton
Genesee
Gratiot
Hillsdale
Huron
Ingham
Ionia
Isabella
Jackson
Kalamazoo
Kent
Lapeer
Lenawee
Livingston
Macomb
Mecosta
Midland
Monroe
Montcalm
Newaygo
Ottawa
Saginaw
St. Clair
St. Joseph
Sanilac
Shiawassee
Tuscola
Van Buren
Washtenaw

Minnesota

Anoka
Becker
Beltrami
Benton
Big Stone
Blue Earth
Brown
Carver
Chippewa
Chisago
Clay
Clearwater
Cottonwood
Crow Wing
Dakota
Dodge
Douglas
Faribault
Fillmore
Freeborn
Goodhue
Grant
Hennepin
Houston
Hubbard
Isanti
Jackson
Kanabec
Kandiyohi
Lac qui Parle
Le Suer
Lincoln
Lyon
McLeod
Martin
Meeker
Mille Lacs
Morrison
Mower
Murray
Nicollet
Nobles
Norman
Olmsted
Otter Tail
Pine
Pipestone
Polk
Pope
Redwood
Renville
Rice
Rock
Scott
Sherburne
Sibley
Stearns
Steele
Stevens
Swift
Todd
Traverse
Wabasha
Wadena
Waseca
Washington
Watonwan
Wilkin
Winona
Wright
Yellow Medicine

Mississippi

Attala
Calhoun
Claiborne
Clay
George
Itawamba
Lafayette
Lowndes
Marshall
Montgomery
Noxubee
Pearl River
Rankin
Tate
Tippah
Webster
Yalobusha

Missouri

Adair
Andrew
Atchison
Audrain
Barton
Bates
Benton
Bollinger
Boone
Buchanan
Butler
Caldwell
Callaway
Cape Girardeau
Carroll
Cass
Chariton
Clark
Clay
Clinton
Cooper
Dade
Daviess
De Kalb
Dunklin
Franklin
Gentry
Grundy
Harrison
Henry
Holt
Howard
Jackson
Jasper
Johnson
Knox
Lafayette
Lawrence
Lewis
Lincoln
Linn
Livingston
Macon
Marion
Mercer
Mississippi
Moniteau
Monroe
Montgomery
New Madrid
Notaway
Osage
Pemiscot
Perry
Pettis
Pike
Platte
Putnam
Ralls
Randolph
Ray
St. Charles
St. Clair
Ste. Genevieve
Saline
Schuyler
Scotland
Scott
Shelby
Stoddard
Sullivan
Vernon
Warren
Worth

Montana

Big Horn
Carbon
Custer
Dawson
Lake
Prairie
Richland
Rosebud
Stillwater
Treasure
Yellowstone

Nebraska

Adams
Antelope
Banner
Boone
Box Butte
Boyd
Brown
Buffalo
Burt
Butler
Cass
Cedar
Chase
Cheyenne
Clay
Colfax
Cuming
Custer
Dakota
Dawson
Deuel
Dixon
Dodge
Douglas
Dundy
Fillmore
Franklin
Frontier
Furnas
Gage
Garden
Gosper
Greeley
Hall
Hamilton
Harlan
Hayes
Hitchcock
Holt
Howard
Jefferson
Johnson
Kearney
Keith
Knox
Lancaster
Lincoln
Madison
Merrick
Morrill
Nance
Nemaha
Nuckolls
Otoe
Pawnee
Perkins
Phelps
Pierce
Platte
Polk
Red Willow
Richardson
Rock
Saline
Sarpy
Saunders
Scotts Bluff
Seward
Sheridan
Sherman
Sioux
Stanton
Thayer
Thurston
Valley
Washington
Wayne
Webster
Wheeler
York

New Jersey

Burlington
Cumberland
Gloucester
Hunterdon
Mercer
Monmouth
Salem
Warren

New Mexico

Curry
Lea
Luna
Roosevelt
Union

New York

Cattaraugus
Cayuga
Chautauqua
Chenango
Columbia
Erie
Genesee
Jefferson
Livingston
Madison
Monroe
Montgomery
Niagara
Oneida
Onondaga
Ontario
Orleans
Otsego
St. Lawrence
Seneca
Steuben
Tompkins
Wayne
Wyoming
Yates

North Carolina

Alamance
Alleghany
Anson
Beaufort
Bertie
Bladen
Brunswick
Cabarrus
Camden
Chowan
Cleveland
Columbus
Craven
Cumberland
Currituck
Davidson
Duplin
Edgecombe
Franklin
Gates
Granville
Greene
Guilford
Halifax
Harnett
Hertford
Hoke
Hyde
Iredell
Johnston
Jones
Lenoir
Martin
Nash
Northampton
Onslow
Pamlico
Pasquotank
Pender
Perquimans
Pitt
Randolph
Robeson
Rowan
Sampson
Scotland
Stanly
Surry
Tyrrell
Union
Wake
Warren
Washington
Wayne
Wilson
Yadkin

North Dakota

Burleigh
Cass
Dickey
Dunn
Emmons
Grand Forks
La Moure
Morton
Ransom
Richland
Sargent
Traill

Ohio

Adams
Allen
Ashland
Ashtabula
Auglaize
Brown
Butler
Champaign
Clark
Clermont
Clinton
Columbiana
Coshocton
Crawford
Darke
Defiance
Delaware
Erie
Fairfield
Fayette
Franklin
Fulton
Greene
Hancock
Hardin
Henry
Highland
Holmes
Huron
Knox
Licking
Logan
Lorain
Lucas
Madison
Mahoning
Marion
Medina
Mercer
Miami
Montgomery
Morrow
Muskingum
Ottawa
Paulding
Pickaway
Portage
Preble

Putnam
Richland
Ross
Sandusky
Seneca
Shelby
Stark
Trumbull
Tuscarawas
Union
Van Wert
Warren
Wayne
Williams
Wood
Wyandot

Oklahoma

Cimarron
Grant
Harmon
Mayes
Texas

Pennsylvania

Adams
Armstrong
Bedford
Berks
Blair
Bradford
Bucks
Butler
Cambria
Centre
Chester
Columbia
Crawford
Cumberland
Dauphin
Erie
Franklin
Huntingdon
Indiana
Juniata
Lancaster
Lawrence
Lebanon
Lehigh
Lycoming
Mercer
Mifflin
Montgomery
Northampton
Northumberland
Perry
Schuylkill
Snyder
Somerset
Tioga
Union
Westmoreland
York

South Carolina

Allendale
Anderson
Bamberg
Barnwell
Berkeley
Calhoun
Chesterfield
Clarendon
Colleton
Dillon
Edgefield
Florence
Georgetown
Greenville
Hampton
Horry
Laurens
Newberry
Orangeburg
Richland
Saluda
Spartanburg
Sumter
Williamsburg
York

South Dakota

Aurora
Beadle
Bennett
Bon Homme
Brookings
Brown
Brule
Buffalo
Butte
Campbell
Charles Mix
Clark
Clay
Codington
Corson
Davison
Day
Deuel
Dewey
Douglas
Edmunds
Faulk
Grant
Gregory
Hamlin
Hand
Hanson
Harding
Hughes
Hutchinson
Hyde
Jerauld
Kingsbury
Lake
Lincoln
McCook
McPherson
Marshall
Mellette
Miner
Minnehaha
Moody
Perkins
Potter
Roberts
Sanborn
Spink
Stanley
Sully
Todd
Tripp
Turner
Union
Walworth
Yankton

Tennessee

Bedford
Benton
Carroll
Cheatham
Coffee
Crockett
Decatur
Dyer
Franklin
Gibson
Giles
Hardin
Henderson
Henry
Lawrence
Lincoln
McNairy
Maury
Montgomery
Obion
Robertson
Rutherford
Sumner
Warren
Weakley
Williamson

Texas

Armstrong
Atascosa
Austin
Bailey
Bee
Bell
Bexar
Brazoria
Caldwell
Calhoun
Cameron
Carson
Castro
Colorado
Dallam
Deaf Smith
De Witt
Donley
Duval
Falls
Fayette
Floyd
Fort Bend
Frio
Gray
Guadalupe
Hale
Hansford
Harris
Hartley
Hidalgo
Jackson
Jim Wells
Karnes
Lamb
Lavaca
Lee
Limestone
Live Oak
Lubbock
Medina
Milam
Moore
Parmer
San Patricio
Sherman
Swisher
Uvalde
Victoria
Waller
Wharton
Williamson
Wilson
Zavala

Utah

Box Elder
Utah

Virginia

Accomack
Amelia
Brunswick
Caroline
Chesapeake City
Culpeper
Dinwiddie
Essex
Fauquier
Greensville
Halifax
Hanover
Isle of Wight
King and Queen
King William
Loudon
Mecklenburg
Northampton
Northumberland
Pittsylvania
Prince George
Richmond
Southampton
Suffolk City
Surry
Sussex
Virginia Beach
Westmoreland

Washington

Benton
Franklin
Grant
Yakima

Wisconsin

Adams
Barron
Brown
Buffalo
Calumet
Chippewa
Clark
Columbia
Crawford
Dane
Dodge
Door
Dunn
Eau Claire
Fond du Lac
Grant
Green
Green Lake
Iowa
Jackson
Jefferson
Juneau
Kinosha
Kewaunee
La Crosse
Lafayette
Langlade
Manitowoc
Marathon
Marinette
Marquette
Monroe
Oconto
Outagamie
Ozaukee
Pepin
Pierce
Polk
Portage
Racine
Richland
Rock
Rusk
St. Croix
Sauk
Shawano
Sheboygan
Taylor
Trempealeau
Vernon
Walworth
Washington
Waukesha
Waupaca
Waushara
Winnebago
Wood

Wyoming

Goshen
Platte

(Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Done in Washington, D.C. on April 7, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Wayne A. Fletcher,

Acting Manager.

Dated: April 7, 1981.

[FR Doc. 81-12333 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 433

[Amdt. No. 2]

Dry Bean Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation is revising and reissuing Appendix B to the Dry Bean Crop Insurance Regulations (7 CFR Part 433) to include additional counties approved by the Board of Directors of the Corporation.

The purpose of this amendment is to add these additional counties to those listed in Appendix B of such regulations where this insurance is available, and to notify producers in the additional counties that they will be eligible to participate in the program effective with the 1981 crop year.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3325.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: The Acting Manager of the Federal Crop Insurance Corporation (FCIC) has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2)

this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) the revision and reissuance of Appendix B, as described herein, conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

FCIC has consulted with the Office of Management and Budget (OMB) pursuant to Executive Order No. 12291, and received their clearance for this publication.

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC published a notice of proposed rulemaking in the **Federal Register** on Wednesday, January 14, 1981 (46 FR 3232), prescribing the addition of new counties approved by the FCIC Board of Directors for dry bean crop insurance starting with the 1981 crop year, and to notify producers in these additional counties that they will be eligible to participate in the program.

Under the provisions of Executive Order No. 12044 (March 23, 1978), and the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed rule, but none were received.

Upon reviewing the Dry Bean Crop Insurance Regulations, FCIC has determined that 7 CFR 433.3, Public Notice of Indemnities Paid, should be deleted. The provisions of this subsection required FCIC to annually post in each county courthouse a listing of indemnities paid in each county and were contained in the Federal Crop Insurance Act, as amended. The 1980 amendments to the Act (Pub. L. 96-365, September 26, 1980) deleted this provision and the Corporation is no longer required to post such lists. Therefore, 7 CFR 433.3 is hereby removed and reserved.

The title and number of the Federal Assistance Program that this final rule applies to is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by OMB Circular A-95 was not used to assure that units of local Government are informed of this action.

It has been determined that this action to revise and reissue the list of counties where dry bean crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955 (August 25, 1978), and "Improving Government Regulations" (43 FR 50986). That review will be completed prior to the sunset review date.

Final Rule

§ 433.3 [Removed]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby removes and reserves 7 CFR 433.3 of the Dry Bean Crop Insurance Regulations, and revises and reissues Appendix B to such regulations as Amendment No. 2, which supersedes Amendment No. 1 (44 FR 75376), as follows:

Appendix B

Counties Designated for Dry Bean Crop Insurance—7 CFR Part 433

In accordance with the provisions of 7 CFR 433.1, the following counties have been designated for dry bean crop insurance:

Colorado	
Boulder	Pueblo
Kit Carson	Sedgwick
Larimer	Washington
Logan	Weld
Morgan	Yuma
Phillips	
Idaho	
Ada	Lincoln
Canyon	Minidoka
Cassia	Owyhee
Gooding	Twin Falls
Jerome	
Kansas	
Sherman	
Michigan	
Arenac	Lapeer
Bay	Midland
Clinton	Montcalm
Eaton	Saginaw
Genesee	St. Clair
Gratiot	Sanilac
Huron	Shiawassee
Ionia	Tuscola
Isabella	
Nebraska	
Banner	Kimball
Box Butte	Morrill
Chase	Perkins
Cheyenne	Scotts Bluff
Deuel	Sheridan
Garden	Sioux
Keith	
North Dakota	
Grand Forks	Traill
Washington	
Adams	Grant
Franklin	
Wyoming	
Big Horn	Park
Goshen	Platte

(Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Done in Washington, D.C., on April 7, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved By:

Wayne A. Fletcher,

Acting Manager.

Dated: April 7, 1981.

[FR Doc. 81-12234 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-08-M

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7 CFR Part 434

[Amdt. No. 1]

Tobacco (Dollar Plan) Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation is revising and reissuing Appendix B to the Tobacco (Dollar Plan) Crop Insurance Regulations (7 CFR Part 434) to include additional counties approved by the Board of Directors of the Corporation.

The purpose of this amendment is to add these additional counties to those listed in Appendix B of such regulations where this insurance is available, and to notify producers in the additional counties that they will be eligible to participate in the program effective with the 1981 crop year.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202-447-3325.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: The Acting Manager of the Federal Crop Insurance Corporation (FCIC) has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) the revision and reissuance of Appendix B, as described herein, conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

FCIC has consulted with the Office of Management and Budget (OMB) pursuant to Executive Order No. 12291,

and received their clearance for this publication.

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC published a notice of proposed rulemaking in the **Federal Register** on Wednesday, January 14, 1981 (46 FR 3233), prescribing the addition of new counties approved by the FCIC Board of Directors for tobacco crop insurance starting with the 1981 crop year, and to notify producers in these additional counties that they will be eligible to participate in the program.

Under the provisions of Executive Order No. 12044 (March 23, 1978), and the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed rule, but none were received.

Upon reviewing the Tobacco (Dollar Plan) Crop Insurance Regulations, FCIC has determined that 7 CFR 434.3, Public Notice of Indemnities Paid, should be deleted. The provisions of this subsection required FCIC to annually post in each county courthouse a listing of indemnities paid in each county and were contained in the Federal Crop Insurance Act, as amended. The 1980 amendments to the Act (Pub. L. 96-365, September 26, 1980) deleted this provision and the Corporation is no longer required to post such lists. Therefore, 7 CFR 434.3 is hereby removed and reserved.

The title and number of the Federal Assistance Program that this final rule applies to is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by OMB Circular A-95 was not used to assure that units of local Government are informed of this action.

It has been determined that this action to revise and reissue the list of counties where tobacco crop insurance will be offered does not consitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955 (August 25, 1978), and "Improving Government Regulations" (43 FR 50986). That review will be completed prior to the sunset review date.

Final Rule

§ 434.3 [Removed]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby removes and reserves 7 CFR 434.3 of the Tobacco (Dollar Plan) Crop Insurance Regulations, and revises and reissues Appendix B to such regulations as Amendment No. 1, as follows:

Appendix B

Counties Designated for Tobacco (Dollar Plan) Crop Insurance—7 CFR Part 434

In accordance with the provisions of 7 CFR 434.1, the following counties have been designated for tobacco (dollar plan) crop insurance:

State and county	Type(s)
Alabama: Butler	14
Florida:	
Alachua	14
Columbia	14
Gadsden	14
Gilchrist	14
Hamilton	14
Levy	14
Madison	14
Suwannee	14
Georgia:	
Appling	14
Atkinson	14
Bacon	14
Ben Hill	14
Berrien	14
Brantley	14
Brooks	14
Bulloch	14
Candler	14
Coffee	14
Colquitt	14
Cook	14
Decatur	14
Dodge	14
Effingham	14
Emanuel	14
Evans	14
Grady	14
Irwin	14
Jeff Davis	14
Lanier	14
Laurens	14
Lowndes	14
Mitchell	14
Montgomery	14
Pierce	14
Tattnall	14
Telfair	14
Thomas	14
Tift	14
Toombs	14
Treutlen	14
Turner	14
Ware	14
Wayne	14
Wheeler	14
Wilcox	14
Worth	14
Kentucky:	
Allen	35
Butler	35
Caldwell	22, 35
Calloway	23, 35
Carlisle	23, 35
Christian	22, 35
Daviess	36
Graves	23, 35
Hancock	36
Henderson	36
Hopkins	36
Logan	22, 35
McCracken	23, 35
McLean	36
Marshall	23, 35
Muhlenburg	22, 35
Ohio	36
Simpson	22, 35
Todd	22, 35
Trigg	22, 35
Warren	35
Webster	35
North Carolina:	
Alamance	11a
Alexander	11a
Beaufort	12
Bertie	12
Bladen	13
Brunswick	13
Carteret	12
Caswell	11a
Chatham	11b
Chowan	12
Columbus	13
Craven	12
Cumberland	13
Davidson	11a
Davie	11a
Duplin	12
Durham	11b
Edgecombe	12
Forsythe	11a
Franklin	11b
Gates	12
Granville	11b
Greene	12
Guilford	11a
Halifax	12
Harnett	11b
Hertford	12
Hoke	13
Iredell	11a
Johnston	12
Jones	12
Lee	11b
Lenoir	12
Martin	12
Montgomery	11b
Moore	11b
Nash	12
Northampton	12
Onslow	12
Orange	11b
Pamlico	12
Pender	12
Person	11a
Pitt	12
Randolph	11a
Richmond	11b
Robeson	13
Rockingham	11a
Sampson	12
Scotland	13
Stokes	11a
Surry	11a
Vance	11b
Wake	11b
Warren	11b
Washington	12
Wayne	12
Wilkes	11a
Wilson	12
Yadkin	11a
South Carolina:	
Berkeley	13
Chesterfield	13
Clarendon	13
Colleton	13
Darlington	13
Dillion	13
Dorchester	13
Florence	13
Georgetown	13
Horry	13
Kershaw	13
Lee	13
Marion	13
Marlboro	13
Orangeburg	13
Sumter	13
Williamsburg	13
Tennessee:	
Cheatham	22, 35
Dickson	22
Henry	23, 35
Macon	35
Montgomery	22
Robertson	22, 35
Stewart	22
Sumner	22, 35
Weakley	23, 35
Virginia:	
Amelia	11a, 21
Appomattox	11a, 21
Brunswick	11a, 21
Campbell	11a, 21
Caroline	37
Charlotte	11a, 21

State and county	Type(s)
Cumberland	11a, 21
Dinwiddie	11a, 21
Franklin	11a
Greensville	11a
Halifax	11a
Henry	11a
Lunenburg	11a, 21
Mecklenburg	11a
Nottoway	11a, 21
Patrick	11a
Pittsylvania	11a
Prince Edward	11a, 21
Prince George	11a
Southampton	11a
Suffolk City	11a
Sussex	11a
Wisconsin:	
Columbia	54
Crawford	55
Dane	54
Jefferson	54
La Crosse	55
Monroe	55
Richland	55
Rock	54
Trempealeau	55
Vernon	55

(Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Done in Washington, D.C., on April 7, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Wayne A. Fletcher,

Acting Manager.

Dated: April 7, 1981.

[FR Doc. 81-12335 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 435

[Amdt. No.1]

Tobacco (Quota Plan) Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation is revising and reissuing Appendix B to the Tobacco (Quota Plan) Crop Insurance Regulations (7 CFR Part 435) to include additional counties approved by the Board of Directors of the Corporation.

The purpose of this amendment is to add these additional counties to those listed in Appendix B of such regulations where this insurance is available, and to notify producers in the additional counties that they will be eligible to participate in the program effective with the 1981 crop year.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-3325.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: The Acting Manager of the Federal Crop Insurance Corporation (FCIC) has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) the revision and reissuance of Appendix B, as described herein, conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

FCIC has consulted with the Office of Management and Budget (OMB) pursuant to Executive Order No. 12291, and received their clearance for this publication.

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC published a notice of proposed rulemaking in the **Federal Register** on Wednesday, January 14, 1981 (46 FR 3234), prescribing the addition of new counties approved by the FCIC Board of Directors for tobacco crop insurance starting with the 1981 crop year, and to notify producers in these additional counties that they will be eligible to participate in the program.

Under the provisions of Executive Order No. 12044 (March 23, 1978), and the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed rule, but none were received.

Upon reviewing the Tobacco (Quota Plan) Crop Insurance Regulations, FCIC has determined that 7 CFR 435.3, Public Notice of Indemnities Paid, should be deleted. The provisions of this subsection required FCIC to annually post in each county courthouse a listing of indemnities paid in each county and were contained in the Federal Crop Insurance Act, as amended. The 1980 amendments to the Act (Pub. L. 96-365, September 26, 1980) deleted this provision and the Corporation is no longer required to post such lists. Therefore, 7 CFR 435.3 is hereby removed and reserved.

The title and number of the Federal Assistance Program that this final rule applies to is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by OMB Circular A-95 was not used to assure that units of local Government are informed of this action.

It has been determined that this action to revise and reissue the list of counties where tobacco crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955 (August 25, 1978), and "Improving Government Regulations" (43 FR 50986). That review will be completed prior to the sunset review date.

Final Rule

§ 435.3 [Removed]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby removes and reserves 7 CFR 435.3 of the Tobacco (Quota Plan) Crop Insurance Regulations, and revises and reissues Appendix B to such regulations as Amendment No. 1, as follows:

Appendix B

Counties Designated for Tobacco (Quota Plan) Crop Insurance—7 CFR Part 435

In accordance with the provisions of 7 CFR 435.1, the following counties have been designated for tobacco (quota plan) crop insurance:

State and county	Type(s)
Indiana:	
Clark	31
Dearborn	31
Franklin	31
Harrison	31
Jefferson	31
Jennings	31
Ripley	31
Scott	31
Spencer	31
Switzerland	31
Washington	31
Kentucky:	
Adair	31
Allen	31
Anderson	31
Ballard	31
Barren	31
Bath	31
Boone	31
Bourbon	31
Boyle	31
Bracken	31
Breckinridge	31
Butler	31
Caldwell	31
Carlisle	31
Carroll	31
Casey	31
Christian	31
Clark	31
Daviess	31
Fayette	31
Fleming	31
Franklin	31
Garrard	31
Grant	31
Graves	31
Grayson	31
Green	31

State and county	Type(s)
Hancock	31
Hardin	31
Harrison	31
Hart	31
Henderson	31
Henry	31
Hopkins	31
Jessamine	31
Larue	31
Lewis	31
Lincoln	31
Logan	31
McCracken	31
McLean	31
Madison	31
Marion	31
Marshall	31
Mason	31
Meade	31
Mercer	31
Metcalfe	31
Montgomery	31
Muhlenburg	31
Nelson	31
Nicholas	31
Ohio	31
Owen	31
Pendleton	31
Pulaski	31
Robertson	31
Russell	31
Scott	31
Shelby	31
Simpson	31
Spencer	31
Taylor	31
Todd	31
Trigg	31
Trimble	31
Warren	31
Washington	31
Wayne	31
Webster	31
Woodford	31
Missouri:	
Buchanan	31
Platte	31
North Carolina:	
Alleghany	31
Ashe	31
Avery	31
Buncombe	31
Haywood	31
Madison	31
Mitchell	31
Watauga	31
Yancey	31
Ohio:	
Adams	31
Brown	31
Clermont	31
Highland	31
Tennessee:	
Anderson	31
Bedford	31
Blount	31
Carter	31
Cheatham	31
Claiborne	31
Cocke	31
De Kalb	31
Dickson	31
Franklin	31
Giles	31
Grainger	31
Greene	31
Hamblen	31
Hancock	31
Hawkins	31
Jackson	31
Jefferson	31
Johnson	31
Knox	31
Lawrence	31
Lincoln	31
Loudon	31
McMinn	31
Macon	31
Marshall	31
Maury	31
Monroe	31
Montgomery	31
Putnam	31
Robertson	31
Rutherford	31
Sevier	31
Smith	31
Stewart	31
Sullivan	31
Sumner	31
Trousdale	31
Unicoi	31
Warren	31
Washington	31
White	31
Williamson	31
Wilson	31
Virginia:	
Lee	31
Russell	31
Scott	31
Smyth	31
Washington	31

(Secs. 506, 516, Pub. L. 75-430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Done in Washington, D.C., on April 7, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Wayne A. Fletcher,

Acting Manager.

Dated: April 7, 1981.

[FR Doc. 81-12336 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 436

[Amdt. No. 1]

Tobacco (Guaranteed Production) Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation is revising and reissuing Appendix B to the Tobacco (Guaranteed Production) Crop Insurance Regulations (7 CFR Part 436) to include additional counties approved by the Board of Directors of the Corporation.

The purpose of this amendment is to add these additional counties to those listed in Appendix B of such regulations where this insurance is available, and to notify producers in the additional counties that they will be eligible to participate in the program effective with the 1981 crop year.

EFFECTIVE DATE: March 30, 1981

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-3325.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: The Acting Manager of the Federal Crop Insurance Corporation (FCIC) has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) the revision and reissuance of Appendix B, as described herein, conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

FCIC has consulted with the Office of Management and Budget (OMB) pursuant to Executive Order No. 12291, and received their clearance for this publication.

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC published a notice of proposed rulemaking in the **Federal Register** on Wednesday, January 14, 1981 (46 FR 3235), prescribing the addition of new counties approved by the FCIC Board of Directors for tobacco crop insurance starting with the 1981 crop year, and to notify producers in these additional counties that they will be eligible to participate in the program.

Under the provisions of Executive Order No. 12044 (March 23, 1978), and the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed rule, but none were received.

Upon reviewing the Tobacco (Guaranteed Production) Crop Insurance Regulations, FCIC has determined that 7 CFR 436.3, Public Notice of Indemnities Paid, should be deleted. The provisions of this subsection required FCIC to annually post in each county courthouse a listing of indemnities paid in each county and were contained in the Federal Crop Insurance Act, as amended. The 1980 amendments to the Act (Pub. L. 96-365, September 26, 1980) deleted this provision and the Corporation is no longer required to post such lists. Therefore, 7 CFR 436.3 is hereby removed and reserved.

The title and number of the Federal Assistance Program that this final rule applies to is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by OMB Circular A-95 was not used to assure that units of local Government are informed of this action.

It has been determined that this action to revise and reissue the list of counties where tobacco crop insurance will be

offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955 (August 25, 1978), and "Improving Government Regulations" (43 FR 50986). That review will be competed prior to the sunset review date.

Final Rule

§ 436.3 [Removed]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby removes and reserves 7 CFR 436.3 of the Tobacco (Guaranteed Production) Crop Insurance Regulations, and revises and reissues Appendix B to such regulations as Amendment No. 1, as follows:

Appendix B

Counties Designated for Tobacco (Guaranteed Production) Crop Insurance—7 CFR Part 436

In accordance with the provisions of 7 CFR 436.1, the following counties have been designated for tobacco (guaranteed production) crop insurance:

State and county	Type(s)
Maryland:	
Charles	32
St. Marys	32
Pennsylvania: Lancaster	41

(Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Done in Washington, D.C., on April 7, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Wayne A. Fletcher,

Acting Manager.

Dated: April 7, 1981.

[FR Doc. 81-12337 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-08-M

7 CFR Part 437

[Amdt. No. 1]

Canning and Freezing Sweet Corn Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation is revising and reissuing Appendix B to the Canning and Freezing Sweet Corn Crop Insurance Regulations (7 CFR Part 437) to include additional counties approved by the Board of Directors of the Corporation.

The purpose of this amendment is to add these additional counties to those listed in Appendix B of such regulations where this insurance is available, and to notify producers in the additional counties that they will be eligible to participate in the program effective with the 1981 crop year.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3325.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: The Acting Manager of the Federal Crop Insurance Corporation (FCIC) has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) the revision and reissuance of Appendix B, as described herein, conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

FCIC has consulted with the Office of Management and Budget (OMB) pursuant to Executive Order No. 12291, and received their clearance for this publication.

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC published a notice of proposed rulemaking in the **Federal Register** on Wednesday, January 14, 1981 (46 FR 3236), prescribing the addition of new counties approved by the FCIC Board of Directors for canning and freezing sweet corn crop insurance starting with the 1981 crop year, and to notify producers in these additional counties that they will be eligible to participate in the program.

Under the provisions of Executive Order No. 12044 (March 23, 1978), and the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed rule, but none were received.

Upon reviewing the Canning and Freezing Sweet Corn Crop Insurance Regulations, FCIC has determined that 7 CFR 437.3, Public Notice of Indemnities Paid, should be deleted. The provisions of this subsection required FCIC to annually post in each county courthouse a listing of indemnities paid in each county and were contained in the Federal Crop Insurance Act, as amended. The 1980 amendments to the Act (Pub. L. 96–365, September 26, 1980) deleted this provision and the Corporation is no longer required to post such lists. Therefore, 7 CFR 437.3 is hereby removed and reserved.

The title and number of the Federal Assistance Program that this final rule applies to is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by OMB Circular A–95 was not used to assure that units of local Government are informed of this action.

It has been determined that this action to revise and reissue the list of counties where canning and freezing sweet corn crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955 (August 25, 1978), and "Improving Government Regulations" (43 FR 50986). That review will be completed prior to the sunset review date.

Final rule

§ 437.3 [Removed]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby removes and reserves 7 CFR 437.3 of the Canning and Freezing Sweet Corn Crop Insurance Regulations, and revises and reissues Appendix B to such regulations as Amendment No. 1, as follows:

Appendix B

Counties Designated for Canning and Freezing Sweet Corn Insurance—7 CFR Part 437

In accordance with the provisions of 7 CFR 437.1, the following counties are designated for canning and freezing sweet corn crop insurance:

Minnesota

Faribault	McLeod
Goodhue	Renville
Martin	

Wisconsin

Adams	Ozaukee
Brown	Portage
Columbia	Rock
Dane	St. Croix
Dodge	Sauk
Fond du Lac	Sheboygan
Green Lake	Walworth
Jefferson	Washington
Marinette	Waushara
Outagamie	Winnebago

(Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Done in Washington, D.C., on April 7, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Wayne A. Fletcher,

Acting Manager.

Dated: April 7, 1981.

[FR Doc. 81-12338 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-06-M

7 CFR Part 438

[Amdt. No. 1]

Canning and Processing Tomato Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule.

SUMMARY: The Federal Crop Insurance Corporation is revising and reissuing Appendix B to the Canning and Processing Tomato Crop Insurance Regulations (7 CFR Part 438) to include additional counties approved by the Board of Directors of the Corporation.

The purpose of this amendment is to add these additional counties to those listed in Appendix B of such regulations where this insurance is available, and to notify producers in the additional counties that they will be eligible to participate in the program effective with the 1981 crop year.

EFFECTIVE DATE: March 30, 1981.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202–447–3325.

The Final Impact Statement describing the options considered in developing this final rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: The Acting Manager of the Federal Crop Insurance Corporation (FCIC) has determined that (1) this action is not a major rule as defined by Executive Order No. 12291 (February 17, 1981), (2) this action does not increase the Federal paperwork burden for individuals, small businesses, and other persons, and (3) the revision and reissuance of Appendix B, as described herein, conforms to the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), and other applicable law.

FCIC has consulted with the Office of Management and Budget (OMB) pursuant to Executive Order No. 12291, and received their clearance for this publication.

Under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), FCIC published a notice of proposed rulemaking in the Federal Register on Thursday, January 15, 1981 (46 FR 3540), prescribing the addition of new counties approved by the FCIC Board of Directors for tomato crop insurance starting with the 1981 crop year, and to notify producers in these additional counties that they will be eligible to participate in the program.

Under the provisions of Executive Order No. 12044 (March 23, 1978), and the Administrative Procedure Act (5 U.S.C. 533 (b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed rule, but none were received.

Upon reviewing the Canning and Processing Tomato Crop Insurance Regulations, FCIC has determined that 7 CFR 438.3, Public Notice of Indemnities Paid, should be deleted. The provisions of this subsection required FCIC to annually post in each county courthouse a listing of indemnities paid in each county and were contained in the Federal Crop Insurance Act, as amended. The 1980 amendments to the Act (Pub. L. 96–365, September 26, 1980) deleted this provision and the Corporation is no longer required to post such lists. Therefore, 7 CFR 438.3 is hereby removed and reserved.

The title and number of the Federal Assistance Program that this final rule applies to is: Title—Crop Insurance; Number 10.450. This action will not have a significant impact specifically on area and community development; therefore, review as established by OMB Circular A–95 was not used to assure that units of local Government are informed of this action.

It has been determined that this action to revise and reissue the list of counties where tomato crop insurance will be offered does not constitute a review as to need, currency, clarity, and effectiveness of these regulations under the provisions of Secretary's Memorandum No. 1955 (August 25, 1978), and "Improving Government Regulations" (43 FR 50986). That review will be completed prior to the sunset review date.

Final Rule

§ 438.3 [Removed]

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby removes and reserves 7 CFR 438.3 of the Canning and Processing Tomato Crop Insurance Regulations, and revises and reissues Appendix B to such regulations as Amendment No. 1, as follows:

Appendix B

Counties Designated for Canning and Processing Tomato Crop Insurance—7 CFR Part 438

In accordance with the provisions of 7 CFR 438.1, the following counties are designated for canning and processing tomato crop insurance:

California

Colusa	San Benito
Fresno	San Joaquin
Merced	Solano
Monterey	Sutter
Sacramento	Yolo

Ohio

Darke	Ottawa
Fulton	Putnam
Henry	Sandusky
Lucas	Wood

(Secs. 506, 516, Pub. L. 75–430, 52 Stat. 72, as amended (7 U.S.C. 1506, 1516))

Done in Washington, D.C., on April 7, 1981.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by:

Wayne A. Fletcher,

Acting Manager.

Dated: April 7, 1981.

[FR Doc. 81-12339 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-06-M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 302; Lemon Reg. 301, Amdt. 1]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of California-Arizona lemons that may be shipped to the fresh market during the period April 26–May 2, 1981, and increases the quantity of lemons that may be shipped during the period April 19–25, 1981. Such action is needed to provide for orderly marketing of fresh lemons for the periods specified due to the marketing situation confronting the lemon industry.

DATES: The regulation becomes effective April 26, 1981 and the amendment is effective for the period April 19–25, 1981.

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

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

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

The committee met again publicly on April 21, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified weeks. The committee reports the demands for lemons is active.

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

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

1. Section 910.602 is added as follows:

§ 910.602 Lemon Regulation 302.

The quantity of lemons grown in California and Arizona which may be handled during the period April 26, 1981, through May 2, 1981, is established at 290,000 cartons.

2. Section 910.601 Lemon Regulation 301 (45 FR 22355) is revised to read as follows:

§ 910.601 Lemon Regulation 301.

The quantity of lemons grown in California and Arizona which may be handled during the period April 19, 1981, through April 25, 1981, is established at 275,000 cartons.

(Secs. 1–9, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: April 22, 1981.

Russell L. Hawes,

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

[FR Doc. 81-12565 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-02-M

Food Safety and Quality Service

7 CFR Part 2852

Increase in Fees and Charges

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Final rule.

SUMMARY: The schedule of fees and charges for inspection of processed fruits, vegetables and other products is changed to reflect increased costs associated with the programs.

EFFECTIVE DATE: May 26, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Joe A. Fly, Processed Products Branch, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–4693.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

The Agency has determined that this rule is not a major rule as defined by Executive Order 12291. If the increased fees for inspection of processed fruits and vegetables and other products were passed on to the consumers, the increase would represent less than 0.002 percent of the total wholesale value of these processed products, and this is not considered to be a major increase in cost or price for consumers or individual industries. Likewise, this rule should have no impact on competition, employment, innovation, or foreign trade. The use of grades and grading service increases the efficiency in the marketing system and facilitates orderly marketing of agricultural products.

Regulatory Flexibility Act

This rule has also been reviewed under the Regulatory Flexibility Act, Pub. L. 96–354 (5 U.S.C. 601). Since inspection of processed fruits, vegetables, and other products is a voluntary service, and fees for voluntary inspection are known to all entities prior to requesting the service, the Agency has determined that this rule is exempt from this Act.

Background

The schedule for fees and charges for services rendered to the processed fruit and vegetable industry is hereby amended effective May 26, 1981, to reflect increased costs associated with the program. The current schedule of fees and charges has been in effect since October 8, 1978. Operating costs have increased significantly since that time including, but not limited to, increased salaries, benefits, and travel allowances. Such services are authorized under the Agricultural Marketing Act of 1946 which requires that fees be reasonable and, as nearly as possible, cover the costs of rendering the services.

It has been determined that in order to cover the increased costs of the services to comply with the requirements of the Federal Pay Comparability Act of 1970, the fee charged in connection with the performance of the services must be increased effective May 26, 1981. The need for the increase and the amount thereof are dependent upon factors within the knowledge of the Food Safety and Quality Service.

Accordingly, the processed fruit and vegetable regulations (7 CFR 2852.42, 2852.52) are amended as set forth below:

1. Section 2852.42 is revised to read as follows:

§ 2852.42 Schedule of fees.

Unless otherwise provided in a written agreement between the applicant and the Administrator, the fee for any inspection service performed under the regulations in part, including analyses specified in § 2852.47, shall be at the rate of $22.00 per hour plus an additional $5.00 per hour for all scheduled overtime hours.

2. Section 2852.52(c) (1), (2), (6) and (d)(1) are revised to read as follows:

§ 2852.52 Charges for inspection service on a contract basis.

* * * * *

(c) Charges for year-round in-plant inspection services on a contract basis will be billed to the applicant at least

once every 28 days for all hours worked with a minimum of 40 hours per week. Charges will be made for each inspector assigned to perform the inspection services in accordance with the following schedule:

(1) For personnel assigned on a year-round basis: Each inspector—$17.00 per hour.

(2) For personnel assigned on less than a year-round basis: Each inspector—$19.00 per hour. Each subordinate inspector on the same shift with an inspector—$14.00 per hour.

* * * * *

(6) *Overtime.* All overtime hours will be charged at the regular rate specified in paragraphs (c) (1) and (2) of this section.

(d) Charges for less than year-round in-plant inspection services on a contract basis will be billed to the applicant at least once each 28 days for all hours with a minimum of 40 hours per week. Charges will be made for each inspector assigned to perform the inspection services in accordance with the following schedule:

(1) Each inspector—$24.00 per hour.

* * * * *

(Agricultural Marketing Act of 1946, Sec. 203, 205, 60 Stat 1087, as amended, 1090, as amended (7 U.S.C. 1622, 1624))

Done at Washington, D.C., on April 7, 1981.

Donald L. Houston,

Administrator, Food Safety and Quality Service.

[FR Doc. 81-12111 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-DM-M

Animal and Plant Health Inspection Service

9 CFR Part 113

Viruses, Serums, Toxins, and Analogous Products; Revision of Tetanus Toxoid Potency Test

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment revises the potency test contained in the standard requirement for Tetanus Toxoid by providing for a retest in certain situations. An efficacious serial of Tetanus Toxoid may occasionally be found unsatisfactory using the present standard single potency test because of variable guinea pig response to the product. This amendment provides for a repeat test to compensate for this variable guinea pig response and provides greater assurance that satisfactory products are not rejected from the market.

EFFECTIVE DATE: This amendment becomes effective April 24, 1981.

FOR FURTHER INFORMATION CONTACT: Dr. R. J. Price, Senior Staff Veterinarian, Veterinary Biologics Staff, USDA, APHIS, VS, Room 827, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301–436–8245.

SUPPLEMENTARY INFORMATION: This final action has been reviewed in conformance with Executive Order 12291 and has been classified as a "Nonmajor Rule." 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 because this rule provides greater flexibility in conducting the potency test which will have a beneficial economic effect on all producing entities by providing greater assurance that efficacious serials of product will not be withheld from the market.

The present standard requirement for Tetanus Toxoid provides for each serial of product to be potency tested in guinea pigs using one test only. In this test, at least 10 guinea pigs are injected with 0.4 of the horse dose recommended on the label. For product to be considered satisfactory, a response of at least two Antitoxin Units per ml must be demonstrated in a pooled sample of serum collected from these guinea pigs 6 weeks after injection. Experience from the use of this test has revealed that individual guinea pigs vary greatly in their response to injection with Tetanus Toxoid. Occasionally, one or two guinea pigs injected in a test group will produce very low levels of antitoxin compared to the others in the group, or they may not respond at all.

The pooled serum from such a group of guinea pigs may not contain the required two units of antitoxin per ml because of the dilution effect from the sera of the poor responders. When evaluated by the present standard requirement, the product being tested would be unsatisfactory and additional testing would not be permitted.

This revised standard provides for a retest of those serials that produce a specified level of antitoxin below that stated in the present standard. This revised test will provide a more accurate assessment of the true potency of a questionable serial by using more test animals and provide greater assurance that satisfactory serials of product are not rejected because of wide variation in response of the first group of test animals.

On November 4, 1980, a notice of proposed rulemaking was published in the **Federal Register** at 45 FR 73079 discussing this revision.

Comments were solicited and three responses were received. One response was favorable and supported the proposal as written. Two responses suggested that a minimum of 10 guinea pig serums should be required in the initial test and a minimum of 20 guinea pig serums in the retest. This is two more than the minimum for each test specified in the present standard and in the proposed rule. This suggestion was rejected because the increase of 2 guinea pigs per test would be statistically insignificant. Double the number of guinea pigs would be required before there would be a statistically significant difference in overcoming individual guinea pig variability. These two responses also suggested that equal numbers of male and female guinea pigs should be specified in the test. Data developed by veterinary biologics licensees and analyzed statistically by APHIS established that male and female guinea pigs exhibit a sex related difference in the level of antitoxin response. Therefore, this suggestion has been incorporated in the final rule in paragraph (c) and paragraph (c)(5). These same two responses also recommended reducing the minimal antitoxin reponse in the initial test which would qualify for retest from 1.5 A.U. specified in the proposed rule to 1.0 A.U. It is considered that reducing the minimal antitoxin response to 1.0 A.U. would have a significant positive effect in overcoming individual test animal variability. Therefore, this recommendation has also been accepted and incorporated in this final rule in paragraphs (c)(2), (c)(4), and (c)(5).

After due consideration of all relevant matters, including the proposal set forth in the above notice, and under authority in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), the amendment of Part 113, Subchapter E, Chapter I, Title 9 of the Code of Federal Regulations, as modified from the above notice, is hereby adopted as follows:

Section 113.99 is amended by revising paragraph (c) to read:

§ 113.99 Tetanus toxoid

* * * * *

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency. A group of at least 10 adult guinea pigs, consisting of an equal number of males and females weighing 500 grams±10 percent, shall each be

injected subcutaneously with 0.4 of the dose recommended on the label for a horse.

(1) Six weeks after injection, all surviving guinea pigs shall be bled and equal portions of serum, but not less than 0.5 ml from each, shall be pooled. Serum from not less than eight animals shall be used.

(2) The pooled serum shall contain at least 2.0 Antitoxin Units (A.U.) per ml as determined by titrating it in the manner prescribed for Tetanus Antitoxin in 9 CFR 113.251. A 1:10 and a 1:20 dilution of the serum shall be made. The dilutions shall be held at 20° to 25° C for 30 minutes prior to combining with a test dose of toxin. The test dose of Standard Toxin shall be mixed in proper proportion with the diluted pooled serum, incubated at 20° to 25° C for 1 hour and injected subcutaneously into two adult guinea pigs.

(3) The test dose of the Standard Toxin shall be verified against 0.1 of a unit of Standard Antitoxin in two adult guinea pigs which serve as the control animals.

(4) Controls shall be observed until all are dead, or for 5 days, the time of death being recorded in hours. For a valid test, the controls must die with clinical signs of tetanus within 24 hours of each other and within an overall time of 60 to 120 hours. The clinical signs to be observed are increased muscle tonus, curvature of the spine, asymmetry of the body outline when the resting animal is viewed from above, generalized spastic paralysis, particularly of the extensor muscles, inability to rise from a smooth flat surface when the animal is placed on its side, or any combination of these signs. If the control guinea pigs do not respond in this manner, the test is invalid and shall be repeated. In a valid test, if the titer is at least 2.0 A.U. per ml, the serial is satisfactory. If the titer is at least 1.0, but less than 2.0 A.U. per ml, the retest provided for by paragraph (c)(5) of this section may be conducted. If the titer is less than 1.0 A.U. per ml, the serial is unsatisfactory and may not be retested.

(5) Serials with titers of at least 1.0 A.U. per ml, but less than 2.0 A.U. per ml in the initial test may be retested, but if the retest is not conducted the serial is unsatisfactory. The retest shall be conducted in the same manner as the initial test except that at least 20 adult guinea pigs, equal number of males and females, shall be used as vaccinates and serum from not less than 18 animals shall be pooled for the toxin-antitoxin titration. In the retest, the pooled serum from vaccinated guinea pigs is diluted 1:25. If the retest titer is less than 2.5 A.U. per ml, the serial is unsatisfactory.

* * * * *

(21 U.S.C. 151 and 154; 37 FR 28477, 28646; 38 FR 19141)

Done at Washington, D.C., this 20th day of April 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-12361 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Quality Service

9 CFR Part 313

[Docket No. 80-044N]

Water Availability for Livestock at Slaughter Establishments

Cross Reference: For a notice of decision not to propose rulemaking regarding water available for livestock at slaughter establishments, see FR Doc. 81-12472 in the proposed rule section of this issue. The notice confirms and clarifies the current requirement in 9 CFR 313.2(e). Refer to the table of contents at the front of this issue to determine the appropriate page number.

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

15 CFR Part 806

Direct Investment Surveys

AGENCY: Bureau of Economic Analysis.

ACTION: Final rules.

SUMMARY: These rules accomplish the following:

(1) Increase the exemption level for the quarterly reports on U.S. direct investment abroad (Forms BE-577, 578, and 578B) from $1,000,000 to $5,000,000.

(2) Remove the requirement for filing Form BE-577S, U.S. Reporters Directly Owned Foreign Affiliate's Share in Net Income of Indirectly Owned Foreign Affiliate, from the regulations.

(3) Remove the requirement for filing Form BE-133, Sources and Applications of Funds of U.S. Direct Investment Abroad, from the regulations.

(4) Notify the public that the proposal to initiate an annual survey of U.S. direct investment abroad, the BE-11, has been dropped from consideration at this time, it will be reconsidered after 1982.

(5) Change the reporting requirements for the surveys of foreign direct investment in the United States, of which the most significant are:

(a) Eliminate Form BE-606; instead, unincorporated U.S. affiliates (except banks) will report on Form BE-605;

(b) For the BE-13 and BE-14 reports, increase the exemption level to $1,000,000;

(c) For Form BE-13A, substitute a requirement that a claim for exemption be filed rather than filing a partial Form BE-13A;

(d) Data reported on future BE-15 reports may be for a U.S. affiliate's fiscal year rather than for a calendar year; and

(e) A foreign person's real estate investments must be aggregated for purposes of the exemption level tests.

(6) Make three minor changes to update, clarify, and correct the regulations.

EFFECTIVE DATE: These changes will be effective commencing on January 1, 1981 for reports covering reporting periods, or transactions occurring, in 1981.

Note.—The Department has determined that this rule is not "major" under Executive Order 12291; nor does it have a significant economic impact on a substantial number of small business entities and is in accordance with 5 U.S.C. 601 *et seq.* (The Regulatory Flexibility Act). The public use burden will be undertaken within the Department of Commerce allocated fiscal year 1981 Information Collection Budget ceiling.

FOR FURTHER INFORMATION CONTACT: George R. Kruer, Chief, International Investment Division, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230 (202) 523-0657.

SUPPLEMENTARY INFORMATION: In the January 22, 1981 **Federal Register**, Volume 46, No. 14, BEA published two notices concerning proposed rules; the first—"BE-12, Benchmark Survey of Foreign Direct Investment in the United States, 1980; Solicitation of Written Public Comments on Proposed Survey Form and Associated Rule Changes"—appeared on pages 7214-7243; the second—"Direct Investment Surveys; Solicitation of Written Public Comments on Proposed Survey Rule Changes"—appeared on page 7244. Because of the recent restrictions on issuing final regulations, those two notices are being reconstituted into two new final rule notices, one that covers rule changes that will result in a reduction in reporting burden on the public and another that provides for the BE-12 benchmark survey, which will increase the reporting burden on the public. This final rule notice is the former; the latter notice will be published at a later date.

In this notice only two changes of consequence are being made from those contained in the proposed rule. The two

changes correct for inconsistencies between the exemption criteria for Form BE–13A as contained in the proposed rule and the criteria on the revised Form BE–13A as it was sent to the Office of Management and Budget for clearance; they also correct for inconsistencies within the exemption criteria themselves. The first change provides that the 200 acre exemption criterion will apply where an existing U.S. affiliate acquires another U.S. business enterprise, or business segment or operating unit of a U.S. business enterprise, that it then merges into its own operations, just as it would apply to an established or acquired U.S. business enterprise that is not merged. The second change provides that, where an existing U.S. affiliate acquires another U.S. business enterprise, or business segment or operating unit of a U.S. business enterprise, that it then merges into its own operations, and where the acquisition is below the exemption level, then the existing U.S. affiliate must file an "Exemption Claim, Form BE–13A," to validate the exemption as would be the case for an established or acquired U.S. business enterprise that is not merged.

Part 806 is therefore modified as set forth below.

George Jaszi,

Director.

1. Section 806.7(a) is revised to eliminate the Canal Zone from the definition of the United States as follows:

§ 806.7 General definitions.

(a) "United States," when used in a geographic sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and all territories and possessions of the United States.

* * * * *

2. Section 806.8 is revised to read as follows:

§ 806.8 Real estate.

Residential real estate held exclusively for personal use and not for profitmaking purposes is not subject to the reporting requirements of this Part. A residence which was an owner's primary residence that is then leased by the owner while outside his/her country of usual residence but which the owner intends to reoccupy, is considered real estate held for personal use. Ownership of residential real estate by a corporation whose sole purpose is to hold the real estate and where the real estate is for the personal use of the individual owner(s) of the corporation, is considered real estate held for personal use. If a business enterprise, otherwise required to report, is in the form of real property not identifiable by name, reports are required to be filed by and in the name of the beneficial owner, or in the name of such beneficial owner by the intermediary of such beneficial owner.

3. The introductory paragraph of § 806.14(b) is revised to read as follows:

§ 806.14 U.S. direct investment abroad.

* * * * *

(b) Foreign affiliate consolidation. In cases where the recordkeeping system of foreign affiliates makes it impossible or extremely difficult to file a separate report for each foreign affiliate, a U.S. Reporter may consolidate affiliates in the same country when the following conditions apply:

* * * * *

4. In § 806.14(e)(1), (2), and (3), amend the exemption level in each from $1,000,000 to $5,000,000.

5. In § 806.14(f), remove subparagraphs (1) and (4), and redesignate subparagraph (2) as (1); and redesignate subparagraph (3) as (2).

6. The following subparagraph (6) is added to § 806.15(a):

§ 806.15 Foreign direct investment in the United States.

(a) Specific definitions

* * * * *

(6) "Ultimate beneficial owner (UBO)" is that person, proceeding up the ownership chain beginning with and including the foreign parent, that is not more than 50 percent owned or controlled by another person. (An owner who creates a trust, proxy, power of attorney, arrangement, or device with the purpose or effect of divesting such owner of the ownership of an equity interest as part of a plan or scheme to avoid reporting information, is deemed to be the owner of the equity interest.)

* * * * *

7. In § 806.15, the following paragraphs are redesignated as follows:

(b) becomes (e)
(c) becomes (f)
(d) becomes (g)
(e) becomes (h)
(f) becomes (i)
(g) becomes (j)

8. In § 806.15, the following new paragraphs (b), (c) and (d) are added:

* * * * *

(b) Beneficial, not record, ownership is the basis of the reporting criteria. In those cases where a U.S. affiliate is also required to identify the ultimate beneficial owner (UBO) of the foreign investment, if the UBO is an individual, only the country of location of the individual must be given.

(c) Bearer shares—If the ownership in a U.S. affiliate by any owner in the ownership chain from the U.S. affiliate up to and including the ultimate beneficial owner (UBO) is represented by bearer shares, the requirement to disclose the information regarding the UBO remains with the reporting U.S. affiliate, except where a company in the ownership chain has publicly traded bearer shares. In that case, identification of the UBO may stop with the identification of the company whose capital stock is represented by the publicly traded bearer shares. For closely held companies with nonpublicly traded bearer shares, identifying the foreign parent or the UBO as "bearer shares" is not an acceptable response. The U.S. affiliate must pursue the identification of the UBO through managing directors or any other official or intermediary.

(d) Aggregation of real estate investments—A foreign person holding real estate investments that are foreign direct investments in the United States must aggregate all such holdings for the purpose of applying the exemption level tests. If the aggregate of such holdings exceeds one or more of the exemption levels, then the holdings must be reported even if they individually would be exempt.

9. The following changes are made to various paragraphs in § 806.15; reference to lettered paragraphs are after they have been redesignated as prescribed above:

a. Paragraph (f) is revised to read as follows:

* * * * *

(f) The place and time for filing, and specific instructions and definitions relating to, a given report form will be given on the report form. Reports are required even though the foreign person's equity interest in the U.S. business enterprise may have been established, acquired, liquidated, or sold during the reporting period.

* * * * *

b. Paragraph (g) is amended by removing in the first sentence, the word "net" where it precedes "sales."

c. Paragraph (h)(1) is revised as follows:

* * * * *

(h) * * * (1) BE–605—Transactions of U.S. Affiliate, Except an Unincorporated Bank, with Foreign Parent: One report is required for each U.S. affiliate exceeding an exemption level of $5,000,000.

* * * * *

d. Paragraph (h)(2) is removed and paragraph (h)(3) is redesignated as (h)(2).

e. Paragraph (i) is amended in the first sentence, by removing the word "net" where it precedes "sales."

f. Paragraph (j)(3) concerning the BE–13:

1. In subparagraph (j)(3)(i) for Form BE–13A, remove the section on Exemptions, Total and Partial, under subparagraph (i)(B) and insert the following:

Exclusions and Exemptions

(a) Residential real estate held exclusively for personal use and not for profitmaking purposes is not subject to the reporting requirements. A residence which is an owner's primary residence that is then leased by the owner while outside the United States but which the owner intends to reoccupy, is considered real estate held for personal use. Ownership of residential real estate by a corporation whose sole purpose is to hold the real estate and where the real estate is for the personal use of the individual owner(s) of the corporation, is considered real estate held for personal use.

(b) An existing U.S. affiliate is exempt from reporting the acquisition of either a U.S. business enterprise, or a business segment or operating unit of a U.S business enterprise, that it then *merges* into its own operations, if the total cost of the acquisition was $1,000,000 or less and does not involve the purchase of 200 acres or more of U.S. land. (If the acquisition involves the purchase of 200 acres or more of U.S. land, it must be reported regardless of the total cost of the acquisition.)

(c) An established or acquired U.S. business enterprise, as consolidated, is exempt if its total assets (not the foreign parent's or existing U.S. affiliate's share) at the time of acquisition or immediately after being established were $1,000,000 or less and it does not own 200 acres or more of U.S. land. (If it owns 200 acres or more of U.S. land, it must report regardless of the value of total assets.)

If exempt under (b) or (c), the existing U.S. affiliate or the established or acquired U.S. business enterprise must, nevertheless, file an "Exemption Claim, BE–13A," to validate the exemption.

* * * * *

2. In subparagraph (j)(3)(ii) for Form BE–13B, the section entitled Total Exemption under subparagraph (ii)(C) is revised as follows:

* * * * *

Total Exemption—The foreign parent or existing U.S. affiliate is exempt from filing a BE–13B if a BE–13A is not required to be filed.

* * * * *

3. In subparagraph (j)(4) concerning Form BE–14: Under Total Exemptions, paragraph (a) is revised as follows:

(a) Residential real estate held exclusively for personal use and not for profitmaking purposes is not subject to the reporting requirements. A residence which is an owner's primary residence that is then leased by the owner while outside the United States but which the owner intends to reoccupy, is considered real estate held for personal use. Ownership of residential real estate by a corporation whose sole purpose is to hold the real estate and where the real estate is for the personal use of the individual owner(s) of the corporation, is considered real estate for personal use.

And in the paragraph (b), which follows, amend the $500,000.00 to read $1,000,000.

[FR Doc. 81–12441 Filed 4–23–81; 8:45 am]

BILLING CODE 3510–06–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 80F–0034]

Indirect Food Additives; Polymers Toluene

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the food additive regulations to provide for the safe use of toluene as an adjuvant in the manufacture of polycarbonate resins, as requested in a petition filed by Mitsubishi Gas Chemical Co., Inc.

DATES: Effective April 24, 1981; objections by May 26, 1981.

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

FOR FURTHER INFORMATION CONTACT: Neal D. Singletary, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5740.

SUPPLEMENTARY INFORMATION: In a notice published in the Federal Register of March 11, 1980 (45 FR 15673), FDA announced that a food additive petition (FAP 8B3403) had been filed by Mitsubishi Gas Chemical Co., Inc., c/o Springborn Institute for Bioresearch, Inc., Spencerville, OH 45887, proposing that § 177.1580 *Polycarbonate resins* (21 CFR 177.1580) be amended to provide for the safe use of toluene as an adjuvant in the manufacture of polycarbonate resins.

The Commissioner of Food and Drugs 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 Commissioner's finding of no significant impact and the evidence supporting this finding, contained in an environmental assessment (pursuant to 21 CFR 25.31, proposed December 11, 1979; 44 FR 71742) may be seen in the Dockets Management Branch, Food and Drug Administration.

Having evaluated data in the petition and other relevant material, FDA concludes that the food additive regulations should be amended to provide for the safe use of toluene with the limitations set forth below.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), Part 177 is amended in § 177.1580(b) by inserting alphabetically a new item in the list of substances to read as follows:

§ 177.1580 Polycarbonate resins.

* * * * *

(b) * * *

List of substances	Limitations
* * * * * * *	
Toluene: (CAS Reg. No. 0001–08–883)	Not to exceed 800 parts per million as residual solvent in finished resin.
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Any person who will be adversely affected by the foregoing regulation may at any time on or before May 26, 1981 submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual

information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Effective date. This regulation shall become effective April 24, 1981.

(Secs. 201(s), 409, 72 Stat. 1784–1788 as amended (21 U.S.C. 321(s), 348))

Dated: April 17, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-12330 Filed 4-23-81; 8:45 am]

BILLING CODE 4110-03-M

ENVIRONMENTAL PROTECTION AGENCY

21 CFR Part 193

[FAP 9H5230/R70; PH FRL 1805-8]

Oxyfluorfen; Tolerances for Pesticides in Food Administered by the Environmental Protection Agency

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a regulation for residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] and its metabolites containing the diphenyl ether linkage in refined soybean oil at 0.25 part per million (ppm). This regulation was requested by Rohm & Haas Co., Inc. This regulation will establish the maximum permissible level for oxyfluorfen in refined soybean oil.

EFFECTIVE DATE: Effective on April 24, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110). 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of September 3, 1980 (45 FR 58495), that Rohm & Haas Co., Independence Mall West, Philadelphia, PA 19105, had filed a food additive petition (FAP 9H5230) with the EPA. This petition proposed the establishment of a food additive regulation permitting residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] and its metabolites containing the diphenyl ether linkage in refined soybean oil at 0.25 part per million (ppm) resulting from application to the growing crop. No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data included a rat oral LD_{50} with an LD_{50} greater than 5.0 grams (g)/Kilogram(kg), a rat cytogenetic study (negative); host mediated assay (negative); Ames test (negative); rat teratology study with no terata at 1,000 mg/kg of bw (highest dose) and a no-observed-effect level (NOEL) of 100 mg/kg of (bw), a three-generation rat reproduction study with a NOEL of 10 ppm; 26-week progress report of a 2-year dog feeding study; a 90-day rat feeding study with a NOEL of 1,000 ppm; a 24-month rat feeding study (chronic toxicity/oncogenicity) with a NOEL of 40 ppm; and a 20-month mouse feeding study (chronic toxicity/oncogenicity) with a NOEL of 2 ppm.

Based on the mouse chronic feeding study with a NOEL of 2 ppm and a 100-fold safety factor the acceptable daily intake (ADI) for humans is 0.003 mg/kg of bw/day. The maximum permissible intake (MPI) is 0.1800 mg/day for a 60 kg person. A concurrent regulation (PP8F2058/R301) for tolerances in corn grain and soybeans (40 CFR 180.381) appears elsewhere in this issue of the **Federal Register.** The tolerances have a theoretical maximal residue contribution (TMRC) of 0.0367 mg/day in a 1.5 kg diet, or 20.37 percent of the MPI.

To reinforce the present findings, the petitioner submitted a complete draft report on the 2-year dog feeding study prior to September 22, 1980 and has agreed to conduct a second teratology study with a nonrodent species.

The nature of the residue of the pesticide is adequately delineated, and an adequate analytical method (a gas chromatographic procedure using an electron capture detector) is available for enforcement purposes.

One of the solvents used in the production of technical oxyfluorfen, perchloroethylene <0.1 percent, has been shown to produce liver tumors in mice. The agency is presently assembling available information pertaining to perchloroethylene, which has wide usage outside of pesticide applications. The review will assess the health significance of perchloroethylene and is not complete at this time. The evidence on tumor production, however, does initiate a presumption against registration pursuant to 40 CFR 162.11(a)(3)(ii) for the proposed uses of oxyfluorfen. After intensive review, the agency has made a preliminary finding that potential benefits associated with the use of oxyfluorfen outweigh risks from perchloroethylene. The benefits of oxyfluorfen will be discussed in a document to be available at a later date.

An applicator risk analysis was performed to determine the risk associated with perchloroethylene resulting from applications of oxyfluorfen for all uses proposed. The maximum worst-case risk of tumor development from exposure to perchloroethylene via these uses is calculated to be four (4) incidents of tumor development in 100,000 applicators. The actual risk may be lower than this theoretical calculation since the actual levels of perchloroethylene in air may be lower than theoretical estimates due to air movement or other climatic factors.

In addition to the applicator risk study, analyses were performed on the raw commodity soybean samples to detect residues of perchloroethylene. No residues were detected at the limit of sensitivity for the method (0.05 ppm). Due to the volatile nature of perchloroethylene and the nature of the proposed use patterns for oxyfluorfen (i.e., preemergence or post emergence directed sprays), residues of perchloroethylene in these commodities may be lower than 0.05 ppm.

The agency has calculated a risk through ingestion using 0.05 ppm (method sensitivity) as a base. For soybeans, the maximum risk through ingestion is calculated to be five (5) incidents in 100,000,000.

The petitioner produces technical oxyfluorfen containing less than 200 ppm perchloroethylene. Based on the toxicology testing (all tested oxyfluorfen involved included perchloroethylene at less than 0.1 percent), the small risk cited above, and benefit analyses discussed in the position document, the agency has made a preliminary conclusion that the proposed registration of oxyfluorfen containing less than 200 ppm of perchloroethylene will not cause an unreasonable adverse effect on the environment.

The pesticide is considered useful for the purpose for which the regulation is

sought, and it is tentatively concluded that the regulation for oxyfluorfen residues in refined soybean oil at 0.25 ppm established by amending 21 CFR 193.325 will protect the public health. Therefore, the regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before May 26, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted, if the objections are legally sufficient to justify the relief sought.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; and it 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. In general, tolerance regulations have beneficial impacts on affected industries and the public.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in the Document Control Office, EPA, Rm. 107, 401 M St., SW., Washington, D.C. 20460. Effective date: April 24, 1981.

For information on Regulatory Flexibility Act requirements, see Appendix to this rule.

(Sec. 409(c), 72 Stat. 1786, (21 U.S.C. 348(c)(1)))

Dated: March 24, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart A of 21 CFR Part 193 is amended by adding paragraph (d) under § 193.325 to read as follows:

§ 193.325 Oxyfluorfen.

* * * * *

(d) Tolerances are established for the combined residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4- (trifluoromethyl) benzene] and its metabolites containing the diphenyl ether linkage in refined soybean oil at 0.25 part per million, when present therein as a result of its application to the growing crop.

Appendix

Certification Under Regulatory Flexibility Act

Congress recently enacted the Regulatory Flexibility Act (Pub. L. 96-543, 94 Stat. 1164, 5 U.S.C. 601-612, effective January 1, 1981). The purpose of the Act is to assure that the Agency analyzes the effect of regulatory requirements on small businesses, Government jurisdictions, and organizations (collectively referred to as "small entities"). The law requires that all "notice-and comment" rulemaking, both proposed and final, be accompanied by an initial or final regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant adverse impact on a substantial number of small entities.

Under Sec. 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. 346a), the Agency is authorized to establish by regulation tolerance levels, or exemptions from the requirements for a tolerance, for pesticides resulting in residues on raw agricultural commodities. Under Sec. 409 of the same Act (21 U.S.C. 348), the Agency is authorized to issue regulations establishing permissible levels of residues of pesticides found as additives in processed food or feed. These tolerance and additive regulations are intended to protect the public while giving appropriate consideration to the production of an adequate, wholesome and economical food supply.

The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has beneficial economic impacts on the producer, distributor, and professional applicator of the pesticide, all of whom benefit through sale of the pesticide. It also benefits the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide.

The proposed regulation would establish a food additive regulation for oxyfluorfen in refined soybean oil at 21 CFR Part 193. This regulation supports a proposed use pattern for oxyfluorfen in soybeans and will permit registration to include that use. There is no potential for adverse impact.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant adverse impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: February 27, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-12406 Filed 4-23-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 510

New Animal Drugs; Change of Sponsor

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect the change of sponsor name for a new animal drug application (NADA) from Heinold Elevator Co., Inc., to Heinold Feeds, Inc., and to revise the list of sponsors of approved NADA's to reflect this change.

EFFECTIVE DATE: April 24, 1981.

FOR FURTHER INFORMATION CONTACT: Jack C. Taylor, Bureau of Veterinary Medicine (HFV-136), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-5247.

SUPPLEMENTARY INFORMATION: Heinold Elevator Co., Inc., Kouts, IN 46347, has advised that it has changed the firm name to Heinold Feeds, Inc. The Bureau of Veterinary Medicine is amending the regulations in 21 CFR 510.600(c) to reflect the change.

This action, the change of sponsor of an NADA, does not involve changes in manufacturing facilities, equipment, procedures, or personnel. Under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this action does not require reevaluation of the safety and effectiveness data in the parent application.

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

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner

of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), § 510.600 is amended in paragraph (c)(1) by removing the entry for "Heinold Elevator Co., Inc.," and by adding a new sponsor entry alphabetically for "Heinold Feeds, Inc.," and in paragraph (c)(2) in the entry for "043727" by removing the sponsor name "Heinold Elevator Co., Inc.," and inserting in its place the name "Heinold Feeds, Inc." to read as follows:

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

* * * * *

(c) * * *

(1) * * *

Firm name and address	Drug labeler code
* * * * *	
Heinold Feeds, Inc., P.O. Box 377, Kouts, IN 46347	043727

* * * * *

(2) * * *

Drug labeler code	Firm name and address
* * * * *	
043727	Heinold Feeds, Inc., P.O. Box 377, Kouts, IN 46347.

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Effective date. April 24, 1981.

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

Dated: April 16, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-12016 Filed 4-23-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 520

Animal Drugs, Feeds, and Related Products; Oral Dosage Form New Animal Drugs Not Subject to Certification; Diethylcarbamazine Citrate Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) announces that the animal drug regulations are amended to reflect approval of a supplemental new animal drug application (NADA) filed by EVSCO Pharmaceutical Corp. providing for safe and effective use of 100 and 300 milligram (mg) diethylcarbamazine citrate tablets for prevention of heartworm disease in dogs and as an aid in the treatment of ascarid infections in dogs and cats.

EFFECTIVE DATE: April 24, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: EVSCO Pharmaceutical Corp., P.O. Box 209, Harding Highway, Buena, NJ 08310, filed a supplemental NADA (100-690) providing for use of 100 and 300 mg diethylcarbamazine citrate tablets in dogs for prevention of heartworm disease caused by *Dirofilaria immitis* and in dogs and cats as an aid in the treatment of ascarid infections caused by *Toxocara canis* and *Toxascaris leonina*. EVSCO currently holds approval for use of 50, 200, and 400 mg tablets. This supplement adds the 100 and 300 mg sizes. Approval of this supplement does not change the approved condition of use of the drug. Accordingly, under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), this is a Category II supplemental approval which does not require reevaluation of the safety and effectiveness data in the original application. The supplemental NADA is approved, and the regulations are amended to reflect the approval. In addition, the regulation (21 CFR 520.622a) is editorially revised to reflect current format.

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

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended by revising § 520.622a to read as follows:

§ 520.622a Diethylcarbamazine citrate tablets.

(a) *Sponsors.* (1) See 000010 and 010042 in § 510.600(c) of this chapter for use of 50, 200, and 400 milligram tablets for prevention of heartworm disease in dogs and as an aid in the treatment of ascarid infections in dogs and cats.

(2) See 000003 in § 510.600(c) of this chapter for use of 100, 200, and 300 milligram tablets for prevention of heartworm disease in dogs and as an aid in the treatment of ascarid infections in dogs.

(3) See 012518 in § 510.600(c) of this chapter for use of 50, 200, or 400 milligram tablets for prevention of heartworm disease in dogs, as an aid in the control of ascarid infections in dogs, and as an aid in the treatment of ascarid infections in dogs and cats.

(4) See 017030 in § 510.600(c) of this chapter for use of 50, 100, 200, 300, and 400 milligram tablets for prevention of heartworm disease in dogs and as an aid in the treatment of ascarid infections in dogs and cats.

(b) *Conditions of use*—(1) *Dosage/indications for use.* (i) Three milligrams per pound of body weight daily for prevention of heartworm disease (*Dirofilaria immitis*) in dogs.

(ii) Three milligrams per pound of body weight daily as an aid in the control of ascarid infections (*Toxocara canis*) in dogs.

(iii) Twenty-five to 50 milligrams per pound of body weight as an aid in the treatment of ascarid infections in dogs (*Toxocara canis*) and cats (*Toxocara canis* and *Toxascaris leonina*).

(2) *Limitations.* Administer orally either pulverized and given in feed or water or directly by mouth. For the treatment of ascarid infections, repeat in 10 to 20 days to remove immature worms that may enter the intestine from the lungs after the first dose. Do not treat dogs with established heartworm infections until they have been converted to a negative status by the use of adulticidal and microfilaricidal drugs. Inadvertent administration to heartworm-infected dogs may cause adverse reactions because of pulmonary occlusion. Overdosage may cause emesis. For prevention of heartworm disease in heartworm-endemic areas, administration of the drug should start at the beginning of mosquito activity and be continued daily throughout the mosquito season and for approximately a month thereafter. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. April 24, 1981.

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

Dated: April 20, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-12325 Filed 4-23-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 520

Animal Drugs, Feeds, and Related Products; Oral Dosage Form New Animal Drugs Not Subject to Certification; Primidone Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) amends the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Bolar Pharmaceutical Co., Inc., providing for use of 50-milligram primidone tablet in addition to the existing approved 250-milligram tablet as an anti-convulsant in dogs.

EFFECTIVE DATE: April 24, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV–112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3430.

SUPPLEMENTARY INFORMATION: Bolar Pharmaceutical Co., Inc., 130 Lincoln St., Copiague, NY 11726, filed a supplemental NADA (107–397) providing for use of a 50-milligram primidone tablet in addition to the existing approved 250-milligram tablet as an anti-convulsant for treatment of dogs for idiopathic epilepsy, epileptiform convulsions, viral encephalitis, distemper, and hardpad disease. The product is for oral administration by or on the order of a licensed veterinarian. This action, providing solely for an additional strength tablet, does not affect the currently approved use (see 21 CFR 520.1900). Therefore, in accordance with the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), approval of this supplement does not require reevaluation of the safety and effectiveness data in the parent application. The supplemental NADA is approved, and the regulations amended to reflect the approval.

Approval of this supplement did not require generation of new safety and effectiveness data. Therefore, a freedom of information summary described in 21 CFR 514.11(e)(2) is not required.

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

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.1900 by revising paragraph (b) to read as follows:

§ 520.1900 Primidone tablet.

* * * * *

(b) *Sponsor.* See No. 000856 in § 510.600(c) of this chapter for use of 250 milligram tablets; see 000046 and 000725 for use of 50 and 250 milligram tablets.

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Effective date. April 24, 1981.

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

Dated: April 20, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81–12326 Filed 4–23–81; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 520

Animal Drugs, Feeds, and Related Products; Oral Dosage Form New Animal Drugs Not Subject to Certification; Trimethoprim and Sulfadiazine Tablets

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 supplemental new animal drug application (NADA) filed by Burroughs Wellcome Co. providing for safe and effective use of a combination antibacterial drug for treating large dogs.

EFFECTIVE DATE: April 24, 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: Burroughs Wellcome Co., 3030 Cornwallis Rd., Research Triangle Park, NC 27709, filed a supplemental NADA (95–614) providing for a 960-milligram (mg) size of the combination proprietary drug product Tribrissen Tablet (160 mg of trimethoprim and 800 mg of sulfadiazine) to facilitate safe treatment of large dogs. The firm also holds approval under the same NADA for the same product in smaller-sized tablets. The drug is indicated where control of bacterial infection is required during treatment of acute urinary tract infections, acute bacterial complications of distemper, acute respiratory tract infections, acute alimentary tract infections, wound infections, and abscesses.

This approval does not change the approved use of the drug. Consequently, approval of this application does not require reevaluation of the safety and effectiveness under the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367, December 23, 1977).

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

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

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 520 is amended in § 520.2610 by revising paragraphs (a) and (b) to read as follows:

§ 520.2610 Trimethoprim and sulfadiazine tablets.

(a) *Specifications.* Each tablet contains 30 milligrams (5 milligrams of trimethoprim and 25 milligrams of sulfadiazine), 120 milligrams (20 milligrams of trimethoprim and 100 milligrams of sulfadiazine), 480 milligrams (80 milligrams of trimethoprim and 400 milligrams of sulfadiazine) or 960 milligrams (160 milligrams of trimethoprim and 800 milligrams of sulfadiazine).

(b) *Sponsor.* See No. 000081 in § 510.600(c) of this chapter for 30, 120, 480, and 960 milligram tablets. See No. 013947 in § 510.600(c) of this chapter for 120 and 480 milligram tablets.

* * * * *

Effective date. April 24, 1981.

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

Dated: April 20, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-12327 Filed 4-23-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 522

Animal Drugs, Feeds, and Related Products; Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Euthanasia Solutions

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) sponsored by Burns-Biotec Laboratories, Inc., providing for use of a euthanasia solution for humane, painless, and rapid euthanasia of dogs.

EFFECTIVE DATE: April 24, 1981.

FOR FURTHER INFORMATION CONTACT: Bob G. Griffith, Bureau of Veterinary Medicine (HFV-112), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3430.

SUPPLEMENTARY INFORMATION: Burns-Biotec Laboratories, Inc., 8530-8536 K St., P.O. Box 3113, Omaha, NE 68103 filed an NADA (119-807) providing for use of an injectable euthanasia solution containing 390 milligrams (mg) of pentobarbital sodium and 50 mg of phenytoin sodium per milliliter (mL) for intravenous or intracardiac administration for humane, painless, and rapid euthanasia of dogs. The application is approved, and the regulations are amended to reflect the approval.

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

The Director, 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 Director's finding of no significant impact and the evidence supporting this finding, contained in a statement of exemption (pursuant to 21 CFR 25.1(f)(1)(ii)(*a*) and (*e*)(*2*) and (g) may be seen in the Dockets Management Branch, Food and Drug Administration.

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

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended by revising § 522.900 to read as follows:

§ 522.900 Euthanasia solution.

(a)(1) *Specifications.* Each milliliter contains 200 milligrams of N-[2-(m-methoxy-phenyl)-2-ethyl-butyl-(1)]-gamma-hydroxybutyramide, 50 milligrams of 4, 4'-methylene-bis(cyclohexyl-trimethyl-ammonium iodide), 5 milligrams of tetracaine hydrochloride, with 0.6 milliliter dimethylformamide in distilled water.

(2) *Sponsor.* No. 000039 in § 510.600(c) of this chapter.

(3) *Conditions of use.* (i) The drug is used for the humane euthanasia of animals without excitation or pain. It is used in dogs, cats, horses, mink, small laboratory animals (mice, rats, guinea pigs, and rabbits) and birds (pigeons and parakeets).

(ii) *Dosage—(a) Dogs.* Intravenous or intracardiac injection: Use 0.3 milliliter/kilogram (0.14 milliliter/pound). Intrapulmonary injection: For animals weighing up to 10 kilograms, use 7 to 10 milliliters. In larger animals, follow initial 10 milliliters by another 3 to 10 milliliters by intrapulmonary or intracardiac administration.

(*b*) *Cats.* Intravenous injection: Use 0.3 milliliter/kilogram (0.14 milliliter/pound). Intrapulmonary injection: Kittens a few days old, 1 milliliter; kittens up to 6 months of age, 3 milliliters; cats over 6 months of age, 5 milliliters; cats weighing more than 5 kilograms (11 pounds), 10 milliliters.

(*c*) *Horses.* Intravenous injection: Use 4 to 6 milliliters/50 kilograms (110 pounds of body weight).

(*d*) *Mink.* Intraperitoneal injection: 0.5 to 1 milliliter.

(*e*) *Birds and small laboratory animals.* Intrapulmonary injection: 0.5 to 2 milliliters.

(iii) Not to be used for therapeutic purposes.

(iv) Do not use in animals intended for food.

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

(b)(1) *Specifications.* Each milliliter of nonsterile solution contains 390 milligrams of pentobarbital sodium and 50 milligrams of phenytoin sodium.

(2) *Sponsor.* No. 000845 in § 510.600(c) of this chapter.

(3) *Conditions of use*—(i) *Indications for use.* For the humane, painless, and rapid euthanasia of dogs.

(ii) *Amount.* One milliliter (390 milligrams of pentobarbital sodium and 50 milligrams of phenytoin sodium) for each 10 pounds of body weight.

(iii) *Limitations.* For intravenous injection or intracardiac injection when intravenous use is impractical. Do not use for therapeutic purposes. Do not use in animals intended for food. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. April 24, 1981.

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

Dated: April 20, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-12329 Filed 4-23-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 558

Animal Drugs, Feeds, and Related Products; New Animal Drugs for Use in Animal Feeds; Oxytetracycline

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the regulations to reflect certain new animal drug applications (NADA's) sponsored by Ralston Purina Co. which provide for use of oxytetracycline in animal feed.

EFFECTIVE DATE: April 24, 1981.

FOR FURTHER INFORMATION CONTACT: Charles E. Haines, Bureau of Veterinary Medicine (HFV-138), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3410.

SUPPLEMENTARY INFORMATION: Ralston Purina Co., Checkerboard Square, St. Louis, MO 63199 (Ralston), is the sponsor of NADA's 94-959 and 94-960.

which provide for use of oxytetracycline in the feed of cattle, sheep, hogs, poultry, mink, and other animals.

The NADA's were submitted in response to § 558.15 (21 CFR 558.15) as a commitment to comply with the provisions of that section. As published in the Federal Register of April 20, 1973 (38 FR 9813) paragraph (b) required the following:

(b) Any person interested in developing data which will support retaining approval for such uses of such antibiotic, and sulfonamide drugs pursuant to section 512(l) of the Federal Food, Drug, and Cosmetic Act shall submit to the Commissioner the following:

(1) By July 19, 1973, records and reports of completed, ongoing, or planned studies, including protocols, on the tetracyclines, streptomycin, dihydrostreptomycin, penicillin, and the sulfonamides and for all other antibiotic and sulfonamide drugs, by October 17, 1973. The Food and Drug Administration encourages sponsors to consult with the Bureau of Veterinary Medicine on protocol design and plans for future studies.

(2) By April 20, 1974, data from completed studies on the tetracyclines, streptomycin, dihydrostreptomycin, the sulfonamides and penicillin assessing the effect of the subtherapeutic use of the drug in feed on the salmonella reservoir in the target animal as compared to that in nonmedicated controls. Failure to complete the salmonella studies for any of these drugs by that time will be grounds for proceeding to immediately withdraw approval.

(3) By April 20, 1975, data satisfying all other specified criteria for safety and effectiveness, including the effect on the salmonella reservoir for any antibiotic or sulfonamide drugs and by September 5, 1975, for the nitrofuran drugs, approved for subtherapeutic use in animal feeds. Drug efficacy data shall be submitted for any feed-use combination product containing such drug and any feed-use single ingredient antibiotic, or sulfonamide not reviewed by the National Academy of Sciences—National Research Council, drug efficacy study covering drugs marketed between 1938 and 1962.

(4) Progress reports on studies underway every January 1 and July 1 until completion.

Firms manufacturing premixes in compliance with these provisions were published in the Federal Register of February 25, 1976 (41 FR 8282). The subject NADA's were submitted in June and July 1973 in compliance with § 558.15. The publication failed to include Ralston.

Subsequently, Ralston contended that a timely commitment had been submitted. The firm provided the agency with copies of prior submissions as well as with an authorization from Pfizer to refer to its NADA 8-804 for oxytetracycline to satisfy the requirements of § 558.15. After reviewing Ralston's submissions, FDA found that necessary commitments had been submitted and that Ralston's use of oxytetracycline had been erroneously omitted from the regulations. Therefore, the supportable uses of the product should be provided for in the regulations.

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.

§ 558.15 [Amended]

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))), under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 558 is amended in § 558.15 *Antibiotic, nitrofuran, and sulfonamide drugs in the feed of animals* in paragraph (g)(1) by revising the entry for "Pfizer, Inc., and Vitamin Premixers of Omaha" to read "Pfizer, Inc., Vitamin Premixers of Omaha, and Ralston Purina."

Effective date. April 24, 1981.

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

Dated: April 20, 1981.

Gerald B. Guest,

Acting Director, Bureau of Veterinary Medicine.

[FR Doc. 81-12328 Filed 4-23-81; 8:45 am]

BILLING CODE 4110-03-M

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21 CFR Part 1030

[Docket No. 80N-0099/PRC]

Reconsideration of Amendments to the Microwave Oven Standard; Measurement and Test Conditions; Stay of Effective Date

AGENCY: Food and Drug Administration.

ACTION: Reconsideration of Final Rule and Stay of Effective Date.

SUMMARY: The Food and Drug Administration (FDA) is staying until further notice the final rule amending the microwave oven standard concerning measurement and test conditions. The agency is taking this action to permit reconsideration of this rule. Elsewhere in this issue of the Federal Register, FDA also is reopening the comment period on the proposed amendment.

DATE: This stay is effective April 24, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph Wang, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: On December 23, 1980, the Association of Home Appliance Manufacturers (AHAM) submitted to FDA a petition under 21 CFR 10.33 requesting reconsideration of a final rule amending the microwave oven standard (21 CFR 1030.10) concerning measurement and test conditions. This amendment, which was published in the Federal Register of November 28, 1980 (45 FR 79028) and which is scheduled to become effective on November 30, 1981, removes the instrument error limit and effective aperture requirements for instruments used for compliance measurement of leakage radiation from microwave ovens (21 CFR 1030.10(c)(1)(3) (i) and (ii)). The characteristics of these instruments and the conditions under which they are used are to be accounted for in information submitted to FDA's Bureau of Radiological Health (BRH) by each microwave oven manufacturer as part of its testing program for microwave ovens. The amendment also added to the standard a new definition of "equivalent plane-wave power density (21 CFR 1030.10(b)(8)). These changes were designed to reflect the actual compliance testing situation for microwave ovens. No change was made in permissible leakage levels.

AHAM submitted its petition on behalf of its member companies that manufacture microwave ovens (Tappan Co., General Electric Co., Magic Chef, Matsushita, Panasonic Co., Toshiba America, Inc., Whirlpool Corp., and White Consolidated Industries). In addition, Litton Microwave Cooking Products and Amana Refrigeration, Inc., purportedly joined in the petition. AHAM requested that the final rule of November 28, 1980, be set aside in favor of the previous instrument error limit and effective aperture requirements.

Section 10.33(d) of FDA's administrative practices and procedures regulations (21 CFR 10.33(d)) provides that the agency shall grant a petition for reconsideration if it determines that all of the following apply: (1) The petition demonstrates that relevant information or views contained in the administrative record were not previously or not

adequately considered; (2) the petitioner's position is not frivolous and is being pursued in good faith; (3) the petitioner has demonstrated sound public policy grounds supporting reconsideration; and (4) reconsideration is not outweighed by public health or other public interests.

FDA has determined that the petitioner has not demonstrated that relevant information or views contained in the administrative record were not previously or not adequately considered. In its petition, AHAM reiterated its defense of the practice of spatial averaging, an argument adequately considered in paragraph 10 of the preamble to the November 28, 1980 final order. Indeed, the agency considered AHAM's comments concerning the proposal and fully addressed them in the preamble to the final rule. Therefore, FDA cannot, on the basis of reasons advanced by AHAM, grant the petition for reconsideration and set aside the final rule in favor of the previous instrument error limits and effective aperture requirements.

Under other provisions of 21 CFR 10.33, however, FDA may, on its own initiative, reconsider any action it has taken. Also, FDA may, on its own initiative, stay any action it has taken (21 CFR 10.35). Discussions between representatives of BRH and of AHAM on December 4, 1980, and December 19, 1980, as well as AHAM's petition for reconsideration, have revealed a number of concerns of the regulated industry which, FDA believes, should be resolved before implementation of the final rule. For example, AHAM stated in its petition:

> If, because of new rules for defining measurement uncertainty, the maximum permissible measured emission for shipment must be reduced from the present 0.8 mW/cm², then [the] manufacturer's reject levels must be reduced commensurately at the production line test to be sure that in [the] subsequent manufacturer's audit the product will always pass the reduced acceptable emission level requirement.

Although this point was not clearly made previously, FDA believes that it deserves discussion. The agency emphasizes that it has made no decision as to whether AHAM's arguments have merit.

Therefore, as provided in 21 CFR 10.33 and 10.35, the agency, on its own initiative, is reconsidering the November 28, 1980, final rule amending 21 CFR 1030.10 and staying its effective date. The agency also is reopening the comment period on the May 2, 1980 proposal until July 23, 1981, as announced elsewhere in this issue of the **Federal Register.**

The stayed regulation is affected by the Executive Order on Federal regulation (Executive Order 12291, February 17, 1981). If, after reconsideration, a decision is made to put the stayed regulation into effect, the agency will comply with the Executive Order and report this regulation to the Director, the Office of Management and Budget, before it becomes effective. The report will be filed under the appropriate sections of the Executive Order, depending on the final determination as to whether the regulation is a major rule.

Therefore, until further notice, the agency is reconsidering the November 28, 1980, final rule and is staying its effective date.

This notice is issued under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179 as amended (42 U.S.C. 263f)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1).

(Sec. 358, 82 Stat. 1177–1179 as amended (42 U.S.C. 263f) and 21 CFR 5.1)

Dated: March 23, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-12015 Filed 4-23-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1 and 7

[T.D. 7758]

Election To Treat Outdoor Advertising Displays as Real Property; Correction

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to final rule.

SUMMARY: This document contains corrections to the **Federal Register** publication beginning at 46 FR 6924 of the amendments to the regulations which were the subject of Treasury Decision 7758 relating to the making of an election for income tax purposes to treat property that constitutes certain outdoor advertising displays as real property.

EFFECTIVE DATE: The regulations are effective for taxable years beginning after December 31, 1970. This correction is to be effective the same date.

FOR FURTHER INFORMATION CONTACT: Douglas W. Charnas of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224, 202–566–3297, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Background

On December 11, 1979, proposed amendments to the Income Tax Regulations (26 CFR Part 1) and Temporary Income Tax Regulations under the Tax Reform Act of 1976 (26 CFR Part 7) under section 1033 of the Internal Revenue Code of 1954 were published in the **Federal Register** (44 FR 71429). On January 22, 1981, the **Federal Register** published Treasury Decision 7758 (46 FR 6924) (FR Doc. 81–2305). The purpose of these final regulations was to provide guidance to the public for making an election for income tax purposes to treat property that constitutes certain outdoor advertising displays as real property.

Need for a Correction

As published, the amendments to the regulations which were the subject of Treasury Decision 7758 inaccurately state the date in the heading of § 1.1033(g)–1(b)(2)(iii) as on or before "December 11, 1980" rather than "December 11, 1979". This error appeared on page 6925, in the middle column, and on page 6926, in the middle column.

A date was omitted in the third sentence of § 1.1033(g)–1(b)(1). The same date was omitted in the first and second sentences of § 1.1033(g)–1(b)(2)(i)(A). This document corrects that error by changing the references to the 180th day after the date of publication of this notice of proposed rulemaking as a Treasury decision to July 21, 1981. This error appeared at two locations in the right-hand column on page 6925 and at one location in the left-hand column on page 6926.

The last sentence of § 1.1033(g)–1(b)(1) contains a technical error. The reference in parentheses at the end of the sentence should be changed from "paragraph (b)(2)(ii)" to "paragraph (b)(2) (ii) or (iii)".

Drafting Information

The principal author of these corrections is Douglas W. Charnas of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service.

Correction of Publication

Accordingly, the publication of the amendments to the regulations which were the subject of FR Doc. 81–2305 (46 FR 6924) is corrected by revising the third and last sentences of paragraph

(b)(1), the first two sentences of paragraph (b)(2)(i)(A), and the heading of paragraph (b)(2)(iii) of § 1.1033 (g)–1 to read as follows:

§ 1.1033(g)–1 Condemnation of real property held for productive use in trade or business or for investment.

* * * * *

(b) *Election to treat outdoor advertising displays as real property*—(1) *In general.* * * * In the case of an election made on or before July 21, 1981, the election is available whether or not the period for filing a claim for credit or refund under section 6511 has expired. * * * The election applies with respect to dispositions during the taxable year for which made and all subsequent taxable years (unless an effective revocation is made pursuant to paragraph (b)(2) (ii) or (iii)).

(2) *Election*—(i) *Time and manner of making election*—(A) *In general.* Unless otherwise provided in the return or in the instructions for a return for a taxable year, any election made under section 1033(g)(3) shall be made by attaching a statement to the return (or amended return if filed on or before July 21, 1981) for the first taxable year to which the election is to apply. Any election made under this paragraph must be made not later than the time, including extensions thereof, prescribed by law for filing the income tax return for such taxable year or July 21, 1981, whichever occurs last. * * *

* * * * *

(iii) *Revocation where election was made on or before December 11, 1979.* * * *

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David E. Dickinson,

Acting Director, Legislation & Regulations Division.

[FR Doc. 81-12448 Filed 4-23-81; 8:45 am]

BILLING CODE 4830-01-M

POSTAL SERVICE

39 CFR Part 10

International Express Mail Rates: France and Kuwait

AGENCY: Postal Service.

ACTION: Final international express mail rates: France and Kuwait.

SUMMARY: Pursuant to its authority under 39 U.S.C. 407, the Postal Service will institute On Demand Service with France and Custom Designed and On Demand Services with Kuwait as indicated in the tables below.

EFFECTIVE DATES: Custom Designed and On Demand Services with Kuwait will commence May 1, 1981, and On Demand Service with France will commence May 18, 1981.

FOR FURTHER INFORMATION CONTACT:
Martin R. Anker (202) 245–4418.

SUPPLEMENTARY INFORMATION: On February 6, 1981, the Postal Service published for comment in the **Federal Register**, 46 FR 11296, a notice proposing, among other things, a new On Demand Service with France. On March 23, 1981, the Postal Service published for comment in the **Federal Register**, 46 FR 18054, a notice proposing new Custom Designed and On Demand Services with Kuwait. The notices invited written data, views, or arguments concerning the rates and new service. However, no comments were received. Accordingly, the Postal Service adopts, without change, the rates of postage for On Demand International Express Mail Service to France and Custom Designed and On Demand International Express Mail Service to Kuwait set out in the following tables (designated Tables 8 and 18 for inclusion as separate country entries in the International Mail Manual, incorporated by reference, 39 CFR 10.1).

In consideration of the foregoing, the Postal Service adds to Table 8 and includes Table 18 of the International Mail Manual as follows.

(39 U.S.C. 401, 403, 404(2), 407, 410(a), Universal Postal Convention, Lausanne, 1974, T.I.A.S. No. 8231, Art. 6)

Fred Eggleston,

Assistant General Counsel, Legislative Division.

Table 8.—*France: International Express Mail*

On demand service [1]	
Up to and including	Rate
(Pounds)	
1	$20.00
2	23.70
3	27.40
4	31.10
5	34.80
6	38.50
7	42.20
8	45.90
9	49.60
10	53.30
11	57.00
12	60.70
13	64.40
14	68.10
15	71.80
16	75.50
17	79.20
18	82.90
19	86.60
20	90.30
21	94.00
22	97.70
23	101.40
24	105.10
25	108.80
26	112.50
27	116.20
28	119.90
29	123.60
30	$127.30
31	131.00
32	134.70
33	138.40

[1] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

Table 18.—*Kuwait: International Express Mail*

Custom designed service [1] [2]		On demand service [2]	
Up to and including	Rate	Up to and including	Rate
(Pounds)		(Pounds)	
1	$26.00	1	$20.00
2	31.70	2	23.70
3	35.40	3	27.40
4	39.10	4	31.10
5	42.80	5	34.80
6	46.50	6	38.50
7	50.20	7	42.20
8	53.90	8	45.90
9	57.60	9	49.60
10	61.30	10	53.30
11	65.00	11	57.00
12	68.70	12	60.70
13	72.40	13	64.40
14	76.10	14	68.10
15	79.80	15	71.80
16	83.50	16	75.50
17	87.20	17	79.20
18	90.90	18	82.90
19	94.60	19	86.60
20	98.30	20	90.30
21	102.00	21	94.00
22	105.70	22	97.70
23	109.40	23	101.40
24	113.10	24	105.10
25	116.80	25	108.80
26	120.50	26	112.50
27	124.20	27	116.20
28	127.90	28	119.90
29	131.60	29	123.60
30	135.30	30	127.30
31	139.00	31	131.00
32	142.70	32	134.70
33	146.40	33	138.40

[1] Rates in this table are applicable to each piece of International Custom Designed Express Mail shipped under a Service Agreement providing for tender by the customer at a designated Post Office.

[2] Pickup is available under a Service Agreement for an added charge of $5.60 for each pickup stop, regardless of the number of pieces picked up. Domestic and International Express Mail picked up together under the same Service Agreement incurs only one pickup charge.

[FR Doc. 81-12344 Filed 4-23-81; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-5-FRL 1795-5]

Illinois State Implementation Plan; Revisions

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: On July 2, 1979 (44 FR 38587), the United States Environmental

Protection Agency (EPA) proposed rulemaking and solicited public comment on revisions to the Illinois State Implementation Plan (SIP). These revisions included several requirements of the 1977 Amendments to the Clean Air Act which are not Part D requirements. On August 29, 1979, the State responded to EPA's notice of proposed rulemaking (44 FR 38587). No other public comments were received. The purpose of this notice is to announce EPA's final rulemaking action on these revisions to the Illinois SIP.

EFFECTIVE DATE: This rulemaking action becomes effective on May 26, 1981.

ADDRESSES: Copies of the SIP revision are available for inspection during normal business hours at the following addresses:

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

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

Illinois Environmental Protection Agency, 2200 Churchill Road, Springfield, Illinois 62706.

Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Judy Kertcher, Regulatory Analysis Section, Air Programs Branch Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6038.

SUPPLEMENTARY INFORMATION: On April 3, 1979, the State of Illinois submitted revisions to its State Implementation Plan (SIP) to EPA. The submittal addressed several requirements of the 1977 Amendments to the Clean Air Act (Act) which are not Part D requirements. Although incorporation of the provisions is required by law, failure to achieve final approval by July 1, 1979 did not trigger the economic and growth sanctions associated with Part D.

On July 2, 1979 (44 FR 38587), EPA proposed rulemaking on these general requirements and invited public comment. On August 29, 1979, the State responded to the notice of proposed rulemaking (44 FR 38587). No other public comments were received. This notice announces EPA's final rulemaking action on these revisions to the Illinois SIP.

Section 110(a)(2)(K)—Permit Fees

This section requires the owner or operator of each major stationary source to pay the permitting authority as a condition of any permit required by the Act a fee to cover reasonable costs of processing an application for a permit and of implementing and enforcing the terms and conditions of the permit. The Illinois SIP submittal of April 3, 1979, did not address this requirement. In the proposed rulemaking of July 2, 1979 (44 FR 38587, 38603), EPA proposed to disapprove this portion of the Illinois SIP if the State did not commit itself to submit an adequate permit fee provision within a reasonable time.

State response: The State's submission of August 29, 1979, contained a proposed schedule for the adoption and implementation of a permit fee system. The implementation of the schedule is contingent upon the Governor's approval of the proposal. Due to the length of time which has elapsed without any action on the part of the State, EPA is today taking final action to disapprove Illinois' provision for a permit fee system. EPA will repropose rulemaking when the State is able to show that the permit fee system has been implemented, or that the State is in fact on schedule for the adoption and implementation of such a program.

Section 126—Interstate Pollution

Section 126(a)(1) of the Act requires that the SIP provide for written notice to nearby states of any proposed major stationary source which may significantly contribute to levels of air pollution in excess of the national quality standards in that state. The Illinois SIP submittal of April 3, 1979, stated that procedures for notifying the nearby states of Iowa, Wisconsin, Indiana, Kentucky, and Missouri would be developed and implemented.

On July 2, 1979 (44 FR 38587, 38602), EPA proposed to disapprove this portion of the SIP unless Illinois submitted a schedule to develop these procedures and submit them to EPA as a revision to the Illinois SIP.

State response: The State of Illinois, in its August 29, 1979 submission, certified that its public participation rules which have been developed require that notice of proposed source construction must be given to the environmental agencies in neighboring states which may be affected. These public participation rules were adopted in the State on February 22, 1980.

EPA response: Since the State is relying on the public participation rules to fulfill the requirements of this section, they must be submitted to EPA as a revision to the SIP. For this reason, EPA disapproves this portion of the Illinois SIP as not satisfying the requirement of Section 126(a)(1) of the Act.

Section 126(a)(2) requires the State to identify existing major sources which may significantly contribute to levels of air pollution in neighboring states. On October 28, 1977, the State of Illinois sent letters with this information to each bordering state. EPA proposed to approve this revision to the Illinois SIP on July 2, 1979 (44 FR 38587, 38602). No comments were received on the revision or on EPA's proposed approval. Therefore, EPA approves this revision to the Illinois SIP as meeting the requirement of Section 126(a)(2).

Section 127—Public Notification

Section 127 requires the SIP to contain measures for effective notification of the public on a regular basis of instances or areas in which any national primary ambient air quality standard is exceeded, to advise the public of hazards associated with such pollution and to enhance public awareness of measures which can be taken to prevent such standards from being exceeded. The Illinois SIP provides for an annual report on air quality standards, episode levels, health and welfare effects of air pollutants, a description of the air sampling network and summaries and interpretations of air quality data. A quarterly report containing data summaries is available to individuals who request it and provision is made for a mailing list of those individuals interested in receiving the reports regularly. In addition, information may be obtained regarding daily air quality levels by contacting the Illinois EPA (IEPA), Springfield office. Special bulletins are issued over the Illinois Weather Wire should ambient levels of particulates or ozone reach harmful levels.

On July 2, 1979 (44 FR 38585, 38603) EPA proposed approval of these provisions as adequate to effectively notify the public on a regular basis of instances and areas in which standards are exceeded and to advise the public of associated hazards. At that time, however, EPA stated that the Illinois SIP revision did not include provisions to enhance public awareness of measures which can be taken to prevent standards from being exceeded, and that the State of Illinois must correct the noted deficiency in the final SIP submittal or commit itself to make the necessary corrections according to a schedule which must be included in the final SIP package.

State response: In the State's submission of August 29, 1979, IEPA committed itself to include in every Quarterly and Annual Air Quality Report information explaining how the public can become more involved in developing, implementing and enforcing

the air pollution program. These reports will also explain measures which are being taken or could be taken to prevent future violations of the standards.

The State's submission also contained a narrative on the IEPA episode notification system for ozone, indicating that the state has a good system for disseminating information via the news media. This system includes information on expected ozone levels, health implications, advice on precautionary measures that can be taken during an episode and suggests actions which individuals can take to help alleviate the episode situation. In addition, the IEPA has committed itself to examine and implement additional ways of improving its public notification procedures.

USEPA final determination: The State's submission and commitments of August 29, 1979 correct this deficiency. Therefore, EPA approves this revision as satisfying the requirements for public notification.

Section 128—State Boards

Section 128 of the Act requires that any boards which approve permits or enforcement orders under the Act contain a majority of members who represent the public interest and do not derive any significant portion of their income from persons subject to permits or enforcement orders under the Act and that members of any such board adequately disclose any potential conflicts of interest. The Illinois SIP revision proposes to meet the requirements of Section 128 through Section 5(a) of the Environmental Protection Act of the State of Illinois, Rule 801 of the Illinois Pollution Control Board's procedural rules, and Article 4A of the Illinois Governmental Ethics Act. These provisions require that members of the Illinois Pollution Control Board, the State permitting body, do not derive any significant portion of their income from persons subject to permits or enforcement orders, are not appointed as representatives of any special interest groups, and are required to make financial disclosure of any conflicts of interest which may develop.

EPA proposed approval of this revision to the Illinois SIP on July 2, 1979 (44 FR 38587, 38603). No comments on the revision or EPA's proposed approval were received. Therefore, EPA approves this provision in the Illinois SIP as meeting the requirements of Section 128 of the Act.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. The SIP approvals announced today are not major because they only approve state actions. They do not impose any new regulatory requirements. The disapprovals announced today are also not major because they impose no new regulatory requirements. The approved Illinois SIP currently contains no permit fee requirements and no requirement for notifying neighboring states of pending SIP revisions. EPA's disapprovals do not change the status quo; they merely notify the state that its SIP continues to be deficient in these areas. Moreover, these requirements are largely procedural in nature. Any actions approving or disapproving permit fee or neighbor state notifications would be anticipated to have an annual economic effect of $100 million or more or to have a major economic impact on either industry or the public.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at EPA Region V, Air Programs Branch, 230 South Dearborn Street, Chicago, IL 60604.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action is available *only* by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of the date of this final publication. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by USEPA to enforce these requirements.

Note.—Incorporation by reference of the State Implementation Plan for the State of Illinois was approved by the Director of the Federal Register on July 1, 1980.

This notice of final rulemaking is issued under the authority of Sections 110(a), 126 and 128 of the Clean Air Act as amended [42 U.S.C. 7410(a), 7426 and 7428].

Dated: April 14, 1981.

Walter C. Barber,

Acting Administrator.

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

1. Section 52.739 is added as follows:

§ 52.739 Permit fees.

(a) The requirements of Section 110(a)(2)(K) of the Clean Air Act as amended in 1977 are not met since the state has not submitted to EPA, as a part of its State Implementation Plan, provisions for a permit fee system.

2. Section 52.740 is added as follows:

§ 52.740 Interstate pollution.

(a) The requirements of Section 126(a)(2) of the Clean Air Act as amended in 1977 are not met since the state has not submitted to EPA, as a part of its State Implementation Plan, the procedures on which the state is relying to notify nearby states of any proposed major stationary source which may significantly contribute to levels of air pollution in excess of the National Ambient Air Quality Standards in that state.

[FR Doc. 81-12377 Filed 4-23-81; 8:45 am]
BILLING CODE 6560-38-M

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40 CFR Part 180

[PP OF2277/R276B; PH FRL 1806-2]

Tolerances and Exemptions From Tolerance for Pesticide Chemicals in or on Raw Agricultural Commodities; 1-Naphthaleneacetic Acid

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This amendment to the regulation reformats 40 CFR 180.155 by establishing paragraph (a) for the 1-naphthaleneacetic acid and paragraph (b) for ethyl ester of 1-naphthaleneacetic acid. This amendment was requested by Union Carbide Co., Inc.

EFFECTIVE DATE: Effective on April 24, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS-767C), Office of Pesticide Programs, Rm. 412E, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7066).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of November 26, 1980 (45 FR 78686) that a regulation has been established for residues of the plant growth regulator 1-napthaleneacetic acid to permit application of either 1-naphthaleneacetic acid or the ethyl ester of 1-naphthaleneacetic acid in or on the raw agricultural commodities apples and pears at 1.0 part per million (ppm) and olives at 0.1 ppm.

Tolerances had previously been established for residues of the plant growth regulator 1-naphthaleneacetic acid in or on the raw agricultural commodities apples, pears, and quinces at 1 part per million, in or on olives at

0.1 part per million (negligible residue), in or on pineapples from the application of the sodium salt to the growing crop at 0.5 part per million (negligible residue).

Since this amendment only reformats existing tolerances and there are no chances or increases in the tolerances, the regulation is established as set forth below.

Any person adversely affected by this regulation may, on or before May 26, 1981, file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted, if the objections are legally sufficient to justify the relief sought.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; and it 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. In general, tolerance regulations have beneficial impacts on affected industries and the public.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in the Document Control Office, EPA, R. 107, 401 M St., SW., Washington, D.C. 20460.

Effective on: April 24, 1981.

(Sec. 408(e) 68 Stat. 514 (21 U.S.C. 346(e)))

Dated: April 10, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR Part 180 is amended by revising § 180.155 to read as follows:

§ 180.155 1-Naphthaleneacetic acid; tolerances for residues.

(a) Tolerances are established for residues of the plant growth regulator 1-naphthaleneacetic acid in or on the following raw agricultural commodities:

Commodities	Part per million
Apples	1
Olives	0.1 (N)
Pears	1
Pineapples (from the application of the sodium salt to the growing crop)	0.05
Quinces	1

(b) Tolerances are established for residues of the ethyl ester of 1-naphthaleneacetic acid in or on the following raw agricultural commodities:

Commodities	Part per million
Apples	1
Pears	1
Olives	0.1

[FR Doc. 81-12379 Filed 4-23-81; 8:45 am]
BILLING CODE 6560-32-M

40 CFR Part 180

[PP 8F2058/R301; PH FRL 1806-1]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Oxyfluorfen

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] in or on the raw agricultural commodities soybeans and corn grain at 0.05 part per million (ppm). This regulation was requested by Rohm & Haas Co., Inc. This regulation establishes the maximum permissible levels for residues of oxyfluorfen in or on the above raw agricultural commodities.

EFFECTIVE DATE: Effective on April 24, 1981.

ADDRESS: Written objections may be submitted to the: Hearing Clerk, Environmental Protection Agency, Rm. M-3708 (A-110), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Richard F. Mountfort, Product Manager (PM) 23, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 412D, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7070).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the Federal Register of September 3, 1980 (45 FR 58497) that Rohm & Haas Co. Inc., Independence Mall West, Philadelphia, PA 19105, had filed a petition (PP 8F2058) with the EPA. This petition proposed that tolerances be established for the residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] in or on the raw agricultural commodities soybeans and corn grain at 0.05. No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking.

The data submitted in the petition and other relevant material have been evaluated. The toxicology data considered in support of the proposed tolerances included a rat oral lethal dose (LD_{50}) with an LD_{50} greater than 5.0 grams (g) per kilogram (kg) of body weight (bw); a rat cytogenetic test (negative); a host mediated assay (negative); the Ames test (negative); a rat teratology study with no terata at 1,000 mg/kg of bw (highest dose) and a no-observable-effect level (NOEL) of 100 mg/kg of bw; a three-generation rat reproduction study with a NOEL of 10 ppm; a 26-week progress report of a 2-year dog feeding study; a 90-day rat feeding study with a NOEL of 1,000 ppm; a 24-month rat feeding study (chronic toxicity/oncogenicity) with a NOEL of 40 ppm; and a 20-month mouse feeding study (chronic toxicity/oncogenicity) with a NOEL at 2 ppm.

Based on the mouse chronic feeding study with a NOEL of 2 ppm and a 100-fold safety factor the acceptable daily intake (ADI) for humans is 0.003 mg/kg of bw/day. The maximum permissible intake (MPI) is 0.1800 mg/day for a 60 kg person. A related document (FAP 9H5230/R70) establishing a food additive regulation (21 CFR 193.325) of 0.25 ppm of oxyfluorfen and its metabolites in refined soybean oil appears elsewhere in this issue of the Federal Register. Tolerances in or on the raw agricultural commodities almonds, almond hulls, stone fruits [apricots, nectarines, peaches, plums (fresh prunes)], grapes, and the meat, fat and meat byproducts of cattle, goats, hogs, horses, poultry and sheep, eggs and milk at 0.05 ppm have been previously established (45 FR 85021). The proposed and previously established tolerances have a theoretical maximal residue contribution (TMRC) of 0.0367 mg/day in a 1.5 kg diet, or 20.37 percent of the MPI.

To reinforce the present findings, the petitioner submitted a complete draft

study on a 2-year dog feeding study prior to September 22, 1980 and has agreed to conduct a second teratology study with a nonrodent species.

The nature of the residue of the pesticide is adequately delineated, and an adequate analytical method (a gas chromatographic procedure using an electron capture detector) is available for enforcement purposes.

The use for the chemical oxyfluorfen in corn is to be limited to the U.S. Department of Agriculture's witchweed program on field corn in North and South Carolina. The soybean use pattern prohibits using treated plants for feed or forage.

One of the solvents used in the production of technical oxyfluorfen, perchloroethylene <0.1 percent, has been shown to produce liver tumors in mice. The agency is presently assembling available information pertaining to perchloroethylene, which has wide usage outside of pesticide applications. This review will assess the health significance of perchloroethylene and is not complete at this time. The evidence on tumor production, however, does initiate a presumption against registration pursuant to 40 CFR 162.11(a)(3)(ii) for the proposed uses of oxyfluorfen. After intensive review, the agency has made a preliminary finding that potential benefits associated with the use of oxyfluorfen outweigh risks from perchloroethylene. The benefits of oxyfluorfen will be discussed in a document to be available at a later date.

An applicator risk analysis was performed to determine the risk associated with perchloroethylene resulting from applications of oxyfluorfen for all uses proposed. The maximum worst-case risk of tumor development from exposure to perchloroethylene via these uses is calculated to be four (4) incidents of tumor development in 100,000 applicators. The actual risk may be lower than this theoretical calculation since the actual levels of perchloroethylene in air may be lower than theoretical estimates due to air movement or other climatic factors.

In addition to the applicator risk study, analyses were performed on the raw agricultural commodities soybeans and corn grain to detect residue of perchloroethylene. No residues were detected at the limit of sensitivity for the method (0.05 ppm). Due to the volatile nature of perchloroethylene and the nature of the proposed use patterns for oxyfluorfen (i.e., pre-emergence or postemergence directed sprays), residues of perchloroethylene in or on these commodities may be lower than 0.05 ppm.

The agency has calculated a risk through ingestion using 0.05 ppm (method sensitivity) as a base. For corn grain, the maximum risk is calculated to be three (3) incidents of tumor production in 1,000,000,000 individuals. For soybeans, the maximum risk through ingestion is calculated to be five (5) incidents in 100,000,000.

The petitioner produces technical oxyfluorfen containing less than 200 ppm perchloroethylene. Based on the toxicology testing (all tested oxyfluorfen involved included perchloroethylene at less than 0.1 percent), the small risk cited above, and benefit analyses discussed in the position document, the agency has made a preliminary conclusion that the proposed registration of oxyfluorfen containing less than 200 ppm of perchloroethylene will not cause an unreasonable adverse effect on the environment.

The pesticide is considered useful for the purpose for which tolerances are sought, and it is tentatively concluded that the tolerances for oxyfluorfen residues in or on the raw agricultural commodities corn grain and soybeans at 0.05 ppm established by amending 40 CFR Part 180 will protect the public health. Therefore, the tolerances are established as set forth below.

Any person adversely affected by this regulation may, on or before May 26, 1981 file written objections with the Hearing Clerk, EPA, Rm. M-3708 (A-110), 401 M St., SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. If a hearing is granted, the objections must be legally sufficient to justify the relief sought.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; and it 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. In general, tolerance regulations have beneficial impacts on affected industries and the public.

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection in the Document Control Office, EPA, Rm. 107, 401 M St., Washington, D.C. 20460.

Effective date: April 24, 1981.

For information on Regulatory Flexibility Act requirements, see Appendix to this rule.

(Sec. 408(e) 68 Stat. 514, (21 U.S.C. 346a(e)))

Dated: March 24, 1981.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

Therefore, Subpart C of 40 CFR 180.381 is amended by alphabetically inserting "corn, grain" and "soybeans" in the table under § 180.381 to read as follows:

§ 180.381 Oxyfluorfen; tolerances for residues.

Tolerances are established for residues of the herbicide oxyfluorfen [2-chloro-1-(3-ethoxy-4-nitrophenoxy)-4-(trifluoromethyl)benzene] and its metabolites containing the diphenyl ether linkage in or on the following raw agricultural commodities:

Commodity	Part per million
* * * * *	
Corn, grain	0.05
* * * * *	
Soybeans	0.05
* * * * *	

Appendix

Certification Under Regulatory Flexibility Act: Congress recently enacted the Regulatory Flexibility Act (Pub. L. 96-543, 94 Stat. 1164, 5 U.S.C. 601-612, effective January 1, 1981). The purpose of the Act is to assure that the Agency analyzes the effect of regulatory requirements on small businesses, Government jurisdictions, and organizations (collectively referred to as "small entities"). The law requires that all "notice-and comment" rulemaking, both proposed and final, be accompanied by an initial or final regulatory flexibility analysis, or by a certification by the Administrator that no such analysis is necessary because the regulation will not have a significant adverse impact on a substantial number of small entities.

Under Sec. 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended (21 U.S.C. 346a), the Agency is authorized to establish by regulation tolerance levels, or exemptions from the requirements for a tolerance, for pesticides resulting in residues on raw agricultural commodities. Under Sec. 409 of the same Act (21 U.S.C. 348), the

Agency is authorized to issue regulations establishing permissible levels of residues of pesticides found as additives in processed food or feed. These tolerance and additive regulations are intended to protect the public while giving appropriate consideration to the production of an adequate, wholesome and economical food supply.

The establishment of a tolerance or an exemption or an additive level allows a pesticide product to be registered for a particular use resulting in residues on food or feed. This generally has beneficial economic impacts on the producer, distributor, and professional applicator of the pesticide, all of whom benefit through sale of the pesticide. It also benefits the ultimate user of the pesticide, usually a grower or food processor, who would otherwise not be able to sell crops containing residues of that pesticide.

The proposed regulation would establish additional tolerances for the herbicide oxyfluorfen at 40 CFR 180.381. These tolerances support proposed use patterns for oxyfluorfen in soybeans and field corn and will permit registration to include those uses. There is no potential for adverse impact.

Accordingly, I hereby certify that this proposed regulation would not, if promulgated, have a significant adverse impact on a substantial number of small entities. Therefore, this regulation does not require a regulatory flexibility analysis.

Dated: February 27, 1981.

Walter C. Barber, Jr.,

Acting Administrator.

[FR Doc. 81-12378 Filed 4-23-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 15

[Gen. Docket 80-284; FCC 81-69]

Verification and Methods of Measurement of Computing Devices

AGENCY: Federal Communications Commission.

ACTION: Final rule (Report and Order).

SUMMARY: This Report and Order adopts a standard procedure for measuring radio frequency emissions from computing devices, which is to be used for determining compliance with the requirements for computing devices that were adopted September 18, 1979, amended March 27, 1980. Also, rules are adopted which spell out a verification procedure—a self-issued form of equipment authorization.

DATES: Order becomes effective May 20, 1981.

The appended test methods should be used for testing computing devices after July 1, 1981.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Mr. Julius P. Knapp, Office of Science and Technology, RF Devices Branch, Washington, DC 20554, (202) 653-8247, Room 7208.

In the matter of amendements of Parts 2 and 15 of the rules relating to verification and methods of measurement of computing devices, Gen. Docket 80-284.

Report and Order

Adopted: February 25, 1981.

Released: March 23, 1981.

By the Commission: Chairman Ferris not participating.

1. A Notice of Proposed Rulemaking (*NPRM*) in this proceeding was adopted by the Commission on June 11, 1980 (45 FR 42347; June 24, 1980) to formalize the methods of measurement and the procedure for verification of computing devices subject to the technical standards in Subpart J of part 15 (47 CFR Part 15 Subpart J).

2. For the reasons given below, the Commission is adopting herein a procedure for testing computing devices for compliance with the technical standards in Part 15 Subpart J, and also adopting procedural requirements for verification by manufacturers that their equipments satisfy the computing device regulations.

Background of this Proceeding

3. The Commission established new technical standards to control the interference to radio and TV reception caused by computers and similar digital electronic equipment. These standards were adopted by the Commission on September 18, 1979 in a *First Report and Order* (hereinafter *First Report*) in FCC Docket 20780.[1] The rules were later revised on March 27, 1980 in an *Order Granting In Part Reconsideration Of the First Report and Order* (hereinafter *Reconsideration*) which delayed the effective date and made some other changes primarily procedural in nature.[2] In these actions, the Commission explained that a separate proceeding would be initiated to establish methods of testing for compliance with the new standards, even though the procedures contemplated were to follow well known and established methods of testing. To the extent practicable, the procedure adopted herein follows long-established methods of measurement.

[1] Released October 11, 1979; 44 FR 59530, October 16, 1979; FCC 79-555.

[2] Released April 9, 1980; 45 FR 24154, April 9, 1980; FCC 80-148.

Comments in Response to NPRM

4. Comments were filed in this proceeding by 21 parties (3 associations, 14 companies, 4 consultants) and reply comments were filed by 8 parties. A list of the commenters is attached as Appendix A. In general, the commenters support the proposal. Atari, NTI, and MITA found the proposed test procedures to be unnecessarily complicated and burdensome. The primary concerns deal with acceptability of open field test sites, allowing for flexibility in the test procedure, measurement instrument detector function and bandwidth, and the line impedance stabilization network (LISN). For the reasons discussed in paragraph 5 below, the matter of test sites and criteria for their suitability is being taken up separately. This aside, the following paragraphs address the points made in the comments and explain the Commission's consideration and disposition of them.

FCC Docket 21371

5. A Notice of Proposed Rulemaking in Docket no. 21371 was adopted on August 24, 1977 to amend Part 2 of the Rules to require a description of measurement facilities used in the equipment authorization program and to make other related changes.[3] The focus of this action was on open field test sites and what should be considered as the minimum requirements for the site to yield accurate and repeatable measurements. Not knowing when action in Docket 21371 might be finalized, parallel requirements for open field sites were set forth in the computing device measurement procedure proposed in General Docket 80-284. In their comments on Docket 80-284, Motorola and EIA/CEG recommend that the test site requirements in Dockets 80-284 and 21371 be consolidated. We agree that this is desirable both to avoid duplication and to avoid the possibility of any differences between two sets of requirements. Accordingly, comments filed in General Docket 80-284 which relate to open field test sites and their acceptability are being considered in Docket 21371, which we expect to finalize shortly. Comments filed concerning issues peculiar to test sites used for measuring computing devices are taken up herein.

Verification

6. The regulations adopted in Docket 20780 made most equipments subject to

[3] Released June 20, 1980; 42 FR 45342, June 24, 1980; FCC 80-335.

verification. Specifically, § 15.814 requires verification of Class A computing devices. Section 15.834 (b) and (c) require that Class B devices not singled out for certification be verified for compliance. A definition of verification was adopted and set forth in § 15.4(r). Verification is, in essence, a self-certification procedure whereby it is incumbent on the manufacturer to make certain that his device conforms to the standards by performing tests. For other forms of equipment authorization, such as, certification, type approval, and type acceptance, detailed authorization procedures are set forth in the Rules in Subpart J of Part 2. It became apparent from the informal questions received by the Commission following the adoption of the computing device rules that similar statements were necessary to clarify what the Commission expected to be done for equipment subject to verification.

7. Only minor exceptions were taken to the proposed rules concerning verification that are to be added to Part 2. NTI and TI request that § 2.955, concerning retention of records, be revised to narrow its scope. This requirement calls for the manufacturer to retain a complete set of design drawings for the product and also to keep a record of the procedures used for production inspection and the procedures used for testing for compliance with FCC requirements. It is our belief that retention of the design drawings is a practice which already routinely exists and that this should pose no difficulty. Retention of records on the production inspection and test procedures is the minimum information that would be needed should an interference or other problem arise. TI expressed concern that § 2.953 might imply that some form of statistical production line emission testing is required. Section 2.953(a)(2) is amended to make it clear that this is not required.

8. Drake Willock and TI commented that § 2.957 should be revised to say that the costs of shipment of sample devices to the Commission will be borne by the FCC. We do not agree with this and find that the proposal is not in keeping with existing requirements elsewhere in Part 2 (e.g., § 2.937). CBEMA recommends minor revisions in the language of §§ 2.953 and 2.955 to reflect what is implied in § 2.902—that in some instances testing may not be warranted. We have incorporated these suggestions. The definition of verification in § 15.4(r) is deleted since a description of what verification entails is given in the new § 2.952. The rules concerning verification are otherwise adopted as proposed and can be found in the attached Appendix B.

The Measurement Problem

9. Many computing devices differ from other radio frequency devices regulated by the Commission in that they are usually composed of two or more interconnected subunits, with options for use of various accessories, and may be arranged in a variety of ways to better suit the intended use. Furthermore, they may be used with accessories not marketed by the supplier of the basic equipment. Because of these factors, testing for assessment of interference potential of computing devices presents problems not often heretofore encountered with other devices regulated by the Commission. Experienced test engineers can resolve these difficulties, but since many of these tests will be new to a large number of engineers, the methods for resolving some measurement problems are documented here.

10. Much information has been gained concerning emissions from computing devices from the comments filed in Docket 20780 and from an examination of a variety of computing devices at the Commission's Laboratory. On the basis of the information thus obtained, it is understood that the spectrum of emissions from computing devices is composed of signals from three principal sources within the device. The time-base circuits generate a series of narrow-band signals that are harmonics of the time-base frequency or multiples thereof. Most data processing circuits generate a series of lower-level coherent signals that are more closely spaced in frequency than those emanating from the time-base circuitry. Control circuitry produces non-coherent broad-band noise signals (caused by relay closures, motor speed controls, etc.). The overall spectrum thus in the frequency domain appears to be a "comb" of individual coherent frequencies, with the time-base components usually higher in level (with some or all of these modulated in intensity by pulses generated in the system), plus a broad-band noise spectrum in the lower frequency part of the frequency domain. Although the first two of these components may appear to be a spectrum of broad-band random noise, such is not the case because all of these emissions are coherent and related directly or indirectly to the operations of the time-base and digital circuitry of the device.

Measurement Procedure—General Discussion

11. As indicated earlier, the procedure we are adopting adheres to long established methods of measurement. As explained in the NPRM, the proposed procedures essentially followed the *American National Standard Methods of Measurement of Radio Noise Emissions from Low Voltage Electrical and Electronic Equipment in the Range 10 kHz to 1 GHz*, ANSI C63.4, adopted November 10, 1980.[4] The procedure we are adopting follows this standard with modifications based on the comments filed in this proceeding. Several other standards and recommendations were referred to by the commenting parties. Most notably, recommendations of CISPR were cited often.[5] Where an existing standard or recommendation was considered, it is referenced in the pertinent paragraph of this Report.

12. Most commenters stressed the importance of flexibility in the procedures. The reasons are twofold. First, there is a wide assortment of equipments that fall under the definition of a computing device set forth in § 15.4(n), of all shapes, sizes, and electrical configurations. Second, there are often constraints as to the resources (measurement equipment, test site, etc.) available. We agree that these are valid reasons for allowing flexibility in the measurement procedure and we believe that this philosophy was evident in the *NPRM*. Based on the comments received, we added additional flexibility in the procedure whenever it was possible. The specifications of what kinds of variations will be permitted in the procedure are addressed in subsequent paragraphs.

13. The test procedure for a device subject to certification shall be less flexible than for a device subject to verification. A Class B computing device subject to certification (i.e., personal computers and their peripherals) should be tested in accordance with the standardized procedure.[6] [7] These

[4] Available from: Standards Department, The Institute of Electrical and Electronic Engineers, 345 East 47th St., New York, New York 10017.

[5] CISPR is the acronym for Comite International Special des Perturbations Radioelectrique (International Special Committee on Radio Interference). CISPR has adopted a number of recommendations for controlling interference from a variety of electrical and electronic components. CISPR recommendations are not mandatory, but have been adopted as national law by a number of foreign administrations.

[6] 47 CFR 15.834 requires certification of coin operated video games, personal computers, and peripherals that are used with personal computers.

[7] Certification is one of the Commission's four equipment authorizations. It requires the manufacturer to submit a report of measurement along with an application demonstrating that the equipment complies with the pertinent technical standards. If upon review all is found satisfactory, a Grant of Equipment Authorization is issued which is

Continued

devices have been established as having a higher likelihood of causing interference and their generally small size and fewer number of subunits should pose no particular measurement difficulty. On the other hand, equipments subject to verification—Class A equipments and Class B devices not subject to certification (i.e., digital watches, calculators, terminals, modems, printers, etc.)—have been found to pose a lesser potential for interference and we are willing to permit greater flexibility in their testing.[8] Also, we believe that the variability of arrangement and of component makeup of Class A computers is such that this flexibility is needed.

Measurement Procedure-Specific Issues

14. CBEMA suggested revision of some of the definitions in paragraphs 3.0 thru 3.10 and the addition of others. CBEMA recommended that narrowband noise and broadband noise be defined and with small differences the definitions they proposed have been added as new paragraphs 3.10 and 3.11, respectively. CBEMA also proposed a definition of peripherals. We concur that a definition of peripherals would be helpful, but believe that it should more appropriately be in the rules in Part 15.[9] With minor differences, the definition of a peripheral suggested by CBEMA has been added as a new § 15.4(r). In light of CBEMA's suggestions, changes in language have been made in the definitions of Equipment Under Test, Line Impedance Stabilization Network and Conducted Radio Noise for purposes of clarification. The other definitions are adopted as proposed.

15. Several parties commented on test sites, which was the subject of Section 4.1 of the proposal. As mentioned previously, comments pertaining to test sites that have been filed in the instant proceeding are being considered in Docket 21371. Paragraph 4.1 has been changed to provide that open field sites to be used for certification measurements shall conform with the rules adopted under Docket 21371. While we suggest that open field sites used solely for verification measurements conform to those requirements in the interest of measurement accuracy, the Commission does not propose to require this nor to oversee prior approval of test sites used exclusively for verification measurements.

16. GE, HP, and CBEMA object to the stipulation in 4.1 that alternate test sites receive prior approval by the FCC. Prior FCC approval of an alternative test site was not contemplated. What was intended was Commission concurrence on the different types and applications of alternative test sites. To alleviate their concern, 4.1 is amended to make it clear that FCC approval of a test facility is required only for devices subject to certification. Atari, NTI, STC, and GTAE express concern that the procedure for correlation of an alternate site to an open field site is not defined and request further guidance in this area. This problem is particularly difficult to define and to make applicable for a wide, or even narrow range of alternative sites. Correlation technologies for alternative sites are being studied both by the government and industry and guidelines will be released as soon as they are brought to our attention. If a manufacturer is satisfied that a particular alternative site gives repeatable measurements that are correlateable to data taken in "open field" sites, the procedures are flexible enough to allow him to use such a site. However, measurements made by the Commission, should we decide to test a device (or system), will be made under the so-called open field conditions. Obviously, this does not apply to large equipments.

17. STC and NTI argue for the acceptability of anechoic chambers. There is no objection to their use; however, it must be recognized that it may be necessary to devise alternate test methods where the prescribed test procedure cannot be followed exactly (e.g., the height of some chambers may not allow the required 1 to 4 meter variation in receiver antenna height and thus may result in some measured differences.)

18. CBEMA suggests a change in title for 4.1.1.1. The title proposed reads *Tests At Laboratory, Factory, or User's Premises.* CBEMA requests that the last two words be changed to *Other Facilities,* to better reflect that a variety of alternate sites could be used. We have no objection and the change has been made. TI claims that its experience shows that correlation cannot be obtained between "open field tests" and on-site measurements but supports the Commission's proposal to accept tests made at a user's premises where open field tests are impracticable.

19. Drake-Willock, A–B, NEMA, CBEMA, EPT, and Atari commented on testing in a shielded enclosure, the subject of 4.1.1.2. The proposal stated that a shielded chamber could be used for preliminary tests, but that a shielded chamber is not suitable for determining compliance with FCC limits unless it can be shown that the results of tests made in the enclosure are correlateable to those made in an open field or equivalent site. Drake-Willock proposed that tests made in a shielded enclosure be accepted as demonstrating compliance since they are experiencing difficulty in obtaining a suitable open field site. Atari proposed that if test data showed that a device tested in a shielded chamber routinely radiated more than when tested on an open field, that testing in a chamber be permitted if data showed compliance with specification limits. NEMA also proposed that shielded chamber sites should be routinely acceptable. EPT supports the Commission's position that testing in a shielded chamber is not practicable for quantitative measurements. A number of sources indicate that as much as 20 dB difference may exist between measurement data taken in chamber and on an open field site for the same equipment.[10] The basic difficulty in establishing correlation is that the characteristics of the EUT itself have an affect on the correlation. We realize that in some instances where a group of EUT's is essentially identical from one unit to the next, that a correlation is possible, as is exhibited in some military standards.[11] But for the devices which are the subject of this proceeding, the differences between equipments are sufficiently great to make a correlation improbable at best. In our view, the ordinary shielded chamber is most suitable for preliminary investigation of the spectrum signature of devices, as it eliminates problems with ambient interference.[12]

20. CBEMA commented on 4.1.2, the section pertaining to testing at a user's installation (on-site testing), where the measurements cannot be correlated to those which would be obtained at an open field site. They proposed that where three systems representative of a type have been tested at different user's installations and found to be in

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the precondition for legal marketing in the U.S.A. The equipment authorization procedure is found in 47 CFR Subpart J of Part 2.

[8] *First Report,* paragraphs 10 thru 19.

[9] See *Reconsideration* in Docket 20780, paragraphs 71 thru 77 for a detailed discussion on peripherals.

[10] Keiser, Bernhard E., *Principles of Electromagnetic Compatibility,* Artech House Inc., 1979, pp. 315–317. The National Bureau of Standards (NBS) has also done work which indicates that the variation of radiated emissions measurements in an RF shielded chamber is on the order of 20 dB.

[11] EUT is used through the report as an acronym for Equipment Under Test.

[12] Biagini, Chris, *Open Area Site and Laboratory Testing for Computer Type Equipment,* a paper given at the 1980 Midcon Professional Program, November 4–6, 1980, at pps. 4–6. Discusses preliminary measurements in shielded chambers.

compliance, that this be considered to be sufficient evidence of verification for that type of system. The benefit to be gained by adopting this proposal would of course be a lessening of the test burden in many cases. The risk appears to be minimal since compliance at three installations should be fairly representative of what may be expected at other installations. We, therefore, accept this proposal and 4.1.2, 4.7, and 6.3 have been amended accordingly. Also, 4.7 and 6.3 were revised to eliminate a conflict between the measurement distances stated in those paragraphs as contained in the *NPRM*. We have accepted CBEMA's proposal that the title of 4.1.2 be changed, deleting the term "(ON-SITE TESTING)" in order to eliminate possible confusion with other references to open-field testing where this term has been used elsewhere in the Rules.[13]

21. Texas Instruments commented on Section 4.1.3, *Individual Equipment Test Requirements*. The intent of this section is to allow manufacturers the freedom to develop a test method to suit a unique or unusual EUT. The proposed section included a stipulation that the procedure be found acceptable to the FCC. Texas Instruments suggests deletion of 4.1.3 saying that applicants may always request a waiver of the rules based on a showing that the test procedures are inappropriate for a specific type of equipment. AT&T objected to the TI proposal due to the delay, cost, and general burden of the waiver process. We agree with AT&T that the need to file for a waiver each time a unique or unusual measurement problem arises would be overburdensome. Therefore, we are retaining the original language.

22. Proposed paragraph 4.2, *Measuring Instrumentation*, required that a spectrum analyzer be used for measurements with a field strength meter meeting ANSI C63.2 specifications an acceptable alternative. CBEMA, AT&T, EPT, GE, Bronaugh, and Banasiak proposed that this be changed to specify the ANSI C63.2–1980 instrument, with the spectrum analyzer as the alternative. These parties explain that the field strength meter is specifically designed for making field strength and other radio emissions measurements as opposed to a spectrum analyzer which is a general purpose instrument. There are several characteristics of the radio noise meter which are advantageous in making electromagnetic interference (EMI) measurements. These are the dynamic range, overload capabilities, selectivity characteristics, capability for battery operation, choice of several standardized detector functions, and general ease of operation.[14] In light of the comments, we concur that the field strength meter is the instrument of choice when available. The language in 4.2 is revised accordingly. A spectrum analyzer can be used as an alternate instrument. Hewlett-Packard points out that when using the spectrum analyzer, in order to obtain accurate measurements it may in many cases be necessary to use accessory equipment (filters, low noise amplifiers, etc.) Notes have been added to 4.2 to cover the points raised by HP and others.

23. Several comments were filed concerning detector function selection and bandwidth in 4.2.2. As proposed in the Notice, measurements were to be made with the measuring instrument set for peak, or alternatively the CISPR quasi-peak detector function. This is a change from previous rulemakings in which the evaluation of the interference potential of devices was made with average-value measurements. In those earlier devices, their emissions were in general narrow-band, with little or no modulation, so that their interference effects were reasonably related to their average value. In the case of computing devices, however, although most of their emissions are relatively narrow-band, they are usually modulated with pulses originating from the timing or data processing circuitry, so that their interference effects, particularly to television reception and to reception of data transmissions, are more nearly related to their peak values. The pulse response characteristics of the CISPR quasi-peak detector circuit were developed specifically to weight the readings to approximate the human audio and video response characteristics.

2.4 GE recommends use of an average detector. While GE concedes that a peak or quasi-peak detector may be more appropriate for measuring emanations from computers, it explains that an average detector will in many instances give a much lower reading and goes on to imply that the limits that were adopted presupposed use of the lower reading average detector. GE does not develop the details of this argument, but refers to the CBEMA/ESC5/77/29 report.[15] The Commission explained in limits it was adopting for computers are in line with the limits developed in the CBEMA report.[16] A review of the CBEMA report shows that we have been consistent with CBEMA's recommendation on detector function. See Figure 8–3 of that report. In the comments filed in the instant proceeding, CBEMA supports the proposal with regard to detector function and bandwidth for radiated emissions. We, therefore, find GE's suggestion to be without basis.

25. EPT questioned why provision was made for use of a quasi-peak detector designed to CISPR standards and not for quasi-peak detectors designed according to other standards. As explained in the *First Report* in Docket 20780, many computing devices are sold abroad and subject to European standards which by and large follow CISPR recommendations. It would be more economical for all concerned if the standards are essentially uniform from one country to the next and we support this end. We have therefore specified the CISPR quasi-peak detector. Other quasi-peak detectors may yield different results and this is the reason that multiplicity is not acceptable.[17] Banasiak calls attention to the fact that the peak and quasi-peak detectors can give different results. While this is correct for broadband emissions, most computing devices exhibit emissions which are narrowband with respect to the specified bandwidth and as a result there is little or no difference in data obtained with either detector. For certain devices which exhibit a preponderence of broadband spectra, a quasi-peak detector may be advantageous. In general, however, the results using either the CISPR Quasi-Peak or Peak detector will be approximately the same for most devices.

26. There is another reason for allowing a choice of detectors. While we are interested in promoting harmonization of standards and therefore accept the use of the CISPR detector, we also recognize that such instruments have not previously had widespread use in this country. On the other hand, test instruments with the peak detector, such as spectrum analyzer, are widely used by manufacturers. Therefore, a choice of detectors, since both produce essentially the same results for most devices will permit maximum flexibility. An individual who prefers using the CISPR instrument will find that several

[13] The term "on-site certification" is used in 47 CFR 2.1037 and pertains to authorization of industrial, scientific, and medical equipment at a given installation.

[14] Bronaugh, pages 3 and 4.

[15] Limits and Methods of Measurement of Electromagnetic Emanations from Electronic Data Processing and Office Equipment, CBEMA/ESC5/77/29 submitted with additional filing on June 16, 1977 as a comment in Docket 20780.

[16] See *First Report*, paragraph 53.

[17] ANSI C63.2–1980, page 15.

manufacturers of popular EMI instruments are now offering adapters that permit a number of currently available instruments to meet the CISPR specifications. This problem concerning the availability of CISPR instruments should diminish soon.

27. On power line conducted emissions measurements, CBEMA and GE object to use of a peak or quasi-peak detector. In connection with this, both refer to the *First Report* in Docket 20780 and explain that it is their understanding that the Commission has not adopted limits for broadband conducted emissions.[18] This is inaccurate. The limits that were adopted do apply to broadband emanations; however, we are still studying the problem.

28. In the interim, to provide some degree of protection from interference caused by broadband emissions, we are adopting a solution proposed by CBEMA, with some changes. Measurements are first to be made with the instrument set in the peak or quasi-peak mode using a bandwidth of 9 kHz or greater.[19] If signals are found which exceed the FCC limits, further measurements may be made using an average detector. If the reading significantly changes the emissions may be considered broadband and the reading in the quasi-peak mode may be reduced by 13 dB for comparison to the limits. CBEMA suggests that for narrowband/broadband limit equalization, the adjustment should be 20 dB. This appears to be unreasonably high. It is our understanding that this problem is being considered by the International Electrotechnical Commission (IEC), under the auspices of CISPR Subcommittee B Working Group 2 (CISPR/B/WG2), of which CBEMA is a member, and at this time the adjustment between quasi-peak or peak and average readings is seen to be approximately 13 dB. We consider 13 dB to be more reasonable than the 20 dB suggested by CBEMA and will use it until this matter is investigated further. A NOTE is added to paragraph 4.2.2 in accordance with the above discussion.

29. GE and Bronaugh point out that 4.2.2 is not as complete as ANSI standard C63.2–1980 as to the variance permitted on the specified instrument bandwidth. Paragraph 4.2.2 specified a minimum instrument bandwidth of 9 kHz for measurements over the range 0.15 to 30 MHz and a minimum instrument bandwidth of 100 kHz for tests in the range 30–1000 MHz. In light of the comments, a note is added to 4.2.2 to call attention to the fact that there is a bandwidth tolerance and refer to ANSI C63.2–1980.

30. Motorola, EPT, and AT&T request that provisions be made for instrument bandwidths of less than 100 kHz for radiated emissions measurements over the range 30 MHz to 1000 MHz. Motorola and EPT cite improved signal to noise ratios for weak signals as the grounds for such provisions. AT&T explains that in some instances the closest available bandwidth is slightly below what is allowed and that the next higher instrument bandwidth is such that it will give readings 20 dB too high. In reply to these comments, CBEMA states that

> * * * such latitude can only be accomodated if correction factors are uniformly utilized by the tester to account for the inadequacy of the narrower bandwidth receiver in measuring other than narrowband emanations. In other words, if bandwidths narrower than those already specified in the proposed standard are to be utilized * * * a correction factor equal to the ratio of the specified bandwidth to the narrower bandwidth actually utilized *must* be applied to the results * * *[20]

It is our opinion that permitting lesser bandwidths introduces uncertainties into the measurements as evidenced in CBEMA's comments. The correction factor suggested by CBEMA is not substantiated and does not appear to be uniformly applicable regardless of the emission. We, therefore, are retaining the 100 kHz minimum bandwidth requirement. AT&T and CBEMA requested that the bandwidths be specified as 6 dB bandwidths for clarification and 4.2.2 is amended accordingly.

31. Yamaha requested a revision of 4.2.3, *Units of Measurement.* As proposed, this paragraph specified data presentation in terms of microvolts for conducted measurements, or microvolts per meter for radiated emissions. Yamaha requested that this be changed to permit reporting in dB above 1 microvolt for conducted tests and dB above 1 microvolt per meter for radiated tests, as alternates. These units are in general use in measurement reporting. We have no objection and 4.2.3 has been revised accordingly.

32. Several comments were filed concerning proposed paragraph 4.2.4, *Antennas.* This paragraph specified use of a calibrated half-wave dipole as the measuring antenna, with other linearly polarized types of antennas to be acceptable alternates. NTI requested that use of broadband antennas be permitted (bi-conical, log-spiral, circular, or dual polarized). AT&T, HP, and NTI recommended changes to permit use of antennas other than linearly-polarized. Calibration of linearly polarized broadband antennas such as bi-conical and log periodic is such that measurement results can be related or correlated to those obtained using the half-wave dipole. Accordingly, bi-conical and log periodic broadband antennas may be used when properly calibrated. On the other hand, circularly polarized broadband antennas, such as the log spiral antenna, are not suitable for these types of measurements. The radiation from the equipment under test is randomly polarized and emerges from more than one source (in most instances) and it may on some frequencies approximate circular polarization. If this should be of the opposite rotation to that for which the antenna was designed, the observed signal strength would be much less than that actually present. We are, therefore, retaining the specification for use of linearly-polarized antennas for measurements and the log spiral antenna is not considered acceptable for determining compliance with the limits (although it may be employed for preliminary scan measurements). CBEMA proposed that below 80 MHz, the length of the dipole be adjusted to that for 80 MHz rather than the half-wave value. There is no specific objection to this providing that a correlation is shown and the values adjusted to what would be obtained with a half wave dipole.

33. Comments on the requirement of 4.2.4, *Antennas,* that the height of the measuring antenna be varied to obtain the maximum radiated signal, were filed by CBEMA, Atari, HP and EIA/CEG. Atari and HP proposed that measurements be made with the measuring antenna at a fixed height. Two reasons are given. The first is convenience. The second has to do with difficulty in meeting this requirement at certain alternate sites such as anechoic rooms. The Commission cannot accept this suggestion. The practice of varying the height of the measurement antenna is of long standing and is called for in numerous measurement standards such as IEEE 187,[21] EIA RS 378,[22] and IEC

[18] *First Report* paragraph 56.

[19] CBEMA comments, dated September 2, 1980, Appendix A, pages 10 and 11.

[20] CBEMA reply comments, pages 10 and 11.

[21] IEEE 187, *Standards on Radio Receivers: Open Field Method of Measurement of Spurious Radiation from Frequency Modulation and Television Broadcast Receiver, 1951* available from the Institute of Electrical and Electronic Engineers, 345 East 47th St., New York, New York 10017.

[22] EIA RS 378, *Measurement of Spurious Radiation from FM and TV Broadcast Receivers in the Frequency Range of 100 to 1000 MHz—Using the*

Continued

106/106A.[23] ANSI C63.4–1980 also calls for varying heights to obtain a maximum reading. The emitted signal travels to the measurement antenna by both a direct and a ground reflected path. The relationship of the two signals is different at different points of space (they may add or cancel), and for several reasons one cannot, from a practical standpoint predict the points—heights above ground—at which the signals will add in a maximized manner. One reason is that the radiation emerges from the equipment from a variety of points and with random phase. Another reason is that the ground properties, which affect the ground reflected ray, may vary from one site to the next. Thus, experience has shown that the maximum signal determined by varying the height of the measuring antenna gives more consistent results with a smaller degree of variation between sites. A procedure that uses a fixed height for the measuring antenna can be expected to yield a more random result with a much higher degree of variability from site to site. Accordingly, we cannot accept the proposals to use a fixed height for the measuring antenna for open field sites and have retained the requirement for variation of the height of the antenna with two changes. AT&T rightfully points out that in some cases of vertical polarization undersirable antenna coupling effects will occur as the bottom tip of the antenna approaches ground. Accordingly, the specification for height variation has been changed to provide a minimum clearance of 25 cm from ground for the bottom end of the antenna in the case of vertical polarization. Also, EIA/CEG proposed that the height variation of the antenna on a 30 meter site be limited to a maximum of 6 meters instead of the proposed 7 meters in order to conform to EIA Standard RS–378. 4.2.4 is revised accordingly. Insofar as the problem antenna height variation poses with regard to anechoic rooms, or other alternative sites, language is added to 6.2 to provide for fixed antenna heights where it can be shown that equivalent results are obtained.

34. CBEMA asserts that the radiated emissions limits that were established for computing devices in Docket 20780 depended on the measurement antenna being located at certain fixed heights. They go on to say that a measurement procedure where the antenna height is varied would in effect invalidate the limits. This is a fallacious argument.[24] The rationale for the limits is given in Appendix C of the *First Report* in Docket 20780. (The derivation is essentially the same as one used by CBEMA in its report CBEMA/ESC5/77/29).[25] Appendix C of the *First Report* shows that the limits are based on a prediction of field strength present at the susceptible receiver's antenna, the source of which is a signal emitted by a computing device at a horizontal distance of 10 meters. This prediction involves general approximation of the attenuation of the signal travelling through space from the computing device to the receiver's antenna. This is done of necessity because of the full range of unpredictables that disallow an exact approach: Height relationship of receiving antenna to radiating device; direction of radiated emission; different compositions of intervening walls; properties affecting propagation differing at each installation, etc. * * * CBEMA in its ESC5 report takes the approach that a generalization can be made concerning the heights of susceptible receivers' antennas. CBEMA states:

> The relative height of EDP/OE installations and VHF/UHF antennas was found to vary between −9 and +77 meters. Half (50%) of the antennas were located at a relative height of −7.7 to +14 meters. Ten meters was therefore picked as a typical control height for radiated emanation limits.[26]

CBEMA develops this for determining fixed measurement heights for the measurement antenna at various test distances. It is implied by CBEMA that these height/distance relationships are critical to the approximation for attenuation (that the signal decreases in direct proportion to the inverse of the distance) that CBEMA reported and the Commission similarly used. This is not the case. The inverse distance approximation for attenuation of the signal through space is widely recognized and is reflected in existing standards such as IEEE Standard 187 and EIA Standard RS–378 where the measurement antenna is varied in height to find the maximum signal level at each distance.[27] A basic flaw in CBEMA's argument is that a single height antenna does not well represent the profile of signal levels that may exist at the full range of receiver antenna heights that occur in the real world. In further support of its argument, CBEMA furnished a prepublication copy of a paper by Robert F. German and Ralph Calcavecchio, title *On Radiated EMI Measurement in the VHF/UHF Range*, which indicates that a 1.5 meter antenna height may be appropriate at a 3 meter measurement. In reviewing the paper, we find that it is based in part on assumptions not representative of what occurs in testing computing devices, such as treating the equipment as an essentially point source radiator. Also, the paper is not supported by actual measurements. While we agree that testing at one antenna height is attractive in that it simplifies the task and more readily permits automation of testing, it unfortunately has the above stated handicaps. It also leads to results which cannot be correlated when extrapolating test data from one distance to another. Alternative techniques, such as one suggested by HP, are being investigated but until an acceptable method is found the present antenna search will be retained in the procedure.

35. It came to our attention in reviewing the comments that there was a need for providing for test distances other than 3, 10, and 30 meters. We have amended the sections of the procedure pertaining to this area. Basically, measurements made at one distance can be extrapolated to the limit distance by assuming an inverse distance extrapolation factor. Insofar as antenna height variation, we have established a break point at a test distance of 10 meters beyond which the height variation must be 2 to 6 meters. At 10 meters and closer the height variation is to be 1 to 4 meters. This relaxes the proposal where measurements at 10 meters called for a height variation of 2 to 7 meters.

36. There were several comments filed concerning how the equipment should be configured during the radiated emissions tests. Information on equipment configuration for radiated tests was given in proposed Paragraphs 4.2.5, 4.5, and 4.7. EPT proposed that an attempt be made to standardize the test configuration rather than attempt to maximize the emissions by rearrangement of the cabling and other accessories. EPT did not recommend a specific configuration. The Commission has given extensive consideration to the subject. A standard test configuration is certainly desirable because it would be easier to repeat the measurements; however, there is great diversity in the

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EIA-Laurel Broadband Antenna, available from Electronics Industries Association, 2001 Eye St., NW, Washington, DC 20006.

[23] IEC 106/106A, *Recommended Methods of Measurements of Radiation from Receivers for Amplitude-Modulation, Frequency-Modulation and Television Broadcast Transmissions*, available from the American National Standards Institute, 1430 Broadway, New York, New York 10018.

[24] In the *First Report* in Docket 20780, paragraph 62, a simplified description of the test procedure was given. This description included varying the height of the measurement antenna to maximize the received emission.

[25] CBEMA/ESC5/77/29, pages 7–6 thru 7–8.

[26] CBEMA/ESC5/77/29, page 6–6.

[27] See footnotes 16 and 17.

equipments that are subject to the computing device requirements and it appears for this reason that an attempt to develop a standard test configuration for all equipments, or even a majority of equipments, would not be practical. A statement was made by EIA/CEG that the language should better define how cables or accessoreis are to be handled. TI proposed that arrangement of the equipment simulate actual use rather than to attempt to set up the equipment to maximize its emissions. As explained in paragraph 33 above, it is our belief that under the circumstances the only meaningful measurement approach is one involving maximization of the emissions characteristics. We wish to make it clear that we do not expect the tester to go to unreasonable lengths to find the maximum. An individual experienced in making EMI measurements should have no difficulty in maximizing the level of emissions from a device. In general, the affects of rearrangement of peripherals, cabling, etc. are apparent within a short period of time by observing the measurement instrument while the items are moved. In light of the comments, we have amended 4.7 to state that excess lengths of cables are to be bundled at the approximate center of each cable by folding back and forth so as to form a bundle not exceeding 30 cm to 40 cm in length. This provides some degree of uniformity. Atari suggested that the language in 4.7 be changed to make it clear that only reasonable configurations need be investigated. 4.7 is changed accordingly. Banasiak objected to the requirement for use of a LISN during the radiated tests saying that in many cases it serves no useful purpose. We have reviewed ANSI C63.4–1980 and found that a LISN is optional for radiated emissions tests. We have amended Figure 2 to clarify the optional nature of the LISN.

37. The proposal called for reporting all emissions within 20 dB of the specification limit. This was set forth in 4.3, *Frequency Range to be Scanned.* It was suggested by AT&T and HP that this be changed to 6 dB. CBEMA proposed recording a representative number of emissions. The basic problem is that in some instances there are a high number of discrete emissions which approach the limit, and in these instances an inordinate amount of data would have to be reported under the proposal. Also, it would probably be difficult to comply with a 20 dB reporting requirement because of instrument sensitivity and noise limitations. We feel that a 6 dB requirement would be too lax and lead to insufficient investigation of the emitted signals. Also, if only emissions within 6 dB of the limit were reported, in many instances no data whatsoever would be furnished. In considering the matter further, we have decided to revise 4.3 to require reporting only the six highest emissions relative to the limit. In this way the data required to be reported can be held to a reasonable amount and the spectrum signature of the device will be characterized to some extent.

38. EPT, NEMA, A–B, Banasiak, and Rockwell expressed views to the effect that the proposed procedure is not well suited for testing large systems comprising a number of units, sometimes referred to as distributed systems. The basic problem lies in the fact that a basic system is packaged with varying numbers and types of peripherals to suit each customer's needs. EPT calls attention to the fact that many master controllers are connected to varying quantities of slave units. Rockwell suggests testing a single representative operating system (in other words the basic starter system), thereby establishing the emissions characteristics of the basic cabinets. Optional equipment would be tested separately while connected to either a host controller or simulator. This approach seems reasonable to us but we wish to make some additional comments. It is preferable that the basic system be tested with as many of the optional peripherals as possible to minimize any additional testing. Also, in the instance where several of one type of peripheral (all exactly identical) are utilized with a single controller, only one need be tested. We have inserted a new 4.5 to include this provision. 4.5 of the *NPRM* is renumbered 4.5.1 with subsequent paragraphs also renumbered as necessary.

39. There are two subjects covered elsewhere in this report which are of special interest where large systems are concerned. Banasiak explains that for large systems rotation of the EUT would be difficult, if not impossible. This circumstance is provided for in 6.1, as described in paragraph 48 below. Briefly, the EUT would be left stationary and the measurement equipment moved around it. Attention is also invited to 4.1.2 which pertains to the case where tests at the user's installation are not correlateable to open field measurements. Tests at three such installations are, under 4.1.2, considered adequate for verification purposes.

40. Motorola and EIA/CEG contend that there is no need for reporting the EUT warmup time as would be required under proposed paragraph 4.5.1—now renumbered paragraph 4.5.2. They point out that a similar requirement does not exist for other devices subject to tests for Commission purposes and no particular difficulty has arisen. In light of these objections we are amending 4.5.2 to drop the requirement for reporting warmup time. Comments were also filed regarding the requirement of 4.5.1 that devices be operated at the specified load conditions (mechanical and/or electrical) for which it is designed. EPT points out that there is a general lack of information available from manufacturers on the RF impedance of input/output busses of equipments subject to testing, nor is this information available for the devices to which they interconnect (i.e., peripherals). We believe that information as to load conditions must be available to or assumed by equipment designers, so that the device can operate within design criteria. Therefore, this requirement is being retained.

41. Atari asserts that there is a potential inconsistency in 4.5.4, now renumbered 4.5.5, as to the grounding of the EUT. The first sentence of the proposed paragraph states that the EUT should be grounded pursuant to the manufacturer's requirements and conditions of intended use. It also specifies that any internally-grounded lead included in the plug end of the line cord shall be connected to ground through the utility power service. Atari points to the case where on some test sites the EUT may be powered by a long extension cable. They contend that this is not representative of conditions of intended use and that grounding through the long power cord may lead to excessive radiation. Atari proposes that an alternative ground be used in such cases. While we recognize that the situation described by Atari is less than ideal, we do not agree that a conflict exists. It is not unusual for an equipment to be powered through an extension cord. To permit alternative grounding would, in our opinion, introduce uncertainties in the measurement and not be representative of normal installation. Therefore, Atari's proposal for alternative grounding is rejected and the subject section is adopted as proposed.

42. Paragraph 4.5.3, *Interfacing Units and Simulators,* now renumbered as paragraph 4.5.4, drew several comments. This item provided for testing peripherals while connected to a simulator or exerciser in lieu of a computer. The stipulation is that the simulator represent the electrical and in

some cases the mechanical, characteristics of the interfacing unit, especially concerning RF signals and impedances. EIA/CEG suggests that this section be deleted because it is too broad and subject to misinterpretation. Supporting details are not given. We feel that elimination of this paragraph is not the proper approach. CBEMA, Atari, and other commenters in general, supported the provision for testing peripherals with a simulator. In our opinion, it is appropriate to set forth only general criteria that a simulator should meet because of the diversity of simulators that might be used. Where questions come up as to whether a simulator is suitable for a specific application, concerned parties are encouraged to contact the Equipment Authorization Branch for guidance.[38] Atari supports the use of simulators but cites a possible area of confusion in the language. Atari refers to the statement that simulators must represent the characteristics of an actual interfacing unit "* * * especially concerning RF signals and impedances" and claims that this could be read to require that simulators function so as to radiate RF emissions comparable to that produced by an interfacing unit. We do not believe that there is a significant problem in this area, particularly in light of the fact that no similar comments on this subject were filed. CBEMA recommends the addition of language to make it clear that a peripheral need not be tested with more than one simulator. Paragraph 4.5.4 is amended accordingly.

43. In 4.6.1, *Ambient Radio Noise and Signals*, it was suggested that test sites have levels of conducted and radiated radio noise at least 6 dB below the allowable radiation limits. Several methods are suggested in 4.6.1 for showing EUT compliance where the ambient field at the specified distance does not meet this criteria. This item drew considerable comment. STC said that they could not locate a site sufficiently free from high ambient signals. Atari commented that the 6 dB provision would preclude use of most sites. CBEMA also addressed this problem and suggested language to clarify the discretionary nature of the procedure in this regard, leaving more flexibility to the manufacturer to overcome particular high-ambient-level problems in some frequency ranges. In the proposal, the Commission indicated that the 6 dB provision was a desirable criterion but not a mandatory one. By suggesting various ways in which measurements could be made in the presence of interference, it was believed to be apparent that sites might be used in spite of high ambient interference. 4.6.1 has been rearranged in light of the comments. In line with CBEMA's suggestion, a sentence has been added that the alternatives mentioned are only some of those available. As suggested by STC, the statement regarding supplemental measurements being made in a shielded chamber or anechoic room has been expanded to say that the measurements made at the open field site may be supplemented with indoor measurements to demonstrate compliance if high ambient conditions exist at the open field site.

44. A number of comments were filed concerning the height of the test platform. This topic is covered in proposed Section 4.7, *Arrangement of EUT (On Test Stand)*. In the proposal, test stand heights were specified for both table-top and floor mounted equipments. AT&T, HP, and CBEMA proposed stand heights somewhat different than that in 4.7, on the grounds that the alternate heights better represent the heights that would be encountered in actual use. HP contends that the results will be affected by as much as 14 dB by the height above the floor of the EUT, but their argument assumes a fixed height for the measurement antenna. The procedure we are specifying includes variation of the height of the measurement antenna and when this is done the height of the EUT is not critical. The heights chosen in the FCC proposal are essentially in agreement with those in existing measurement standards, in particular IEEE Standard 187.[39] In the case of table mounted devices we proposed a test stand height of approximately 1 meter, and for floor standing equipments, a test stand height of no more than 0.45 meters. We emphasize that the language provides for some variation from the 1 meter or 0.45 meter heights. For example, a floor standing equipment could be located at any convenient height between 0 and 0.45 meters above ground. The arguments of AT&T, HP, and CBEMA for changing the specified heights are not in our view adequate justification for creating a situation where different test stand heights would be required for table top computing devices than for other table top RF equipments. This would pose a particular problem at sites used for testing both computing devices and other equipments. Accordingly, we have retained the proposed test stand heights. HP referred to difficulty in building rotatable platforms that are portable and 0.45 meters in height. We believe that this is a solvable design problem. Turntables meeting the specified parameters have been constructed by a number of individuals. Some changes in language in 4.7 have been made for purposes of clarification in line with suggesions made by CBEMA and HP.

45. The *NPRM* proposed that a ground plane be mandatory for 3 meter sites and optional for others. Several comments were filed on this issue but it will be covered in the upcoming action in Docket 21371. We have eliminated the mandatory requirement for a ground screen in the instant proceeding and 4.8 is amended accordingly.

46. In 5.1, *Conducted Powerline Test Configuration*, it was proposed that hand-held devices be tested when supported by an "artificial hand" to simulate effects of body contact to the user. Atari, TI, and EPT objected to this, proposing that these be tested as desk-top units. EPT also pointed out that the signal level is affected by proximity of the operator's fingers to the keyboard on some devices, and that no mention of this was made in the proposal. The proposal to test hand-held units as if used on a desk is acceptable, and 5.1 is changed accordingly. In the Notice, we did not attempt to account for hand capacity effects because it was felt that these were generally very difficult to quantify, and that any additional interference effects due to this could probably be tolerated since hand keying is relatively intermittent except for word-processing equipment. An amendment is made to 5.1 to clarify that where computing devices or their peripherals have their own provision for connection to a powerline, line conducted tests must be performed separately for each device. This is to preclude measuring several devices together through a single LISN because the results may then depend on the unique characteristics of that arrangement and there is no assurance that those same devices will always be connected together in actual use.

47. Paragraph 5.3, *Line Impedance Stabilization Network*, proposed use of a 50 microhenry line impedance stabilization network (LISN), to conform to the ANSI C63.4–1980 standard and to the latest CISPR recommendation. It cited Figure 3 as showing the impedance characteristic and Figure 4 as showing the circuit diagram of this network.

Note.—Figures 3 and 4 are now Figures 2 and 3, respectively.

Figure 3 was redrawn from ANSI C63.4–1980, and Figure 4 was a reprint

[38] Equipment Authorization Branch, Office of Science and Technology, Federal Communications Commission, P.O. Box 429, Columbia, Maryland 21045; telephone (301) 725–1585.

[39] Footnote 16, supra.

from that standard. GE and Mobley pointed out that calculation based on the nominal circuit values show in Figure 4 did not agree with the curve shown in Figure 3. This was referred to ANSI C63.4–1980 for comment and ANSI has revised their curve. Figure 2 is a redrawn version of the old Figure 3 to reflect the proper impedance curve. Motorola objected to the exclusive use of a 50 microhenry LISN network because the 5 microhenry network has been in use for several years and is required for testing other equipments. GE pointed out that use of the 50 microhenry network instead of the 5 microhenry one referenced in previous technical standards would cause a substantial increase in measured levels in the region just above 450 kHz. This factor was considered in setting the specification limits for line conducted emissions in Docket 20780.[30] Recognizing that the 50 microhenry network is not yet readily available on the market, and that many parties already have in use the older 5 microhenry networks, we have added a note to 5.3 to permit interim use of the 5 microhenry network providing that appropriate corrections are made to the measured values below 2 MHz to give values equivalent to those which would have resulted if the 50 microhenry network had been used. A correction curve is appended to the procedure as Figure 5.

48. Information on the subject of azimuth angles to be investigated in making radiated emissions measurements was contained in Paragraphs 4.7, 6.1 and 6.2.1. Paragraph 6.1 called for measurement of the magnitude of each "predominate" emission in the azimuth direction of maximum field strength. Paragraph 4.7 said essentially the same thing. In Paragraph 6.2.1 the requirement is that frequency scans of the EUT radio noise emissions shall be made at a minimum of eight azimuth angles spaced at 45 degrees. Atari and EPT are in favor of amending 6.1 to specify a fixed number of radials and they suggest eight. CBEMA, NTI, and Drake-Willock are opposed to this because it would necessitate recording a large amount of data and would not be consistent with a flexible measurement procedure philosophy. Our objective is to see that the emission is measured in the direction where it is at its highest level. In considering this matter further we have decided not to specify how many radials need to be checked; instead, we are leaving it to the discretion of the person performing the tests to determine how many radials should be checked to relocate the direction of maximum radiation. Paragraphs 6.1 and 6.2.1 have been conformed in this regard. The information in 4.7 is redundant and has been eliminated.

49. As originally proposed in the Notice, Paragraph 6.3, *Testing of User's Installation*, called for measurements at the premises boundary or 30 meters, whichever the greater distance. It was brought to our attention by CBEMA and others that the premise boundary may in some instances be much more than 30 meters from the computer system. In light of this we are amending Section 6.3 to call for measurements at 30 meters or less from the EUT (in which case the data must be extrapolated to 30 meters). This is consistent with Paragraph 4.7 of the procedure.

Procedural Matters

50. The test procedure, *FCC Methods of Measurements of Radio Noise Emissions from Computing Devices* will be incorporated into the Commission's rules as Appendix A of Part 15 of FCC rules. It is attached hereto as Appendix C.

51. AT&T and CBEMA proposed that the computing device test procedures be incorporated in the FCC rules rather than issued as a separate document as proposed in the NPRM. The concern of AT&T and CBEMA is that allowing or requiring variances in the critical elements of the measurement procedures can effectively change the appropriately adopted limits. The procedures are set forth as Appendix A of Part 15. Any substantive changes in the test procedure will require advance notice in accordance with the procedures established under the Administrative Procedure Act, 5 U.S.C. 551–553. It is our belief that this should alleviate the concerns of AT&T and CBEMA.

52. A number of parties inquired about how they will be able to find out about alternative or special test procedures that the Commission has accepted so that they may also utilize them. The Commission has established a computing device panel to answer questions pertaining to the computing device rules.[31] Interpretations issued by this panel that are of significant importance are made known through FCC public notices. A bulletin is being prepared which will bring these interpretations together in one document, and present them in representative question and answer form. It is our intent to publicize significant alternative test procedures in the same manner; that is, by public notice and eventual inclusion in updated versions of the computing device interpretations bulletin.

53. The NPRM solicited comments as to whether the proposed test methods might in a future proceeding be used, with appropriate modification, for testing other devices subject to FCC emission requirements. Although EIA/CEG supported this concept, the commenters had little else to say on this subject. The matter may be addressed again at a later time.

Summary and Conclusions

54. The requirements for verification adopted herein are merely a formalization of what was said in the *First Report* in Docket 20780 as to the way in which manufacturers may themselves assure that their equipments comply with the standards for computing devices. Verification is a self-approval procedure. Notification or approval of the Commission is not necessary.

55. Part 15 is amended by adding an Appendix A to specify the test methods to be used in determining compliance with the requirements for computing devices as set out in Part 15 Subpart J. These test methods are designed to yield accurate and repeatable results for comparison to the appropriate limit. While the test methods are to a degree standardized, enough flexibility is built into the procedure to permit it to be adapted to suit unique or unusual measurement situations.

56. The procedure principally covers two kinds of measurements: radiated emissions tests and power line conducted emissions tests. The radiated emissions test is to be performed on an open field or equivalent site. The unit to be tested is set up on a platform. An antenna is placed at some distance away and connected to an instrument which measures the strength of the signal emitted by the device. The device is rotated and the antenna height varied to obtain a maximum reading. The power line conducted test is performed indoors. The measurement instrument and device under test are connected through a standardized line impedance stabilizaton network (LISN). The results can be read directly on the measurement instrument.

57. The appended test methods should be used for testing computing devices after July 1, 1981. This is considered to be an adequate period of time to conform to the new standard since the standard does not require facilities over and above what was called for in the

[30] *First Report*, paragraph 58.

[31] Announced in a public notice dated May 7, 1980–G, mimeo #31367.

interim procedures discussed in the *First Report* in Docket 20780. Prior to July 1, 1981, devices may be tested either using the appended procedure or using the interim procedures referred to in the *First Report* in Docket 20780. Manufacturers should note that devices that have already been verified or certificated using the interim measurement procedures do not require retesting under the new procedure.

58. Pursuant to the authority contained in Sections 4(i), 302 and 303(r) of the Communications Act of 1934, as amended, it is ordered that effective May 20, 1981, Parts 2 and 15 are amended as set out in Appendix B, attached.

59. It is further ordered that the measurement procedure in the attached Appendix C is adopted as Part 15 Appendix A.

60. For further information about this ORDER, contact Mr. Julius Knapp, Office of Science and Technology, Federal Communications Commission, Washington, D.C. 20554, phone 202-653-8247.

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

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix A

I. The following parties filed comments in Docket 80-284:

Name/Organization and Acronym

Rockwell International—Rockwell
Texas Instruments—TI
Joseph Banasiak, PE—Banasiak
General Electric—GE
Hewlett-Packard—HP
American Telephone and Telegraph Co.—AT&T
Atari, Inc.—Atari
Storage Technology Corp.—STC
Northern Telecom Inc.—NTI
Motorola—Motorola
Electronic Products Testing, Inc.—EPT
Edwin Bronaugh—Bronaugh
Electronic Industries Ass'n/Consumer Electronics Group—EIA/CEG
Computer & Business Equipment Manufacturers Ass'n—CBEMA
ICL, Inc.—ICL
B-D Drake Willock—Drake Willock
Microcomputer Industry Trade Ass'n (MITA)—MITA
Yamaha Music Manufacturing—Yamaha
Milton Mobley, Consultant—Mobley
GTE Automatic Electric Inc.—GTEAE
Allen-Bradley—A-B

II. The following parties filed reply comments in Docket 80-284:

Name/Organization and Acronym

Computer and Business Equipment Manufacturers Association—CBEMA
Hewlett-Packard—HP
National Electrical Manufacturers Ass'n—NEMA
GTE Telenet Communications Corp.—Telenet
General Electric—GE
American Telephone and Telegraph Co.—AT&T
Atari, Inc.—Atari
NEMA, Diagnostic Imagine and Therapy System Division—NEMA/DITSD

Appendix B

Title 47 of the Code of Federal Regulations, Parts 2 and 15, is amended as follows:

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS: GENERAL RULES AND REGULATIONS

1. The title of Subpart J of Part 2 is revised as follows:

Subpart J—Equipment Authorization Procedures

2. Section 2.901 is revised as follows:

General Provisions

§ 2.901 Basis and purpose.

(a) In order to carry out its responsibilities under the Communications Act and the various treaties and international regulations, and in order to promote efficient use of the radio spectrum, the Commission has developed technical standards for radio frequency equipment and parts or components thereof. The technical standards applicable to individual types of equipment are found in that part of the rules governing the service wherein the equipment is to be operated. In addition to the technical standards provided, the rules governing the service may require that such equipment be verified by the manufacturer or importer, or that such equipment receive equipment authorization from the Commission by one of the following procedures: Type approval, type acceptance, certification, or telephone equipment registration.

(b) The following sections describe the verification procedure and the procedures to be followed in obtaining type approval, type acceptance or certification from the Commission and the conditions attendant to such a grant.

3. A new § 2.902 is added to read as follows:

§ 2.902 Verification.

(a) Verification is a procedure where the manufacturer makes measurements or takes the necessary steps to insure that the equipment complies with the appropriate technical standards. Submittal of a sample unit or representative data to the Commission demonstrating compliance is not required unless specifically requested by the Commission pursuant to § 2.957, of this part.

(b) Verification attaches to all items subsequently marketed by the manufacturer or importer which are identical as defined in § 2.908 to the sample tested and found acceptable by the manufacturer.

4. Section 2.908 is revised to read as follows:

§ 2.908 Identical defined.

As used in this subpart, the term identical means identical within the variation that can be expected to arise as a result of quantity production techniques.

5. The undesignated subheading after § 2.908 is revised to read as follows:

Application Procedures: Type Approval, Type Acceptance, Certification, Verification

6. A new undesignated heading is added after § 2.947 and new §§ 2.951—2.957 are added to read as follows:

Verification

Sec.
2.951 Cross reference.
2.952 Limitation on verification.
2.953 Responsibility of manufacturer or importer.
2.954 Identification.
2.955 Retention of records.
2.956 FCC inspection and submission of equipment for testing.
2.957 Sampling tests of equipment compliance.

Verification

§ 2.951 Cross reference.

The provisions of § 2.901, et seq., shall apply to equipment subject to verification.

§ 2.952 Limitation on verification.

(a) Verification signifies that the manufacturer or importer has determined that the equipment has been shown to be capable of compliance with the applicable technical standards if no unauthorized change is made in the equipment and if the equipment is properly maintained and operated. Compliance with these standards shall not be construed to be a finding by the manufacturer or importer with respect to matters not encompassed by the Commission's rules.

(b) Verification of the equipment by the manufacturer or importer is effective until a termination date is otherwise established by the Commission.

(c) No person shall, in any advertising matter, brochure, etc., use or make reference to a verification in a deceptive or misleading manner or convey the impression that such verification reflects

more than a determination by the manufacturer or importer that the device or product has been shown to be capable of compliance with the applicable technical standards of the Commission's rules.

§ 2.953 Responsibility of manufacturer or importer.

(a) In verifying compliance, the manufacturer or importer (in the case of imported equipment) warrants that each unit of equipment marketed under the verification procedure will conform to the unit tested and found acceptable by the manufacturer or importer and that data on file with the manufacturer or importer continues to be representative of the equipment being produced under such verification within the variation that can be expected due to quantity production and testing on a statistical basis.

(b) The importer of equipment subject to verification may upon receiving a written statement from the manufacturer that the equipment complies with the appropriate technical standards rely on the manufacturer or independent testing agency to verify compliance. The test records required by § 2.955 however should be in the English language and made available to the Commission upon a reasonable request.

(c) In the case of transfer of control of equipment, as in the case of sale or merger of the grantee, the new manufacturer or importer shall bear the responsibility of continued compliance of the equipment.

(d) Equipment verified by the manufacturer or importer shall be reverified if the modification or change adversely affects the emanation characteristics of the modified equipment. The manufacturer or importer continues to bear the responsibility for continued compliance of subsequently produced equipment.

§ 2.954 Identification.

The identification of equipment subject to verification shall be consistent with current manufacturer or marketing practices: *Provided,* The manufacturer or importer maintains adequate identification records for each unit verified to facilitate positive identification of each equipment marketed.

§ 2.955 Retention of records.

(a) For each equipment subject to verification, the manufacturer (or importer) shall maintain the records listed below:

(1) A record of the original design drawings and specifications and all changes that have been made that may affect compliance with the requirements of § 2.953.

(2) A record of the procedures used for production inspection and testing (if tests were performed) to insure the conformance required by § 2.953. (Statistical production line emission testing is not required).

(b) The records listed in paragraph (a) of this section shall be retained for two years after the manufacture of said equipment item has been permanently discontinued, or until the conclusion of an investigation or a proceeding if the manufacturer or importer is officially notified that an investigation or any other administrative proceeding involving his equipment has been instituted.

§ 2.956 FCC inspection and submission of equipment for testing.

(a) Each manufacturer or importer of equipment subject to verification shall upon receipt of reasonable request submit to the Commission the records required by § 2.955.

(b) The Commission may require the manufacturer or importer of equipment subject to verification to submit one or more of sample units for measurements at the Commission's Laboratory.

(c) In the event the manufacturer believes that shipment of the sample to the Commission's Laboratory is impractical because of the size or weight of the equipment, or the power requirement or for any other reason, the applicant may submit a written explanation why such shipment is impractical and should not be required.

§ 2.957 Sampling tests of equipment compliance.

The Commission will from time to time, request the manufacturer or importer to submit to the FCC Laboratory in Columbia, Maryland, various equipment(s) for which verification has been made, to determine the extent to which subsequently produced units continue to comply with the applicable standards. Shipping costs to the Commission's Laboratory and return shall be borne by the manufacturer or importer.

PART 15—RADIO FREQUENCY DEVICES

7. Section 15.4 is amended by revising paragraph (r) to read as follows:

§ 15.4 General definitions.

* * * * *

(r) *Peripheral Device.* A self-contained input/output unit of a system that feeds data into a computer and/or receives data from a computer, including, for example, terminals, printers, floppy disc devices, other data storage devices, video monitors, keyboards, and other input/output devices that may or may not contain digital circuitry.

8. The introductory paragraph of § 15.810 is revised as follows and the Note directly thereunder is removed (the remainder of the section is unchanged):

§ 15.810 Class A computing device: Radiation limit.

Emanations from a Class A computing device, including any network of conductors and apparatus connected thereto, shall not exceed the level of field strength specified in the table below. The method for determining compliance with these limits shall be in accordance with the test procedures in § 15.840.

* * * * *

9. The introductory paragraph of § 15.812 is revised as follows and the Note directly thereunder removed (the remainder of the section is unchanged):

§ 15.812 Class A computing device: Conduction limit.

A Class A computing device which is designed to be connected to a low voltage public utility power line shall limit radio frequency voltage conducted back into the power lines to values below the levels specified in the following table when measured pursuant to § 15.840.

* * * * *

10. The introductory paragraph of § 15.830 is revised as follows and the Note directly thereunder removed (the remainder of the section is unchanged):

§ 15.830 Class B computing device: Radiation limit.

All emanations from a Class B computing device or system, including any network of conductors and apparatus connected thereto, shall not exceed the level of field strengths specified in the table below, when tested pursuant to the procedures for such a device in § 15.840.

* * * * *

11. The introductory paragraph of § 15.832 is revised as follows and the Note directly thereunder is removed (the remainder of the section is unchanged):

§ 15.832 Class B computing device: conduction limit.

A Class B computing device that is designed to be connected to a low voltage public utility power line which is intended to feed electrical power to residential dwellings shall limit radio frequency voltage conducted back into the power lines to not more than 250

microvolts over the frequency range 450 to 30,00 kHz, when measured pursuant to § 15.840.

* * * * *

12. A new § 15.840 is added to read as follows:

§ 15.840 Computing device test procedures.

The procedure for testing computing devices is set forth in Appendix A of this Part, *FCC Methods of Measurement of Radio Noise Emissions From Computing Devices.* Tests of computing devices performed by the Commission will follow the above prescribed procedure.

Appendix C—To the Report and Order in Docket 80-284

1. Part 15 is amended by adding a new Appendix A to read as follows:

Appendix A—FCC Methods of Measurements of Radio Noise Emissions From Computing Devices

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1.0 Scope

This standard sets forth uniform methods of measurement of radio noise emitted from computing devices defined in § 15.4 of FCC Rules. The technical standards for computing devices are set forth in Subpart J of Part 15 of FCC Rules (47 CFR Part 15–J). Methods for the measurement of radiated and powerline conducted radio noise are covered herein. These methods of measurement will be used by the FCC in testing computing systems, computing devices, and units, sub-units, and peripheral devices intended to be used with computing devices. Applicants for certification of Class B computing devices should employ these methods. Parties required to conduct verification testing of computing systems should take note of these procedures insofar as they apply to testing of such systems so that the tests which they conduct can be expected to provide reasonable assurance that the resulting technical data will correlate with the results of tests conducted in accordance with this standard on such computing systems. Sampling testing of certified or verified computing devices of systems by the FCC will be conducted in accordance with these methods of measurement.

2.0 Reference Standard

The following shall form a part of this standard to the extent applicable: American National Standard Specifications for Electromagnetic-Interference and Field Strength Instrumentation, 10 kHz to 10 GHz, ANSI C63.2 (1980).

3.0 Definitions

The definitions in Parts 2 and 15 of FCC Rules and the following definitions shall apply to use of this standard.

3.1 Equipment Under Test (EUT)

A representative computing device or system, peripheral etc. being tested or evaluated.

3.2 Ambient Level

The magnitude of radiated or conducted signals and noise existing at a specific test location and time.

3.3 Emission

Electromagnetic energy produced by a device which is radiated into space or conducted along wires and is capable of being measured.

3.4 Ground Plane

A conducting surface used to provide uniform reflection of an impinging electromagnetic wave. Also, the common reference point for electrical potentials.

3.5 Line-Impedance Stabilization Network (LISN)

A network (sometimes called mains network) inserted in the supply mains lead of the EUT that provides a specified measuring impedance for radio-noise voltage measurement and isolates the EUT and the measuring equipment from the supply mains at radio frequencies.

3.6 Radio Noise

Electromagnetic energy in the radio frequency range that may be superimposed upon a wanted signal.

3.7 Radiated Radio Noise

Radio noise radiated into space. Such noise may include both the radiation and induction components of the field.

3.8 Conducted Radio Noise

Radio noise propagated from the device back into the public electrical power network via the supply cord.

3.9 Random Noise

Electromagnetic disturbance (noise) originating in a large number of discrete disturbances with random occurrences in time and amplitude. The term is most frequently applied to the limiting case where the number of transient disturbances per unit time is large, so that the spectral characteristics are the same as those of thermal noise (thermal noise and the shot noise are specified cases of random noise).

3.10 Narrowband Radio Noise

Radio noise having a spectrum exhibiting one or more sharp peaks, narrow in width compared to the nominal bandwidth of the measuring instrument, and far enough apart in

frequency to be resolvable by the instrument.

3.11 Broadband Radio Noise

Radio noise having a spectrum broad in width as compared to the nominal bandwidth of the measuring instrument, and whose spectral components are sufficiently close together in frequency and uniform that the measuring instrument cannot resolve them.

4.0 General Test Conditions

4.1 Test Sites

An environment is required which assures valid, repeatable measurement results. A measurement is valid to the extent that it is a true representation of the characteristic being measured, and when the same measurement procedure yields repeatable results. For radiated measurements on representative samples of an equipment type, testing is normally conducted in an open field (see 4.1.1). Other alternatives are permitted (see 4.1.1.1 and 4.1.1.2). For equipment which can only be tested in its place of use, and the conditions of 4.1.1.1 cannot be satisfied, then the conditions of 4.1.2 shall apply. A description of the test facility used for testing computing devices subject to certification shall be filed with the Commission, pursuant to § 15.38 of the FCC Rules (47 CFR 15.38).

Note.—A rulemaking proceeding in Docket 21371 proposes to replace § 15.38 with a new section in Part 2 of FCC Rules. The new section will include revised and expanded requirements including a measurement of the site attenuation of an open field test site. The method of making site attenuation measurements is also covered in Docket 21371.

4.1.1 Open Field Tests

Measurements of radiated radio noise should be made in an open, flat area characteristic of cleared, level terrain. Such test sites shall be void of buildings, electric lines, fences, trees, etc. and free from underground cables, pipelines, etc. except as required for the measuring equipment and the EUT.

Note.—A metal fence or other reflecting object shall be sufficiently far from the site so as not to introduce additional unknown factors.

The distance between the device and the measurement antenna can be 3 to 30 meters. If the EUT occupies a volume of less than a meter cube, tests should preferably be made at a 3 meter distance. The distance from the EUT to the measuring antenna shall be measured from the closest part of the device or system (see 4.7). This distance will, of course, vary to some degree as the EUT is rotated, but if the variation is small compared to the measurement distance, the variation can for all intents and purposes be neglected. In other words, by testing small systems at 3 meters and large systems at between 3 and 30 meters, the variation in test distance due to EUT rotation can be ignored in most instances. Measurements made by the Commission will be performed on an open field test site.

4.1.1.1 Tests at Laboratory, Factory, or Other Facilities

Compliance with the FCC limits for computing devices shall be based on tests being made in an open field test site, or equivalent, unless measurements are made at the user's premises for a unique installation per Section 4.1.2. Where it can be shown that the results of tests made in a laboratory, factory, anechoic room, dedicated factory site or other facility are correlatable to those made in an open field site, such test results will be considered acceptable. Sufficient tests over the entire frequency range of 30 to 1000 MHz shall be made to demonstrate that the alternative site produces results that correlate with the results of tests made in an open field. In the event that the Commission tests a sample device, measurements will be made in an open field and the results so obtained will determine compliance.

4.1.1.2 Testing in a Shielded Enclosure

Radiation measurements made in a shielded enclosure are suitable only for determining the frequency profile of an EUT; they are not suitable for determining the actual levels of the emissions unless it can be shown that the results of tests made in the enclosure are correlatable to those made in an open field. Conducted radio noise measurements made in a shielded enclosure are acceptable and, in fact, are preferable.

4.1.2 Testing at User's Installation (On-Premises Testing)

Testing is permitted at the end user's premises, where the conditions of 4.1.1 or 4.1.1.1 cannot be satisfied. In this case, both the equipment and its location are considered the EUT. The radiated emission results are unique to the installation site because site containment properties affect the measurement. The conducted emanation results also may be unique to the installation. However, where testing of a given system has been accomplished at three or more representative locations, the results can be considered representative of all sites for purposes of determining compliance with emission requirements. See 4.7 and 6.3.

4.1.3 Individual Equipment Test Requirements

In some cases, it may be necessary to develop a set of explicit requirements specifying the test conditions, EUT operation, etc. to be used in testing a specific EUT or specific class of EUT's for radio noise emissions. Such requirements shall be documented in the report of measurements for the EUT and may be used in determining compliance with FCC limits. It would be advisable to obtain concurrence from the Commission that the special requirements and procedures to be followed are satisfactory before actually performing the measurement.

4.2. Measurement Instrumentation

Measurements of a radiated and conducted radio noise shall be made with a radio noise meter conforming to the American National Standard Specifications for Electromagnetic Interference and Field Strength Instrumentation 10 kHz to 10 GHz, C63.2 (1980). Alternatively, a spectrum analyzer may be used as the measuring instrument: *Provided*, That it is used, when necessary, with appropriate accessories to provide sufficient sensitivity and overload protection to insure accurate, repeatable measurements of all emissions over the specified frequency range. Other instruments may be used for certain restricted and specialized measurements when data so measured is correlated to that achieved with C63.2 instrumentation.

Note.—Accessories needed would depend upon the measurement situation and could include preamplifiers for sensitivity improvement, filters and/or attenuators for overload protection, and additional quasi-peak detection circuitry. Overload is defined as harmonic distortion, intermodulation, or gain compression of spectrum analyzer input signals. Precaution may have to be taken to insure that the spectrum analyzer operates linearly before taking final measurements. Consult user's manual for instructions and guidance. Application notes on the use of spectrum analyzers and other instruments are also available from several manufacturers.

4.2.1 Measuring Instrument Calibration

The calibration of the measuring instrument, including any accessories that may affect such calibration, shall be checked frequently enough to assure its accuracy. Adjustments shall be made and correction factors applied in accordance with instructions contained in the manual for the measuring instrument.

4.2.2 Detector Function Selection and Bandwidth

During radiated emission testing, radio noise meters, or spectrum analyzers which include weighting circuits, shall have the detector function set to the CISPR quasi-peak function. The 6 dB bandwidth of the measuring instrument shall not be less than 100 kHz for field strength measurements over the frequency range of 30 to 1000 MHz. During conducted voltage testing, radio noise measuring instruments shall have the detector function set to the CISPR quasi-peak function. The 6 dB bandwidth of the necessary measuring instrument shall not be less than 9 kHz over the frequency range 450 kHz to 30 MHz. Post detector video filters, if used, shall be wide enough not to affect the peak detector reading. Alternatively, field strength meters and spectrum analyzers without CISPR weighting circuits may be employed, provided measurements are made on the peak basis, and recorded as observed (without any presumed correction for the difference between CISPR quasi-peak and peak detector function).

Notes

1. The above specified bandwidths have tolerances as prescribed in ANSI standard C63.2–1980.

2. If bandwidths greater than those expressed in 4.2.2 are used, higher readings may result for EUT's with broadband emanations.

3. Data taken with measuring instrumentation employing logarithmic amplifiers when using the average function will represent the average of the logarithm of the voltage level. If the emanation observed is pulsed, broadband observed values will be materially lower than the true average of voltage. Instrument overload is likely to occur with linear IF systems if the emission pulse duty cycle is less than that for which the measuring instrumentation is rated. Data correction for spectrum analyzer observations should include corrections for pulse desensitization factor; with this correction applied to peak indications, if the duty cycle is known or can be measured, average values of emanations can be calculated.

4. For line conducted tests, if the equipment exhibits emissions which exceed the limit under the above specified conditions the following option may be exercised. The measurements may be made in the average mode with a 9 kHz minimum bandwidth. If the signal level in average mode is significantly less than in peak or quasi-peak mode, the emission is considered broadband and the quasi-peak value may be reduced by 13dB for comparison to the limit.

4.2.3 Units of Measurement

Measurements of radiated interference shall be reported in terms of microvolts per meter, or dB (uV/m *at a specified distance.* The indicated readings on the radio noise meter or spectrum analyzer shall be converted to microvolts per meter, or dB (uV/m) by use of appropriate conversion factors. Measurements of conducted interference shall be reported in terms of microvolts or dB (uV). Measured data may be presented in tabular or graphical form. Alternatively, recorder charts from automatic measuring equipment or photographs of spectrum analyzer displays may be used, providing that the calibration levels, in terms of uV/m or dB (uV/m) are shown on such charts or photographs.

4.2.4 Antennas

A calibrated, tuned half-wave dipole antenna is preferred for measuring the level of radiated emissions. Other linearly polarized antennas are acceptable provided the results obtained with such antennas are correlateable to levels obtained with a tuned dipole. The antenna shall be capable of measuring both horizontal and vertical polarizations. For measurement distances of up to 10 meters the height of the antenna for horizontal polarization shall be capable of being varied from 1 to 4 meters. At measurement distances of 10 meters and beyond, for horizontal polarization the antenna shall be capable of being varied from 2 to 6 meters. In the case of vertical polarization of the antenna, the maximum heights stated for horizontal polarization apply (as measured to the center of the antenna); however, the minimum height should be increased so that the lowest point of the bottom end of the dipole (or other antenna), at any frequency, clears the site ground surface by approximately 25 cm. Over the frequency range of 30 to 1000 MHz, the Commission will use tuned half wave dipole antenna for compliance testing.

4.2.5 Preliminary Testing and Monitoring

Preliminary radiated measurements should be made indoors, preferably in an enclosure, at a closer distance than specified for compliance, to determine the emission characteristics of the EUT. It is suggested that where a radio noise meter is used for this spectrum search that either a headset or loudspeaker be connected as an aid in detecting ambient signals and finding frequencies of significant emission from the EUT. Precautions shall be taken to ascertain that the use of a headset or loudspeaker does not affect the radio noise meter indication during testing. The arrangement of EUT units and cabling should be varied as necessary (within the scope of arrangements likely to be encountered in actual use) to ascertain to what extent this affects the emanations, in frequency, strength, and directivity of radiation. Adequate notes should be kept, both as to EUT arrangement and the frequency and strength of significant emissions, to assure that the final tests made on the test site will represent the worst-case emanation potential of the EUT.

4.3 Frequency Range To Be Scanned

For radiation measurements, the frequency range from 30 MHz to 1000 MHz shall be searched. For conducted measurements, the frequency range from 450 kHz to 30 MHz shall be searched. The six highest emissions relative to the appropriate limit shall be measured and reported. To facilitate testing with a radio noise meter, the frequency range covered in the particular test should be scanned while monitoring with headset or loudspeaker. If any indicated peaks appear while scanning, readings shall be taken at the frequencies where they occur. The scan rate shall be such that noise signals above radio noise meter sensitivity threshold are not omitted from detection.

Note.—Automatic scan techniques are acceptable but the maximum scan speed is limited by the response time of the measuring system and (where applicable) the repetition rate of the radio noise to be measured.

4.4 Data Reporting Format

The measurement results expressed in accordance with 4.2.3 and specific limits where applicable, shall be presented in tabular or graphical form, or alternatively as recorder charts or photographs of spectrum analyzer display, showing the level vs. frequency. Since alternate test methods are provided, test data must identify the methods used. Instrumentation, instrument attenuator and bandwidth setting, detector function, EUT arrangements, a sample calculation with all conversion factors and all other pertinent details shall be included along with the measurement results.

Note.—In the case of devices required to be certificated, refer also to Part 2 (Sections 2.909, 2.925, 2.926, 2.1033) and Part 15 (Sections 15.38, 15.44, 15.45, 15.46, and 15.79) for general provisions applicable to all applications for certification.

4.5 Configuration of Equipment Under Test (EUT)

It is recommended that all multi-unit systems be tested first as a basic system, consisting of the system controller plus one peripheral of each type proposed for use with that controller. Additional peripherals may

then be tested with the basic system as a host system or with a simulator or exerciser. In the latter case, the simulator or exerciser should first be tested to assure that its shielding, etc. are adequate to assure that its contribution to the emanations of the EUT/simulator combination are insignificant. If the computing device is designed to be connected to multiple peripherals all of which are identical, it is only necessary to perform tests with one of that type peripheral connected.

4.5.1 Test Conditions for EUT

The equipment under test (EUT) shall be configured and operated in a manner which tends to maximize its emission characteristics in a typical application. Power and signal distribution, grounding, interconnecting cabling and physical placement of equipment or equipments of a test system shall simulate the typical application and usage in so far as practicable. The EUT shall be furnished with rated (nominal) voltage as specified in the individual-equipment power requirements. The power supplied to the EUT may need to be filtered to meet the requirements of 4.6.1.

4.5.2 Operating Conditions

The EUT shall be operated at the specified load conditions (mechanical and/or electrical) for which it is designed. Loads may be actual or simulated as described in the individual equipment requirements.

4.5.3 Conditioning of the EUT

The EUT shall be operated for a sufficient period of time to approximate normal operating conditions.

4.5.4 Interfacing Units and Simulators

In case the EUT is required to interact functionally with other units, either the actual interfacing units or simulators may be used to provide representative operating conditions, provided the effects of the simulator can be isolated or identified. It is important that any simulator used in lieu of an actual interfacing unit properly represent the electrical, and in some cases the mechanical, characteristics of the interfacing units, especially concerning RF signals and impedances.

If the EUT is a peripheral device being separately measured for compliance to a limit on radio noise, the EUT must be tested with at least one host computer or simulator in a typical configuration. It is not necessary to test the EUT with all possible host computers or in all potential configurations.

Interconnecting cables should be of the type and length specified in the individual equipment requirements. If the length may vary, tests should be made with two sets of cables, one with all cables of the shortest length proposed, the other with all cables of the longest length for which the EUT is rated. Excess length of cables should be bundled at the approximate center of the cable, with the bundle 30 to 40 cm in length.

4.5.5 EUT Grounding

The EUT shall be grounded in accordance with the manufacturer's requirements and conditions of intended use. If the EUT is operated without a ground connection, it shall be tested ungrounded. When the EUT is furnished with a grounded terminal or internally-grounded lead, and when this terminal or lead is used in actual installation conditions, the ground lead or connection shall be connected to a ground plane (or facility for earth ground), simulating actual installation conditions. Any internally-grounded lead included in the plug end of the line cord of the EUT shall be connected to ground through the utility power service (see also 5.1 and 5.4).

4.6 Test Environment

The environment at the test site should satisfy the following conditions:

4.6.1 Ambient Radio Noise and Signals

It is desirable that the conducted and radiated ambient radio noise and signal levels, measured at the test site with the test sample de-energized, be at least 6 dB below the allowable limit of the applicable specification or standard. However, in the event that the measuring levels of the ambient plus EUT radio noise emissions are not above the applicable limit, the EUT shall be considered to be in accordance with the limit.

If the ambient field or the power line ambient level at some frequencies within the specified measurement ranges exceeds the applicable specification limit(s), other test methods may be used to show EUT compliance. The following would constitute some of the acceptable alternatives:

- Perform measurements at closer than the specified distances and extrapolate the result(s) to the specified limit distance using an inverse distance linear attenuation factor.
- Perform measurements of critical frequency bands during hours when broadcast stations may be off the air and industrial ambients are lower.
- Resort to measurement in an enclosure or anechoic room (see 4.1.1.1 and 4.1.1.2 for conditions of use). Measurements made in a shielded (metal) enclosure are normally not acceptable for the purpose of determining compliance. However, by making observations in such enclosure to observe the relative levels of the emissions affected by ambient interference and also other EUT emissions in the same general frequency range, these observations taken together with measurements on the test site (at reduced bandwidth where necessary) can enable reasonably accurate determination of the strength of the EUT emissions affected by ambient interference.
- Insert line filters between the power source and the LISN or between the power source and the EUT as appropriate for the particular measurement.

Note.—In orienting the axis of a test site, it is desirable to consider the directions of strong ambient signals, so that the orientation of the receiving antenna on the site discriminates against such signals insofar as possible.

4.6.2 Temperature

The ambient temperature of the testing location should preferably be within the range of 10 to 40 degrees C. (50 to 104 degrees F) unless the individual equipment requirements specify testing over a wider temperature range. Measurements made in temperatures outside these limits may be accepted, provided the EUT, radio noise meters, all indicating devices, and equipment are at the testing location sufficiently long that their temperature become stabilized with respect to the temperature of the testing location. Evidence shall be given so that the calibrations of the measuring instruments used are accurate at the temperatures at which they are used.

4.7 Arrangements of EUT (on Test Site)

The EUT shall be arranged to the extent practical in a manner which simulates actual use, with the several units placed as nearly as possible in the worst-case setup found in preliminary tests per paragraph 4.2.5. An EUT which is normally operated on a table shall be placed on a non-conducting table having a height of 1 meter above test site ground level. For ease of testing, the table may be placed on a rotatable platform, in which case the total height of the table plus the platform shall be approximately 1 meter above test site ground level. If the platform is elevated, it should be non-conducting to the maximum extent practicable. In the event that all the units or peripherals of an EUT system will not fit on the table, one or more of these may be placed on

non-conductive shelves below the table top, using the minimum spacing below the top for their placement. In selecting units for placement on the shelf, first preference should be given to those normally not requiring frequent attention.

For an EUT normally placed on the floor, the equipment should, if practicable, be placed on a rotatable platform. If the platform is elevated it should be non-conducting to the maximum extent practicable and have a height of not more than 0.5 meters above ground level.

The EUT shall be located in the center of the platform. If the EUT consists of two or more units, these shall be arranged around the center of the platform consistent with actual use, placed as nearly as possible in the worst-case setup found in preliminary test per paragraph 4.2.5.

Power and signal distribution, grounding, interconnecting cables and physical placement of the units should simulate as nearly as possible typical application and use. Starting with the worst-case setup found in paragraph 4.2.5 the arrangement of units and interconnecting cables should be varied (within the range of positions likely to occur in actual use) to maximize the strength of the strongest emission of those present (using data from the paragraph 4.2.5. tests as guidance). A sufficient number of arrangements shall be investigated to insure that the maximum radiation is measured.

The horizontal distance between the measuring set antenna and the EUT shall be measured from the closest point of the device or system, as determined by the boundary defined by an imaginary straight line periphery describing a simple geometric configuration enclosing the EUT system. All intra-system cables and connecting devices shall be included within this boundary. Excess length of cables shall be bundled at the approximate center of each cable by folding back and forth so as to form a bundle not exceeding 30 cm to 40 cm in length. For a Class B computing device, radiation measurements may be made at any distance between 3 and 10 meters provided the results are extrapolated to 3 meters using the inverse distance linear relationship; for a Class A computing device radiation measurements may be made at any distance between 3 and 30 meters and the data extrapolated to 30 meters using the inverse distance linear relationship. (See 6.2)

For an EUT located at the user's premises, measurements should be made at the appropriate limit distance measured horizontally from the boundary described by an imaginary straight line periphery describing a simple geometric boundary that encompasses all EUT units. All EUT units and connecting cabling should be within the boundary. Where measurements at the greater limit distance (e.g., 30 meters) are impractical, measurements may be made at lesser distance (e.g., 3 or 10 meters) and extrapolated to 30 meters according to the inverse distance linear relationship.

4.8 Ground Plane

A ground screen is desirable, but not mandatory. It is pointed out, however, that open field sites are likely to need a ground screen to meet the quality standards contemplated in FCC Docket 21371 to be set forth in Part 2, Subpart J of the FCC Rules, when any of the following conditions exist at the site: the terrain is discontinuous, the terrain is subject to extreme seasonal variations in ground conductivity; there are unburied power or control cables; the site is located on pavement.

4.8.1 Testing at User's Installation (On-Premise Testing)

A ground plane need not be installed for testing at a user's installation unless it is to be a permanent part of the installation. If a ground plane is used, it shall be electrically bonded to the utility ground as specified in 4.8.

5.0 Conducted Powerline Measurements

Unless otherwise specified, measurements shall be made to determine the line-to-ground radio noise voltage which is conducted from the EUT power-input terminals that are directly connected to a public power network. The measurements are to be made with the EUT connected to such network thru a nominal, standardized RF impedance, which is to be provided by a line-impedance stabilization network. A network must be inserted in series with each current-carrying conductor in the EUT power cord.

Note.—It is recommended that conducted powerline measurements be made before measurements of radiated emissions, because this procedure is carried on indoors, requires rather little time as compared to radiation measurements, and can give some assurance that the shielding of the EUT is reasonably effective (at least at the lower frequencies).

5.1 Conducted Powerline Test Configurations

The EUT shall be placed at least 40 centimeters from an earth grounded conducting surface approximately 2 meters square unless it is floor standing and shall be kept at least 80 centimeters from any other earthed conducting surface. If the measurement is made in a shielded enclosure, the distance of 40 centimeters may be referred to one of the walls of the enclosure.

If the EUT is supplied without a flexible power lead, it shall be placed at a distance of 80 centimeters from the LISN's (or mains outlet where LISN's cannot be used) and connected thereto by a lead of length not greater than 1 meter.

If the EUT is supplied with a flexible lead, the voltage shall be measured at the plug end of the lead. The length of the lead in excess of the 80 centimeters separating the EUT from the LISN's (or mains outlet where LISN's cannot be used) shall be folded back and forth so as to form a bundle not exceeding 30 to 40 centimeters in length.

If the EUT is normally operated in the hand, measurements shall be made as if it is normally operated while placed on a table or desk. Measurements of power line conducted emanations are not required for devices capable of being operated only from internal batteries. If the EUT is fitted with a connection for operation directly or via separate transformer or power supply from public utility lines, measurements of power line conducted emanations shall be made.

When computing devices or their peripherals have their own provision for connection to a power line, line conducted tests must be performed separately for each device.

5.2 Line Probe

A line probe may be used for voltage measurements under certain conditions (see 5.6). If an appropriate LISN which satisfies the impedance requirements of Figure 2, having the current capacity of the EUT is not commercially available, the method shown in Figure 4 may be used. The measurements should be made between each current-carrying conductor in the supply mains and the ground conductor with a blocking capacitor C and a resistor such that the total resistance between line and ground is 1500 ohms. Since the line probe attenuates the radio noise voltage, appropriate calibration factors must be added to the measured values. Measurement results with the appropriate LISN shall take precedence over the method shown in Figure 4.

5.3 Line-Impedance Stabilization Network

A line-impedance stabilization network (LISN) having an impedance characteristic within the limits shown in Figure 2 is required for conducted radio

noise measurements. Figure 3 shows a network which will provide the specified impedance over the frequency range 0.45–30 MHz. A coaxial-type connector shall be provided for connection of the measuring instrumentation by means of a 50-ohm terminating resistance across the 1000–ohm resistor. Provisions shall be made for electrically bonding the LISN enclosure to the ground plane used (see 4.8). If a direct bond is not possible, for instance with concrete floors, a metal sheet approximately 2 meters square shall be placed under the LISN and electrically bonded to the LISN by a short low impedance connection.

Note.—LISN's designed to comply with the impedance characteristic of Figure 2 are not yet readily available on the market. As an interim measure, 5 microhenry LISN's may be used, provided that the readings obtained using these networks are increased by adding a correction to obtain a value equivalent to that which would have resulted had a 50 microhenry network been used in the measurement. This correction varies from +10 dB at 450 kHz to 0 dB at 2 MHz; values for frequencies between these limits may be obtained by reference to Figure 5. No correction is required above 2 MHz. This correction is based upon the relative impedance values of the 50 and 5 microhenry LISN networks in the range 450 kHz–30 MHz, and a presumption that the source of the EUT power conductors in this range is low as compared to that of the networks.

5.4 Grounding

The LISN housing, measuring instrumentation case, ground plane, etc., shall be electrically bonded together in such a manner that they are at the same RF potential.

5.5 Measurement Procedure

Measurements of powerline conducted radio noise shall be expressed as the voltage developed across the 50-ohm port terminated by a 50–ohm measuring instrument. All voltage measurements shall be made at the plug end of the EUT power cord, e.g., by the use of mating plugs and receptacles on the EUT and LISN.

5.5.1 EUT Power Leads

All EUT input power leads, except ground leads, shall individually be connected through LISN's to the input power source. All unused 50–ohm connectors of the LISN's shall be resistively terminated in 50–ohms when not connected to the measuring instrument.

5.5.2 Shielded Power Leads

Equipment normally used with unshielded power leads shall be connected to the LISN and tested with unshielded leads. If the EUT is normally operated with shielded or armored leads, the tests shall be made using such leads.

5.6 Conducted Emission Tests at User's Installation (On-Premises Testing)

Testing for powerline conducted radio-noise is permitted at the user's installation site, provided that no disturbance to the normal EUT installation exists, except to make provisions for connection of the 1500–ohm line probe specified in 5.2 and Figure 4. Special precautions must be taken to establish a reference ground for the measurements. No LISN shall be used. The measurements are dependent on the impedance presented by the supply mains and may vary with time and location due to variations in the supply-mains impedance. (It may be necessary to perform repeated measurements over a suitable period of time to determine the variation in measured values. The time period should be sufficient to cover all significant variations due to operating conditions at the installation.) Such measurement results should be regarded as unique to that EUT and installation environment.

6.0 Radiated-Emission Measurements

Measurements of radiated radio-noise shall be made using the measuring instrumentation and antennae specified in 4.2 and 4.2.4, respectively. Radiation from the EUT including radiation from all signal and power cabling shall be measured. Consistent with Section 4, above, the EUT shall be set up and operated in a manner representative of actual use.

6.1 Determination of Test Radial

Radiated emission magnitudes shall be obtained in the azimuthal direction of maximum field strength for each predominate emission.

It is preferable to rotate the EUT to determine the direction of maximum field strength. A turntable arrangement may be used for convenience.

For large, heavy, and stationary electric equipment not readily rotated, the measuring instrument and test antenna may be moved around the EUT at as many points as are necessary to determine the direction of maximum field strength for each predominate emission. Parties making measurements on test sites where the EUT is not rotated should understand that the minimum clearances for a test site with rotatable platform are not applicable; instead, the minimum clearance distance for a test site without a platform is changed to a circular area centered on the EUT location and having a diameter of 3 times the maximum distance between the measuring set antenna and closest point of the EUT.

Whether the EUT is to be tested on a test site with a turntable or is to be left fixed with the measurement antenna moved around it, it is suggested that preliminary tests be made, preferably indoors rather than on the test site, to determine the system spectrum signature, the strengths of the stronger emissions, and the directions in which these emerge from the system. During this testing, EUT arrangement should be varied within the scope of expected usage to maximize radiation. As provided in paragraph 4.5.3, if lengths of interconnecting cables may vary, tests should be made with one set each of the shortest and longest cables expected to be used, with excess cable length bundled. Using this experimental data as a guide for EUT arrangement, measurements then may be made on the test site. Where the EUT is not rotated on the site, measurements should be made of the strength of each of the emissions noted in the preliminary tests in the azimuthal direction determined in those tests.

6.2 Radiated Radio Noise Tests

Radiated radio noise measurements shall be made at one of the test sites described in 4.1, above. An EUT subject to a radiated limit at 3 meters, shall be measured at a distance of 3 meters, unless impractical because of size of the equipment, location, etc., in which case measurements may be made at a further distance up to 30 meters and the results extrapolated inwards utilizing an inverse distance extrapolation factor (i.e., 20 dB/decade). Equipment subject to a limit at 30 meters may be measured at a distance of from 3 to 30 meters provided that the results are extrapolated to equivalent signal at 30 meters utilizing an inverse distance extrapolation factor (20 dB/decade). At test distances between 3 meters and 10 meters the antenna shall be varied in height between 1 meter and 4 meters above ground, to determine the maximum level of emissions within this range. Beyond 10 meters, to find the maximum signal level the antenna height shall be varied between 2 and 6 meters above ground. Both horizontal and vertical orientation of the search antenna shall be employed and maximum values reported. For vertical polarization the bottom end of the dipole shall be kept at least 25 cm above site ground per paragraph 4.2.4.

At sites other than open field, it is permissible to replace continuous

variation of antenna height with setting the antenna at one or more fixed heights, provided that it can be shown that equivalent results are obtained.

A typical test configuartion for open-field and alternative sites is shown in Figure 1. The LISN, installed for the powerline conducted radio-noise measurements, may be left in place for radiated emission tests.

6.2.1 Electromagnetic Field: 30 MHz to 1 GHz

Any equipment or device to which it is applicable shall be measured for radiated emissions from all units, cables, power lines and interconnecting wiring.

Antenna position in azimuth shall be varied during the measurement in order to determine maximum field strength. Measurement shall be made at the azimuth such that the maximum radiation levels will be detected.

The antenna(s) specified in 4.2.2, above, preferably shall be positioned at the specified distance from the EUT for the duration of this test. Other test distances may be used and data extrapolated to specified distance per paragraph 6.2. Tests shall be made in both the horizontal and vertical planes of polarization.

The area of maximum radiation from the EUT may be initially determined by scanning the power leads and the equipment using the radio noise meter in conjunction with a short electric field antenna at a closer distance.

For record keeping purposes only the maximum emanations observed during the tests need be recorded and maintained in the permanent record file.

6.3 Radiated Emission Tests at User's Installation (On-Premises Testing)

Testing of the installed EUT may be performed at the end-user's installation with the results generally regarded as unique to the EUT and installation environment. However, where testing has been accomplished at three or more representative locations, the results can be considered representative of all sites for purposes of determining compliance with emanation limits. If no detailed instructions are given in the individual equipment requirements, measurements shall be made to locate the radial of maximum emission at a distance 30 meters from the equipment being tested. Where measurements at the 30 meter distance from the EUT are impractical, measurements may be made at lesser distances and extrapolated to the 30 meter distance from the EUT. A LISN shall not be used for testing of the user's installation in order that the measured radio noise voltage be representative of the specific site. Preliminary measurements of EUT spectrum signature directions of radiation may be made per paragraph 6.1.

BILLING CODE 6712-01-M

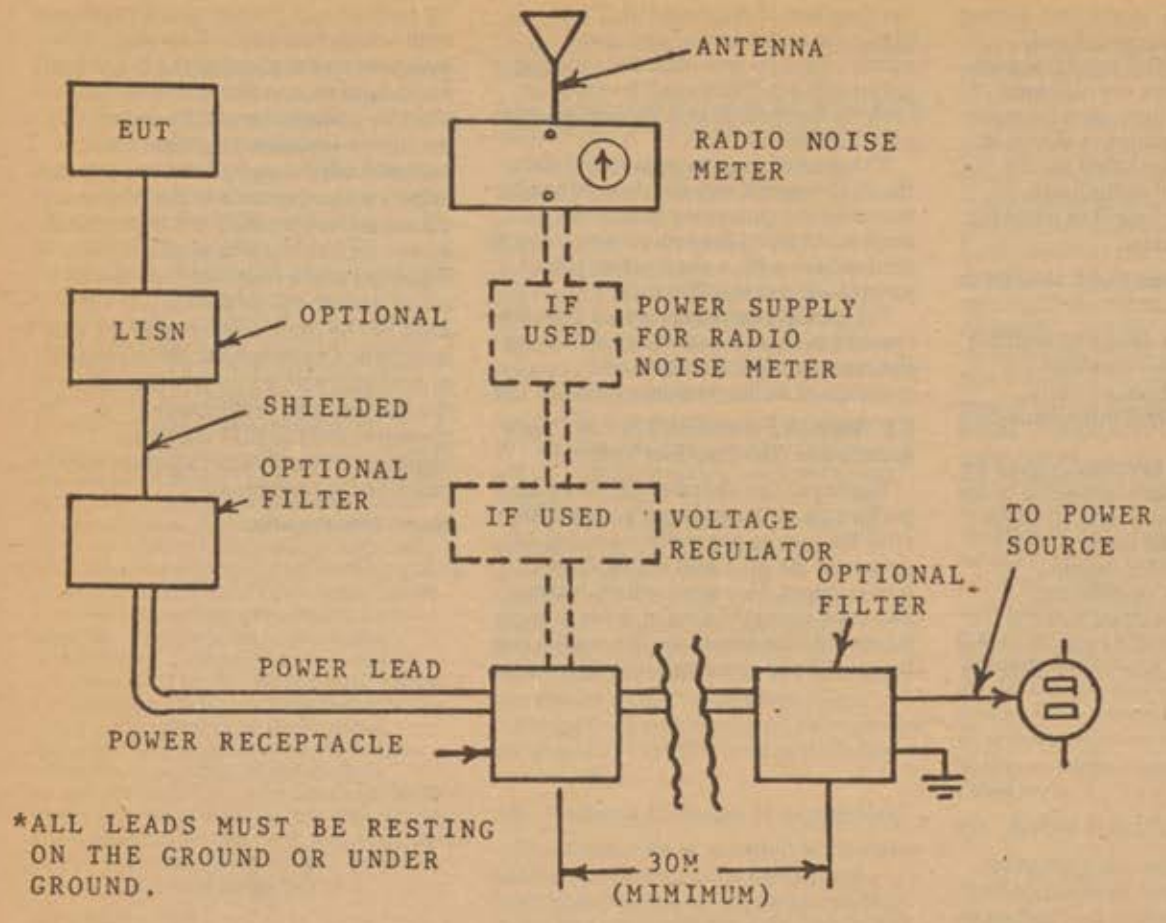


FIGURE 1-SUGGESTED LAYOUT FOR OPEN-FIELD TESTS

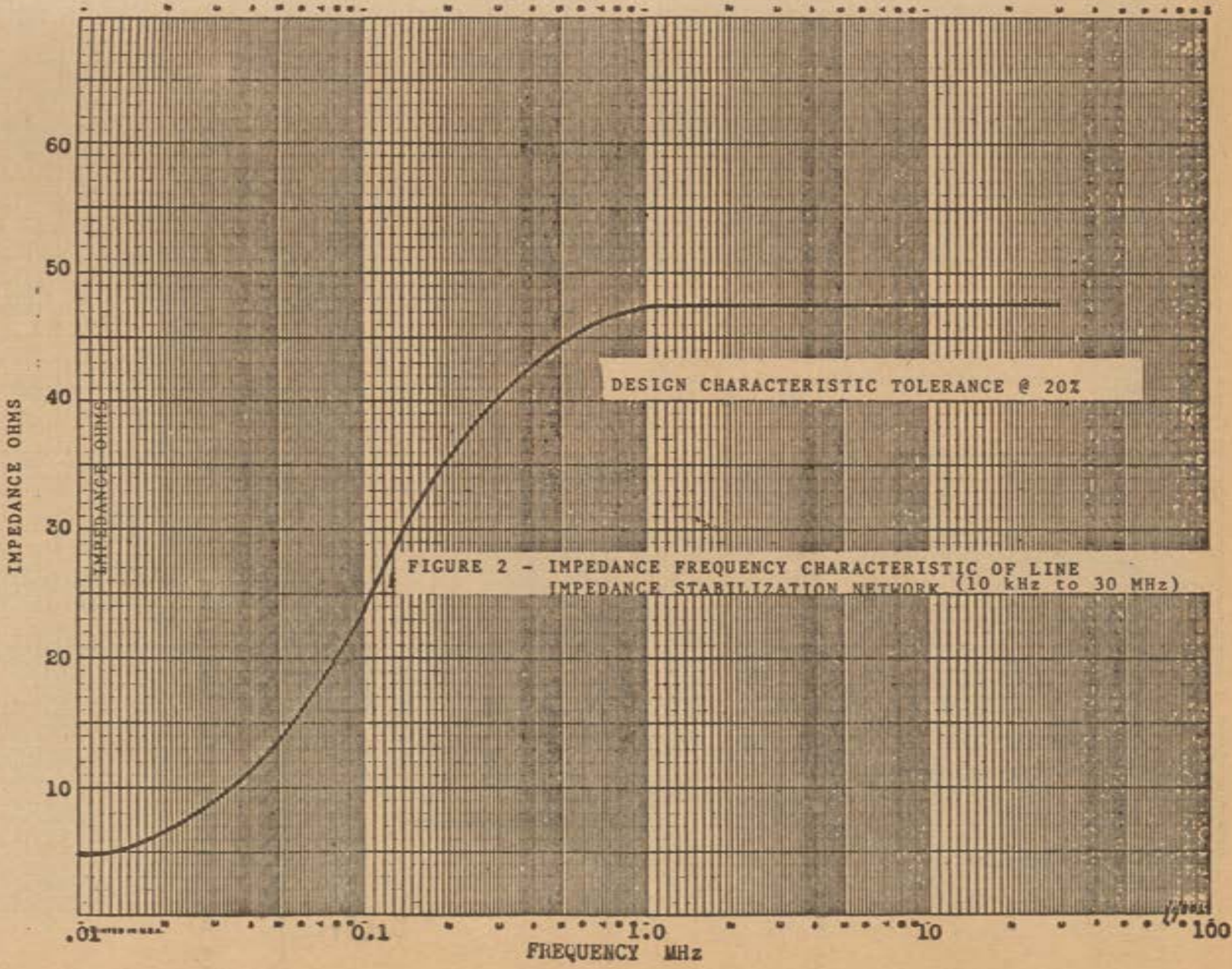


FIGURE 2 - IMPEDANCE FREQUENCY CHARACTERISTIC OF LINE IMPEDANCE STABILIZATION NETWORK (10 kHz to 30 MHz)

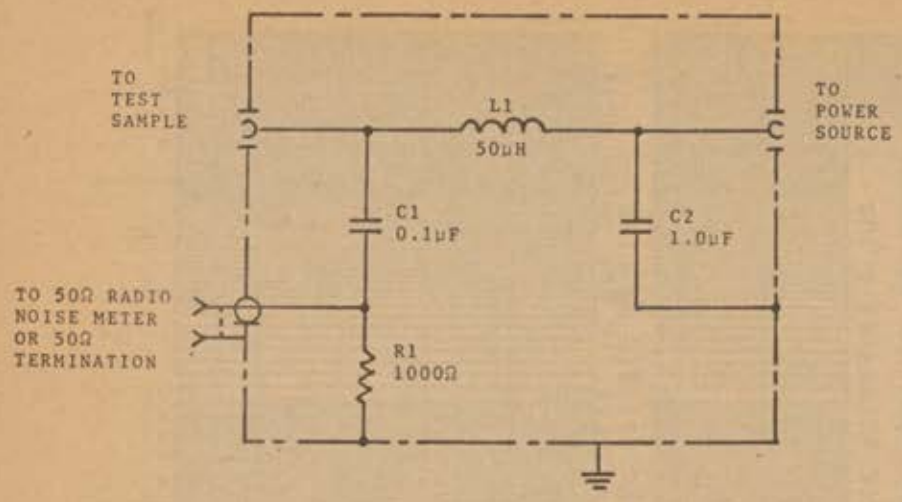


FIGURE 3-CIRCUIT DIAGRAM OF LISN TO PROVIDE IMPEDANCE OF FIGURE 3 FOR THE 0.45-30 MHz FREQUENCY RANGE

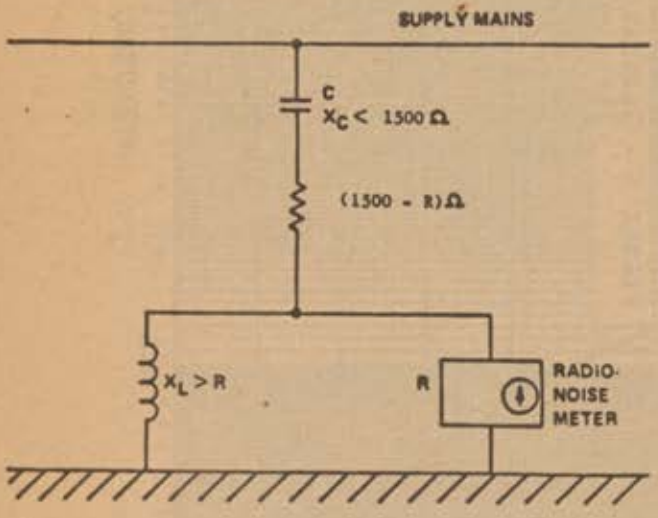


FIGURE 4 LINE PROBE FOR TESTS AT USER'S INSTALLATION

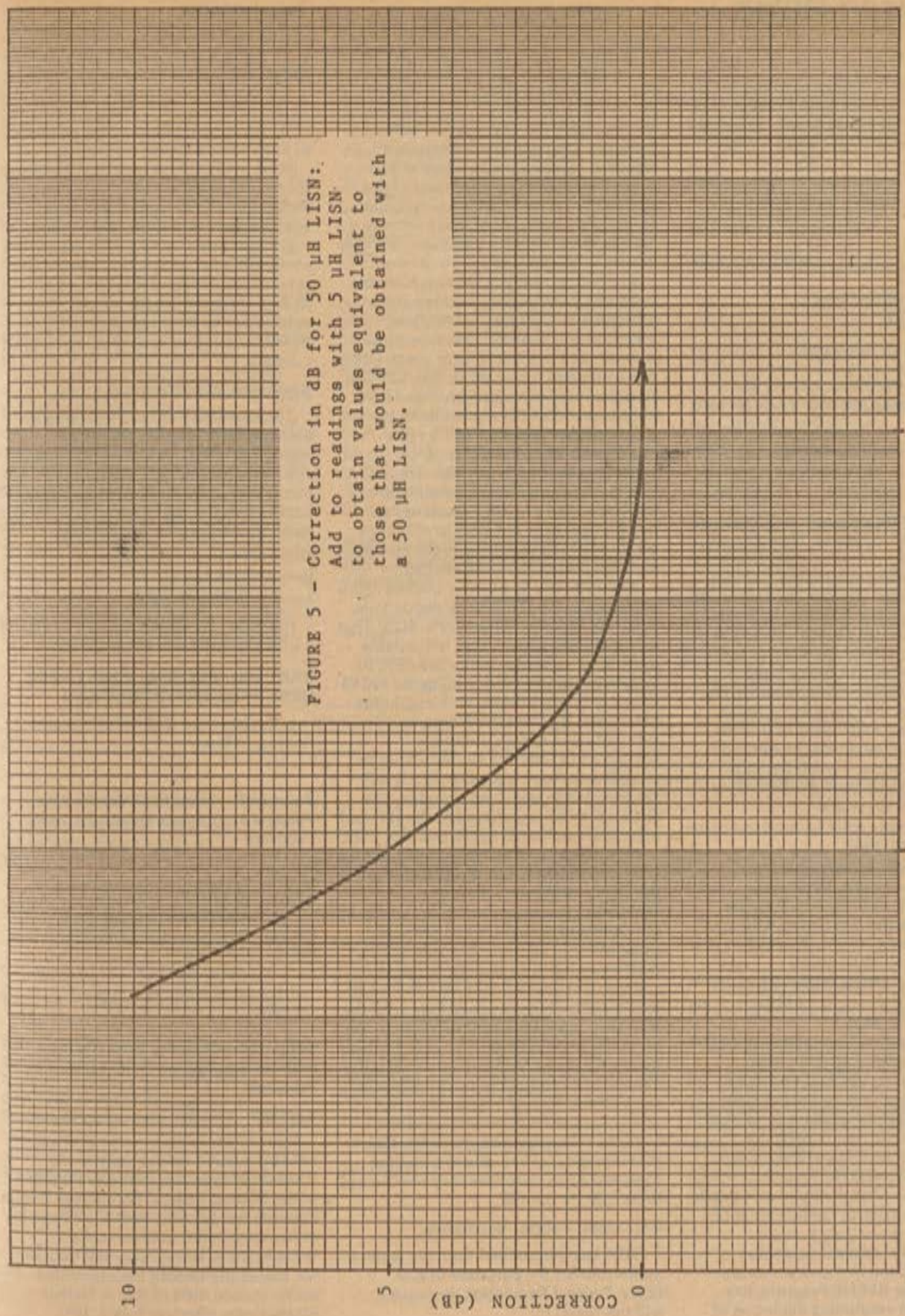


FIGURE 5 - Correction in dB for 50 µH LISN: Add to readings with 5 µH LISN to obtain values equivalent to those that would be obtained with a 50 µH LISN.

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Proposed Rules

Federal Register
Vol. 46, No. 79
Friday, April 24, 1981

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 890 and 891

Transfer of Enrollment From the Uniform Plan to the Indemnity Benefit Plan

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: OPM proposes to transfer all enrollees of the Uniform Plan, except those who exercise their right to elect to continue coverage under the Uniform Plan, to the low option of the Indemnity Benefit Plan, a participating Federal Employees Health Benefits plan. The transfer will relieve enrollees of the financial hardship of future large increases in the premium rates for the Uniform Plan, the Government-wide plan for former employees and their survivors covered under the Retired Federal Employees Health Benefits Program, and will provide them with better overall coverage.

DATE: Comments must be received on or before May 26, 1981.

ADDRESS: Send or deliver written comments to Craig B. Pettibone, Director, Office of Pay and Benefits Policy, Compensation Group, Office of Personnel Management, Post Office Box 57, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT: Gus Ghessie, Issuances and Instructions Staff, (202) 632–4684.

SUPPLEMENTARY INFORMATION: Public Law 86–724, approved September 8, 1960, established the Retired Federal Employees Health Benefits (RFEHB) Program for former employees, or their survivors, who were ineligible to participate in the Federal Employees Health Benefits (FEHB) Program because of the former employee's death or retirement prior to the inception of the FEHB Program (July 1, 1960).

Over the past several years, the Uniform Plan, the Government-wide plan under the RFEHB Program, has experienced a continuing depletion of excess reserves. These reserves have been used to supplement expenses incurred by the plan. Because of this depletion, continued operation of the Plan will require substantial premium increases. Nearly all of these increases will be borne by plan enrollees, who are generally annuitants age 70 or over.

Rather than subject these annuitants, most of whom receive small monthly annuities, to the financial hardship which would result from a substantial increase in their health care costs, OPM has examined a number of alternatives. Based on this examination, it has been determined that the most effective solution is to transfer Uniform Plan enrollees to the low option of the Indemnity Benefit Plan (IBP). The IBP, like the Uniform Plan, is administered by Aetna, and provides much better overall coverage at a cost to enrollees which is nearly identical to the current enrollee cost of the Uniform Plan.

The authority to transfer Uniform Plan enrollees to the IBP is provided in Pub. L. 93–246, approved January 1, 1974. This law provides, in part, that individuals eligible for coverage under the RFEHB Program may elect to enroll in the FEHB Program in accordance with regulations prescribed by OPM. However, in recognition of OPM's statutory obligation to offer the Uniform Plan to eligible enrollees, a 31-day period will be provided in which an enrollee may elect not to be transferred to the IBP and continue enrollment in the Uniform Plan.

Pursuant to section 553(b)(3)(B) of title 5, United States Code, the Director of the Office of Personnel Management finds that good cause exists to reduce the comment period for this proposed rulemaking to 30 days. The rulemaking is being reduced so that the proposed change, if approved, may be effected on July 1, 1981. This date coincides with the effective date of the next increase in the premium cost for supplementary medical insurance under Medicare, on which the amount of Government contribution for the Uniform Plan is based. Also, this rulemaking will not adversely affect Uniform Plan enrollees, since the IBP provides greater benefits at a similar cost, and since enrollees may choose not to transfer to the IBP.

E.O. 12291, Federal Regulation

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

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

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

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

Regulatory Flexibility Act

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

Office of Personnel Management.

Beverly McCain Jones,

Issuance System Manager.

Accordingly, OPM proposes to amend 5 CFR Parts 890 and 891 as follows:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

1. Revising the table of sections to read as follows:

* * * * *

Subpart F—Transfer From Retired Federal Employees Health Benefits Program

Sec.

890.601 Transfer from the uniform plan.
890.602 Enrollment opportunity for other retired employees and survivors.
890.603 Persons confined on effective date.
890.604 Coverage.

* * * * *

2. Revising Subpart F to read as follows:

Subpart F—Transfer From Retired Federal Employees Health Benefits Program

§ 890.601 Transfer from the uniform plan.

(a) A retired employee or survivor who is enrolled for self only in the Uniform Plan provided under section 3 of the Retired Federal Employees Health Benefits Act (74 Stat. 849) shall have his or her enrollment automatically transferred to low option, self only in the Indemnity Benefit Plan provided under section 8904 of title 5, United States Code, effective July 1, 1981.

(b) A retired employee or survivor who is enrolled for self and family in the Uniform Plan shall have his or her enrollment automatically transferred to low option, self and family in the Indemnity Benefit Plan, effective July 1, 1981.

(c) The transfer of enrollment provided under paragraph (a) or (b) of this section shall not be effected, and the enrollment in the Uniform Plan shall be continued, if the retired employee or survivor requests in writing to continue coverage under the Uniform Plan. The written request must, however, be received by the employing office within 31 days of the date of the notice from OPM advising him or her of the transfer to the Indemnity Benefit Plan.

(d) A retired employee or survivor who, instead of being transferred to the Indemnity Benefit Plan, elects to continue enrollment in the Uniform Plan, may later enroll in a plan under this part at any time. This later election shall be effective the first day of the first pay period following the one in which the election to enroll is received by his or her employing office.

§ 890.602 Enrollment opportunity for other retired employees and survivors.

A retired employee or survivor who is receiving a Government contribution toward the cost of a private health benefits plan or supplementary medical insurance under Medicare, or who is eligible to receive a Government contribution for this purpose, may elect to enroll in a plan under this part at any time. The enrollment under this part shall be effective the first day of the first pay period following the one in which the election to enroll is received by his or her employing office.

§ 890.603 Persons confined on effective date.

Benefits may not be limited for any person who, on the effective date of an enrollment under § 890.601 or § 890.602, is confined in a hospital or institution.

§ 890.604 Coverage

A retired employee or survivor who enrolls or is enrolled in a plan under this part under § 890.601 or § 890.602 shall, for all purposes, be considered subject to this part and not subject to Part 891 of this subchapter from the effective date of the enrollment.

PART 891—RETIRED FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

3. Revising § 891.103(a)(3) to read as follows:

§ 891.103 Eligibility.

(a) * * *

(3) A retired employee or his or her survivor who enrolls or is enrolled under § 890.601 or § 890.602 of this subchapter shall, from the effective date of the enrollment, be ineligible for coverage under this part.

* * * * *

4. Revising § 891.201(f) to read as follows:

§ 891.201 Election.

* * * * *

(f) Except as provided in § 890.601(c) of this subchapter, the enrollment of a retired employee or survivor in the Uniform Plan is transferred to the low option of the Indemnity Benefit Plan provided under section 8904 of title 5, United States Code, effective July 1, 1981.

5. Revising § 891.202(c) to read as follows:

§ 891.202 Change of Election.

* * * * *

(c) An annuitant may change his or her election in accordance with the following table by notifying his or her retirement system at any time:

Table of Optional Changes

Change permitted	Type of election from which changing	Effective date of change
(1) Change to not participating	Election for self alone or self and family for uniform or private health benefits plan.	First day of the month specified in notice to retirement system, or first day of the month following receipt of notice by retirement system, whichever is later. Changes in withholdings and contributions are effective for annuity or compensation accruing for the month preceding the effective date of the change.
(2) Change to self alone in same plan	Election for self and family for uniform plan or private health benefits plan.	Same as above.
(3) Change to private health benefits plan for self alone or self and family.	Election for self alone or self and family for uniform plan	Same as above.
(4) Change to self and family in same plan	Election for self alone for uniform or private health benefits plan.	First day of the fourth month following the month in which the notice is received by the retirement system. Changes in withholdings and contributions are effective for annuity or compensation accruing for the third month following the month in which the notice is received by the retirement system.
(5) Change to self alone or self and family for private health benefits plan.	Election not to participate	Same as above.

6. Revising § 891.501 as follows:

§ 891.501 Standards for Uniform Plan.

The Uniform Plan shall not deny or limit benefits because of any preexisting condition. It shall offer basic plus major medical coverage. It shall provide a 31-day extension of coverage on termination of enrollment other than by change of election or termination of the contract. A person confined in hospital for care or treatment on the 31st day of the extension of coverage shall be entitled to continuation of the benefits of the contract during the continuance of the confinement, but not beyond the 60th day following the end of the extension of coverage. The Uniform Plan shall be experience-rated.

(88 Stat. 3, Pub. L. 93-246)

[FR Doc. 81-12383 Filed 4-23-81; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 29

[Docket No. 81-11370]

U.S. Type 32, Maryland Broadleaf Tobacco, Sales of Maryland Tobacco in Untied Form

AGENCY: Agricultural Marketing Service.

ACTION: Proposed rule, correction.

SUMMARY: This document corrects a Notice of Proposed Rule for Amending Official Standards for Maryland Broadleaf, Type 32, Tobacco previously published at 46 FR 22002, Wednesday, April 15, 1981.

DATE: Comments due on or before, April 30, 1981.

FOR FURTHER INFORMATION CONTACT: T. A. VonGarlem, Director, Tobacco Division, Agricultural Marketing Service, USDA, Washington, D.C. 20250, 202-447-2567.

SUPPLEMENTARY INFORMATION: The U.S. Department of Agriculture gives notice of correction to the Notice of Proposed Rulemaking allowing producers to market their Maryland tobacco in the traditional hand-tied method or in untied form, on sheets, baskets, or in approximately 1x2x3 feet bales.

The comment period ending April 30, 1981, was erroneously reported in the April 15 **Federal Register** notice. This correction reflects that the comment period ends May 29, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

April 21, 1981.

[FR Doc. 81-12380 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-02-M

Animal and Plant Health Inspection Service

9 CFR Part 92

Importation of Birds; Handling Procedures for the Importation of Birds

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This document would amend the Cooperative Agreement in Title 9, Code of Federal Regulations, § 92.11(f)(8) A.3., to reduce the time from seven days to three days, from the most recent contact with birds in an approved quarantine facility, that designated personnel employed by a Cooperator agree to refrain from having contact with other birds and poultry. The intended effect of this amendment is to provide for better management and utilization of personnel while still maintaining adequate disease control at approved quarantine facilities.

DATE: Comments on or before June 24, 1981.

ADDRESS: Written comments should be submitted to the Deputy Administrator, Veterinary Services, APHIS, USDA, Room 870, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. S. S. Richeson, USDA, APHIS, VS, Import-Export Staff, Room 817, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8170.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed in conformance with Executive Order 12291, and has been determined to be not a "major rule." This proposed rule, if adopted, is not likely to result in any significant effect on the economy; any increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

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 because, although this action will affect all 93 approved bird quarantine facilities, it will not have a significant economic impact on such facilities. This action would merely reduce the amount of time that designated personnel employed by an approved bird quarantine facility must refrain from contact with other birds and poultry to avoid possible transmission of disease organisms.

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to section 2 of the Act of February 2, 1903, as amended, section 11 of the Act of May 29, 1884, and sections 2, 4, and 11 of the Act of July 2, 1962 (21 U.S.C. 111, 114a, 134a, 134c, and 134f, respectively), and the Act of July 24, 1919 (7 U.S.C. 450b), the Animal and Plant Health Inspection Service is considering amending Part 92, Title 9, Code of Federal Regulations.

It is important that employees of Cooperators operating approved bird quarantine facilities carry out their duties in ways to avoid the possible transmission of Newcastle disease virus from one premises or area to another.

Therefore, the Cooperative Agreement in § 92.11(f)(8) A.3 requires the operator of an approved quarantine facility to furnish to the Service a signed statement from each of the designated personnel employed by the Cooperator. This signed statement must contain an agreement by such personnel that for a period of seven days, from their most recent contact with birds in the approved quarantine facility, such personnel will refrain from having contact with other birds and poultry. Such condition shall not be applicable from the date that the birds are released from quarantine.

The operational requirements for an approved quarantine facility provide that personnel granted access to the bird holding area wear protective clothing and footwear which are removed and decontaminated after being soiled or contaminated. Further, such personnel must shower when leaving the bird holding and necropsy areas.

Based upon information provided by the Department's scientific advisors that work with exotic Newcastle disease it appears that personnel who follow these decontamination procedures would not transmit the virus after a period of three days following exposure to the virus. Therefore, to provide more effective management and utilization of personnel, the Department is proposing to amend § 92.11(f)(8) A.3 to require that the Cooperator furnish to the Service a signed statement from each of the designated personnel in which such personnel agree that for a period of three days from the most recent contact with birds in the approved quarantine facility, the designated personnel will refrain from having contact with other birds and poultry.

Accordingly, Part 92, Title 9, Code of Federal Regulations, would be amended in the following respect:

§ 92.11 [Amended]

1. In § 92.11(f)(8) A.3 the word "seven" would be amended to read: "three."

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 821, Hyattsville, Maryland, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register.**

Done at Washington, D.C., this 20th day of April, 1981.

J. K. Atwell,

Deputy Administrator, Veterinary Services.

[FR Doc. 81-12382 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-34-M

Food Safety and Quality Service

9 CFR Part 313

[Docket No. 80-044N]

Water Availability for Livestock at Slaughter Establishments

AGENCY: Food Safety and Quality Service, USDA.

ACTION: Notice of decision not to propose rulemaking.

SUMMARY: On September 12, 1980, the Food Safety and Quality Service requested information on the humane watering needs of livestock. The action was taken in response to industry petitions that questioned a departmental regulation that requires water to be available for animals in holding pens at slaughter establishments. Letters from industry generally voiced concern about the cost and need for installing watering facilities in livestock holding pens, while comments from other segments of society supported the requirements. The Agency has determined that the regulations requiring that water be available in holding pens will remain in effect, but notes that compliance with the regulations will not necessarily impose burdensome costs on the industry.

FOR FURTHER INFORMATION CONTACT: Dr. John C. Prucha, Director, Slaughter Inspection Standards and Procedures Division, Technical Services, Meat and Poultry Inspection Program, Food Safety and Quality Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-3219.

SUPPLEMENTARY INFORMATION: On November 30, 1979, the Food Safety and Quality Service (ESQS) published final regulations (44 FR 68809-68817, 9 CFR Part 313) to adopt humane slaughtering and handling practices with respect to livestock in accordance with the Humane Methods of Slaughter Act of 1978 (Pub. L. 95-445, Sec. 21 U.S.C. 603, 610, 620). During the development of those regulations, the Department considered comments suggesting that animals have feed and water available as soon as they arrive at the holding pens of the slaughter establishment. As finalized, the regulations require that water be made available in all holding pens and that feed also be provided in all holding pens if the animal is to be retained longer than 24 hours before slaughter. No comments were received suggesting that there be an option of withholding water from cattle for a period of time prior to slaughter.

Since the regulations were finalized, FSQS has received a petition from Iowa Beef Processors, Inc., requesting that cattle be allowed to be held at the slaughter establishment without water for up to 24 hours before slaughter when this is specified in a sales contract. The petition states that this is a common and traditional method used in the sale and purchase of cattle for slaughter. Under such a contract, the cattle are consigned to and in the custody of the slaughterer, but do not become his property until after the contracted period without feed and water and subsequent weighing. After the weighing, the cattle are slaughtered or returned to pens and watered.

Furthermore, the American Association of Meat Processors has requested that the present requirement for water in pens be changed to allow animals which are to be slaughtered within 24 hours to be withheld from water. It cites the difficulty of keeping pipes thawed in the winter and the maintenance of the drinking troughs and pipes. It claims that animals will not drink in strange surroundings unless they are extremely thirsty and, therefore, are not being mistreated if water is not immediately available.

On September 12, 1980, FSQS published in the Federal Register (45 FR 60448) a notice seeking information to assist the Department in evaluating these petitions. By the close of the comment period, the Department had received 636 comments and approximtely 200 additional comments after the November 12, 1980, deadline. Comments were received from 37 operators of slaughtering establishments, 4 meat industry associations, 21 humane organizations, 3 State meat inspection officials, 2 universities, and 569 private citizens. These comments are on file in the Regulations Coordination Division, Food Safety and Quality Service, Room 2637, South Agriculture Building, Washington, DC 20250, and are available for public viewing between 8:30 a.m. and 4:30 p.m., Monday through Friday.

Responses from 581 people favored providing water to livestock at the slaughter establishments. Generally, these commenters contended that the withholding of water from animals prior to slaughter was inhumane and unjustified, and that water should be available to these animals at all times.

Forty-seven commenters favored withholding water from livestock at slaughtering establishments, primarily on the basis that it would be economically beneficial to both the industry and consumers due to the expense in providing water and watering facilities, and the maintenance necessary for the watering facilities. Several responses indicated that withholding water from livestock to be slaughtered within 24 hours would not have any adverse effect on the livestock nor the meat quality.

A University of Missouri scientist sent two research papers for consideration without expressing an opinion, and seven comments did not address the subject in question.

The comments do not provide information adequate to support any conclusion concerning the watering requirements of livestock on their way to slaughter. Only three comments made reference to research conducted on livestock watering and deprivation of water. Most of this research applied to cattle under feedlot and range conditions and cannot be directly related to the short-term humane holding of livestock at slaughter establishments. Two research papers dealt with the amount of weight lost by cattle during various lengths of transportation and water deprivation. This information does not relate to the question of humane holding of animals for slaughter.

Certain conclusions can be drawn from the research conducted on feedlot and range cattle about how much water is consumed under different climatic conditions and frequency of drinking. Cattle drink about three times a day and consume from 2.5 to 12 gallons daily. This shows that cattle consume large amounts of water, but since this data applies to growing and fattening animals, it does not have any direct bearing on what is, in fact, humane in regard to watering. FSQS conducted a literature search for relevant information that would clarify the humane aspects of livestock watering. Unfortunately, the search was unsuccessful as the available information does not appear adequate to determine if less than free access to water would be humane.

The information gleaned from the literature only confounded the issue more. For example:

1. There is an apparent difference between species on the amount of water deprivation each can experience without obvious discomfort. Cattle and swine have little adaptation to lack of water and need supplemental water for survival. Sheep have a higher tolerance for lack of water than do cattle and swine.

2. Individual animals of the same species may have different water needs depending on their state of health and the length of time since their last drink.

In view of the variations in water needs between species and individuals within species, assessing when and how water should be made available to livestock for humane reasons becomes very difficult.

Therefore, the Agency concludes that these comments have not provided a sufficient basis for changing the requirements in 9 CFR 313.2(e) that animals shall have access to water in all holding pens. The Department will enforce its regulations under the Humane Methods of Slaughter Act as promulgated.

However, FSQS wishes to allay any concerns on the part of the livestock industry that unreasonable and unnecessary expenses will be imposed as a result of the access to water requirement. Many of the comments from industry reflect a concern about the need to install expensive, permanent plumbing in all facilities. The Agency notes that the regulations specify that access to water must be provided only in holding pens. Holding pens refer to those facilities in which animals are held for significant periods of time. The provisions would not apply to those areas to which animals are delivered for prompt slaughter. For example, water would not be required for alleyways or corridors used to facilitate the handling of animals near the slaughtering facility. Further, low volume operations may not need to install permanent plumbing in holding pens. If containers of water are available, the requirement would be complied with. The manner in which water reaches the containers is not specified by the regulations. In sum, compliance with § 313.2(e) will be assessed not merely on the basis of whether plumbing or water containers are installed, but rather will also take into account the animal handling practices and the volume of animals being processed at each facility.

Done at Washington, D.C., on April 20, 1981.

L. L. Gast,

Acting Administrator, Food Safety and Quality Service.

[FR Doc. 81-12472 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF ENERGY

10 CFR Part 376

Leasing; Cancellation of the Public Hearing for the Proposed Rulemaking To Establish a Variable Work Commitment Bidding System for Outer Continental Shelf Oil and Gas Leases

AGENCY: Department of Energy.

ACTION: Proposed rule; cancellation of public hearing.

SUMMARY: On March 30, 1981, the Department of Energy issued a Notice of Proposed Rulemaking to establish a bidding system for use in lease sales of oil and gas tracts on the Outer Continental Shelf (46 FR 20522, April 3, 1981). The proposed bidding system uses a dollar value exploration work commitment as the bid variable ("variable work commitment bidding system"), and requires payment of a fixed cash bonus, a fixed royalty, and an annual rental for each tract. The Notice of Proposed Rulemaking announced that a public hearing would be held in Washington, D.C., on April 28, 1981. However, due to a lack of interest, the Department of Energy is cancelling the public hearing.

FOR FURTHER INFORMATION CONTACT: Cynthia A. Ford, (202) 653-3971.

Issued in Washington, D.C., April 21, 1981.

Carl W. Guidice,

Acting Assistant Secretary for Fossil Energy.

[FR Doc. 81-12566 Filed 4-23-81; 8:45 am]

BILLING CODE 6450-01-M

10 CFR Part 376

Leasing; Extension of Public Comment Period for the Proposed Rulemaking To Establish a Variable Work Commitment Bidding System for Outer Continental Shelf Oil and Gas Leases

AGENCY: Department of Energy.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On March 30, 1981, the Department of Energy issued a Notice of Proposed Rulemaking to establish a bidding system for use in lease sales of oil and gas tracts on the Outer Continental Shelf (46 FR 20522, April 3, 1981). The proposed bidding system uses a dollar value exploration work commitment as the bid variable ("variable work commitment bidding system"), and requires payment of a fixed cash bonus, a fixed royalty, and an annual rental for each tract.

In the Notice of Proposed Rulemaking the due date established for the receipt of written comments was April 29, 1981. By this notice, the Department of Energy is extending the public comment period to May 6, 1981.

DATE: The public comment period is extended to May 6, 1981.

ADDRESS: All written comments should be sent to: Office of Public Hearings Management, Economic Regulatory Administration, Box XZ (Docket No. LPDO 81-2), 2000 M Street., NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Cynthia A. Ford, (202) 653-3971.

Issued in Washington, D.C., April 21, 1981.

Carl W. Guidice,

Acting Assistant Secretary for Fossil Energy.

[FR Doc. 81-12570 Filed 4-23-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1030

[Docket No. 80N-0099/PRC]

Performance Standards for Microwave and Radiofrequency-Emitting Products; Amendments to the Microwave Oven Standard; Measurement and Test Conditions; Reopening of comment period

AGENCY: Food and Drug Administration.

ACTION: Reopening of Comment Period.

SUMMARY: The Food and Drug Administration (FDA) is reopening the comment period on the proposed amendment to the microwave oven standard concerning measurement and test conditions. Elsewhere in this issue of the **Federal Register**, the agency is staying the effective date of and reconsidering the final rule.

DATE: Comments on the May 2, 1980, proposed rule by July 23, 1981.

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

FOR FURTHER INFORMATION CONTACT: Joseph Wang, Bureau of Radiological Health (HFX-460), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3426.

SUPPLEMENTARY INFORMATION: On December 23, 1980, the Association of Home Appliance Manufacturers (AHAM) submitted to FDA a petition under 21 CFR 10.33 requesting reconsideration of a final rule amending the microwave oven standard (21 CFR 1030.10) concerning measurement and test conditions. This amendment, which was published in the **Federal Register** of November 28, 1980 (45 FR 79028) and which is scheduled to become effective on November 30, 1981, removes the instrument error limit and effective aperture requirements for instruments

used for compliance measurement of leakage radiation from microwave ovens (21 CFR 1030.10(c)(1)(3) (i) and (ii)). The characteristics of these instruments and the conditions under which they are used are to be accounted for in information submitted to FDA's Bureau of Radiological Health (BRH) by each microwave oven manufacturer as part of its testing program for microwave ovens. The amendment also added to the standard a new definition of "equivalent plane-wave power density" (21 CFR 1030.10(b)(8)). These changes were designed to reflect the actual compliance testing situation for microwave ovens. No change was made in permissible leakage levels.

The agency published the proposed rule in the **Federal Register** of May 2, 1980 (45 FR 29307). FDA's responses to AHAM's comments on the proposed rule were included in the preamble to the November 28, 1980, final rule.

Elsewhere in this issue of the **Federal Register**, the agency, on its own initiative, is announcing its stay of the effective date of the November 28, 1980, final rule amending 21 CFR 1030.10 to enable the agency to reconsider the impact of the amendments. By this notice, the agency also is reopening the comment period on the proposal. FDA invites comments not only on the matters raised by AHAM's petition, which is on file with the Dockets Management Branch, address above, but also on any other matter relating to the May 2, 1980, proposal.

Interested persons may, on or before July 23, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding the proposal of May 2, 1980 (45 FR 29307). Four copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Public Health Service Act as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179 as amended (42 U.S.C. 263f)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1).

Dated: March 23, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-12014 Filed 4-23-81; 8:45 am]

BILLING CODE 4110-03-M

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Ch. XXVI

Semiannual Agenda of Regulations Under Development

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Semiannual agenda of regulations.

SUMMARY: This document sets forth the Pension Benefit Guaranty Corporation's semiannual agenda of regulations it expects to issue in proposed or final form during the next six months. The agenda also indicates which regulations are "major" under the criteria set forth in Executive Order 12291, and whether or not the regulations are subject to the Regulatory Flexibility Act.

ADDRESS: Pension Benefit Guaranty Corporation, 2020 K Street, NW., Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: For further information on the agenda in general, contact Melanie Franco Nussdorf, Special Counsel, Office of the General Counsel, 202–254–3010. For information about a specific regulation project listed on the agenda, contact the person designated in the agenda for that regulation.

SUPPLEMENTARY INFORMATION: Under the President's Order on Federal Regulation, Executive Order 12291, 46 FR 13193 (February 17, 1981), each agency is required to publish in April and October an agenda of regulations it has issued or expects to issue. For each regulation designated as "major" under the criteria contained in the Order, the agenda must include a summary, the objectives and legal basis for the rule, and a schedule for completing action on the rule if a notice of proposed rulemaking has already been issued. To better inform the pubic, the agenda set forth below includes a summary, the objectives and the legal basis for the regulations yet to be published. The agenda also lists a PBGC contact person for each regulation, as required by the Executive Order.

Finally, Executive Order 12291 requires that the agenda also include those currently-effective regulations that are being reviewed by the agency pursuant to the Executive Order. Because of the necessity of devoting a significant portion of its resources to the development of regulations under the recently-enacted Multiemployer Pension Plan Amendments Act of 1980 (Pub. L. 96–364, 94 Stat. 1208), the Pension Benefit Guaranty Corporation has not yet begun reviewing any of its currently-effective regulations.

The Regulatory Flexibility Act, 5 U.S.C. 601, Pub. L. 96–354, 94 Stat. 1165, has a similar agenda requirement. Under that law, the agenda must list any regulation subject to the Act that is likely to have a significant economic impact on a substantial number of small entities. The Act applies to any regulation for which a notice of proposed rulemaking is issued on or after January 1, 1981. In the interests of clarity, the agenda below indicates those regulations that are not subject to the Regulatory Flexibility Act. For those regulations covered by the Act, the agenda indicates whether or not the rule is likely to have a significant economic impact on a substantial number of small entities.

Unless otherwise indicated, all citations in the agenda are to sections of the Employee Retirement Income Security Act of 1974 as amended by the Multiemployer Pension Plan Amendments Act of 1980. The first 8 items pertain to the single-employer insurance program; the next 2 items pertain to both the single employer and multiemployer insurance programs; the remaining items only to the multiemployer program.

1. Rules for Determining and Collecting Employer Liability

Summary. A final regulation was published in the **Federal Register** on January 28, 1981 (46 FR 9520), 29 CFR Part 2613. An amendment to the regulation delaying the effective date until April 1, 1981 was published February 24, 1981 (46 FR 13690). The regulation is now effective.

PBGC Contact. Mr. David Weingarten, Special Counsel, Office of the General Counsel, 202–254–3010.

2. Rules Governing the Allocation of Residual Plan Assets

Summary. This is a regulation governing the allocation and distribution of plan assets that remain after all liabilities for benefits under the plan are satisfied. A notice of proposed rulemaking was published in the **Federal Register** on October 2, 1980 (45 FR 65259). The notice provided for a 60-day public comment period which has now closed. Public comments have been reviewed and work has begun on the final regulation. The PBGC has determined that the regulation is not a major rule within the meaning of the Executive Order.

Objective. This regulation is necessary to give plan administrators

guidance on the handling of excess assets.

Legal Basis. ERISA sections 4002 and 4044.

Regulatory Flexibility. Not covered by Act.

PBGC Contact. Ms. Renae Hubbard, Attorney, Office of the General Counsel, 202–254–4895.

3. Rules for Determining Plan Sufficiency and for Terminating Sufficient Plans

Summary. A final regulation was published in the **Federal Register** on January 28, 1981 (46 FR 9532), 29 CFR Part 2615. An amendment to the regulation delaying the effective date until April 1, 1981 was published February 24, 1981 (46 FR 13690). The regulation is now effective.

PBGC Contact. Ms. Joan Segal, Attorney, Office of the General Counsel, 202–254–3010.

4. Amendments of the Notice of Intent To Terminate Regulation

Summary. This project involves the issuance of a joint PBGC–IRS form (form 5310) and amendments to the PBGC's Notice of Intent to Terminate Regulation, 29 CFR Part 2604. PBGC and IRS staff are continuing to meet to resolve changes that will be made to the form. Once the agencies have agreed on a final form, the final amendments to the regulation will be completed. The PBGC has determined that the regulation is not a major rule within the meaning of the Executive Order.

Objective. This regulation is necessary to provide plan administrators with the proper procedures for notifying the PBGC of plan terminations, and to eliminate duplicative filing requests.

Legal Basis. ERISA sections 4041, 4043.

Regulatory Flexibility. Not covered by the Act.

PBGC contact. Mr. William Seals, Deputy Assistant General Counsel, Office of the General Counsel, 202–254–4895.

5. Rules for Valuing Group Insurance Contracts (Amendment to the Valuation of Plan Assets Regulation)

Summary. On April 18, 1977, the PBGC published (42 FR 20158) a proposed regulation setting forth the rules for valuing insurance contracts as plan assets. The regulation sets forth rules necessary to determine benefits payable and the plan asset insufficiency for a PBGC plan. Because of the unique nature of insurance contracts, the existing PBGC regulation on valuing plan assets (29 CFR, Part 2611), is not directly applicable.

In the December 20, 1979 PBGC semiannual agenda, the PBGC dropped the regulation project dealing with the valuation (and allocation) of group insurance contracts. The PBGC stated, at that time, that PBGC staff was unable to develop a regulatory approach with respect to group insurance contracts more satisfactory than the existing PBGC regulation.

Based on subsequent experience and public comments on the December 20, 1979 semiannual agenda, the PBGC decided in the December 1980 agenda, to resume work on the valuation of group insurance contracts project. The PBGC has determined that the regulation is not a major rule within the meaning of the Executive Order.

Objective. This rule is necessary to enable plan administrators to value insurance contracts as of the date of plan termination more easily.

Legal Basis. ERISA sections 4002(b)(3), 4041, 4044 and 4062(b)(1).

Regulatory Flexibility. Not covered by Act.

PBGC Contact. Ms. Joan Segal, Attorney, Office of the General Counsel, 202–254–3010.

6. Proposed Rules for Recovery of Benefit Overpayments and Early Benefit Reduction

Summary. After the date of plan termination, plan administrators often continue benefit payments at the levels in effect under the terms of the plans, rather than reducing payments to the benefit levels payable under Title IV. This is likely to result in overpayments to plan participants. If not recovered from plan participants, overpayments made after the date of plan termination in PBGC-trusteed plans result in an unreasonable drain on the insurance fund.

The PBGC is developing a proposed regulation to set forth rules designed: (a) To minimize overpayments made after the date of plan termination by assisting plan administrators to reduce benefit payments to the estimated level of Title IV benefits payable; (b) to define the circumstances under which the PBGC will recover overpayments from plan participants; and (c) to describe the method(s) by which the PBGC will recover overpayments. The PBGC has determined that this regulation is not a major rule within the meaning of the Executive Order.

Objective. This regulation is needed to establish rules and a procedure for the prompt reduction of benefits after the date of plan termination in order to minimize overpayments to participants and to establish a formal procedure for PBGC recovery of overpayments to participants. This regulation will provide guidance to plan administrators and participants and minimize costs to the insurance system.

Legal Basis. ERISA sections 4002(b)(3), 4022, 4041, 4042, 4044, 4061.

Regulatory Flexibility. The PBGC has determined that this rule will not have significant economic impact on a substantial number of small entities.

PBGC Contact. Mr. Terence Craig, Attorney, Office of the General Counsel, 202–254–4873.

7. Proposed Rules Relating to Plan ERISAfication (Proposed Amendments to the Guaranteed Benefits and Limitation on Guaranteed Benefits Regulations)

Summary. The Multiemployer Act amended ERISA to require the PBGC to guarantee benefits provided under the terms of a plan or required under law. Under the Act, all plans that terminate on or after September 26, 1980, are to be treated as though the relevant provisions of Title I were added to the plan as of the effective date under ERISA section 211 with respect to each plan.

Accordingly, the PBGC proposes to amend its Guaranteed Benefits regulation, 29 CFR Part 2605, to accommodate the specific changes made by the Multiemployer Act and to set forth the essential provisions in ERISA Title I that will be read into plans terminating on or after September 26, 1980 that have not been amended to comply with ERISA or that were not properly amended.

In addition, the PBGC proposes to amend its Limitation on Guaranteed Benefits regulation, 29 CFR Part 2609. This amendment would make clear that Title I provisions included in plans, whether by law or by amendment, that terminate after September 26, 1980 be treated for purposes of the "phase-in rules" in ERISA section 4022 as though the provisions were in effect as of the effective date for those provisions under ERISA section 211 with respect to the plan. The PBGC has determined that this regulation is not a major rule within the meaning of the Executive Order.

Objective. This regulation is needed in order to ensure that participants and beneficiaries in terminating plans receive the retirement benefit protection mandated by Congress.

Legal Basis. ERISA sections 4001(a)(8), 4002(b)(3), 4022.

Regulatory Flexibility. The PBGC has determined that this rule will not have a

significant economic impact on a substantial number of small entities.

PBGC Contact. Ms. Renae Hubbard, Attorney, Office of the General Counsel, 202–254–4895.

8. Proposed Rule on Transfer of Pension Liability

8. *Summary.* Under section 4042(a)(4) of ERISA, the PBGC may institute court proceedings to terminate a plan involuntarily whenever the PBGC determines that the possible long run loss of the PBGC with respect to the plan "may reasonably be expected to increase unreasonably" if the plan is not terminated. The PBGC is developing a proposed regulation which will set forth the circumstances under which it may terminate a plan when pension liabilities are transferred to an entity that may be unable to fund the plan adequately. The PBGC has determined that this is not a major rule within the meaning of the Executive Order.

Objective. This regulation is needed to inform the public of the circumstances in which the PBGC will exercise its authority under section 4042 to protect the insurance fund.

Legal Basis. ERISA Section 4042.

Regulatory Flexibility. The PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

PBGC Contact. Mr. Kent Cprek, Attorney, Office of the General Counsel, 202–254–4873.

9. Final Rule on Payment of Premiums

Summary. This regulation, 29 CFR Part 2602, is being amended in final form to make technical and nonsubstantive changes for purposes of clarity in the definition of participant, the filing deadlines, and the computation of interest on late premium payments.

Objective. The amendment is necessary to give clearer guidance to the public for the preparation and submission of the PBGC–1 annual premium filing forms and the payment of premiums.

Legal Basis. ERISA sections 4002(b) and 4007.

Regulatory Flexibility. Not covered by Act.

PBGC Contact. Mr. David Weingarten, Special Counsel, Office of the General Counsel, 202–254–3010.

10. Final Rule on Administrative Review of Agency Decisions

Summary. This regulation, 29 CFR Part 2618, amends the procedures governing internal agency review of administrative decisions. It modifies certain of the review procedures and the membership of the PBGC Appeals Board. In addition, the amendment adds certain determinations relating to multiemployer plans which will be subject to administrative review. The PBGC has determined that this regulation is not a major rule within the meaning of the Executive Order.

Objective. The rule is necessary to streamline the agency's administrative review and to conform the regulation to the Multiemployer Act.

Legal Basis. ERISA section 4002(b)(3).

Regulatory Flexibility. Not covered by Act.

PBGC Contact. Mr. David Weingarten, Special Counsel, Office of the General Counsel, 202–254–3010.

11. Rules Governing the Arbitration of Disputes Concerning Employer Liability

Description. Section 4221 provides that any dispute between an employer and the sponsor of a multiemployer plan regarding the determination of the employer's withdrawal liability to the plan shall be resolved through arbitration. Section 4221(a)(2) provides that an arbitration proceeding under this section shall be conducted in accordance with fair and equitable procedures prescribed by the PBGC. The regulation will set forth the procedures under this section. The PBGC has determined that this regulation is not a major rule within the meaning of the Executive Order.

Objective. This regulation is needed to provide the rules of procedure under which an arbitration proceeding will be conducted.

Legal Basis. ERISA sections 4002(b)(3) and 4221(a)(2).

Regulatory Flexibility. The PBGC has determined that this rule will not have a significant economic impact on a substantial number of small entities.

PBGC Contact. Mr. Frank McCulloch, Attorney, Office of the General Counsel, 202–254–4873.

12. Interest on Withdrawal Liability Payments

Summary. Section 4209(c)(6) of ERISA provides that plans shall charge interest on delinquent withdrawal liability payments and on a defaulted employer's total outstanding withdrawal liability. The interest rate charged under this section is to be based, in accordance with PBGC regulations, on prevailing market rates for comparable obligations. The PBGC has determined that this is not a major rule under the Executive Order.

Objective. This regulation will enable employers and plan sponsors to determine the interest charges on withdrawal liability payments.

Legal Basis. ERISA sections 4002(b)(2) and 4219(c)(6).

Regulatory Flexibility. This rule is not likely to have a significant economic impact on a substantial number of small entities.

PBGC Contact. Mr. James M. Graham, Attorney, Office of the Executive Director, Policy and Planning, 202–254–4860.

13. Rules Governing the Duties of Sponsors of Plans That Have Terminated by Mass Withdrawal

Summary. Section 4281 of ERISA contains rules relating to the administration and payment of benefits under plans that have terminated by mass withdrawal. Under certain circumstances, the sponsor of an insolvent terminated plan is required to suspend payment of any benefits that are in excess of those guaranteed under Section 4022A of ERISA. The PBGC is directed to prescribe rules that ensure that plan participants and beneficiaries receive adequate notice of benefit suspensions. The PBGC has determined that this is not a major rule under the Executive Order.

Objective. This regulation will help protect participants and beneficiaries under plans that terminate by mass withdrawal.

Legal Basis. ERISA sections 4002(b)(2) and 4281(d)(3).

Regulatory Flexibility. Not subject to Act.

PBGC Contact. Mr. James M. Graham, Attorney, Office of the Executive Director, Policy and Planning, 202–254–4860.

14. Rules Varying the Standards Governing the Sale of Assets

Summary. Section 4204 of ERISA provides that an employer will not have partial or complete withdrawal liability solely because covered operations of the employer are transferred to another employer in connection with a sale of the employer's assets, if three specified conditions are satisfied. This provision applies to any sale occurring after April 28, 1980, for which there would otherwise be withdrawal liability. Two of the conditions are: (1) the purchaser provides a bond to the plan; and (2) the contract of sale provides that if the purchaser partially or completely withdraws from the plan during the five plan years following the sale, the seller is secondarily liable for any withdrawal liability. PBGC is authorized to vary these conditions by regulation, "if the variance would more effectively or equitably carry out the purposes of (Title IV)". The PBGC is also authorized

to grant individual or class variances or exemptions from the two conditions. PBGC has determined that this is not a major rule.

Objective. This regulation will provide relief to certain employers who sold their businesses between April 28, 1980 and September 26, 1980 and who incurred withdrawal liability. Such employers were unable, as a practical matter, to arrange the sale of the business in a manner that satisfies all the requirements of section 4204. The regulation will also waive the two statutory conditions if certain criteria are met, and will authorize plan sponsors to waive or cancel the bond requirement in other instances. Finally, the regulation will establish procedures under which other employers may apply to the PBGC for an exemption or waiver.

Legal Basis. ERISA sections 4002(b)(2) and 4204(c).

Regulatory Flexibility. The PBGC has determined that this rule is not likely to have a significant economic impact on a substantial number of small entities.

PBGC Contact. Mr. Terrence M. Deneen, Attorney, Office of the Executive Director, Policy and Planning, 202–254–4860.

15. Rules Governing the Election of Plan Status

Summary. The Multiemployer Act changed the statutory definition of "multiemployer plan" in section 3(37) of ERISA and section 414(f) of the Internal Revenue Code of 1954, as amended. Because of this change, some plans that were not multiemployer plans under the prior law are multiemployer plans under the Multiemployer Act. Section 4303 of ERISA provides that plan sponsors of certain plans that are affected by this change in the statutory definition may elect within one year after enactment of the Multiemployer Act, pursuant to rules established by the PBGC, to retain their status as non-multiemployer plans. PBGC has determined that this is not a major rule.

Objective. This regulation is needed to permit sponsors of certain plans to elect, within the time limits imposed by the Act, to have their plans remain non-multiemployer plans.

Legal Basis. ERISA sections 4002(b)(3), 4303.

Regulatory Flexibility. Not covered by Act.

PBGC Contact. Mr. James M. Graham, Attorney, Office of the Executive Director, Policy an Planning, 202–254–4860.

16. PBGC Actuarial Assumptions for Computing Unfunded Vested Benefits

Summary. Section 4213(a) provides that the PBGC may prescribe by regulation actuarial assumptions which plan actuaries may use in their determination of a multiemployer plan's unfunded vested benefits. The value of unfunded benefits is used, in turn, to compute an employers withdrawal liability. PBGC has determined that this is not a major rule under the Executive Order.

Objective. The regulation will provide standards that may be used for the computation of withdrawal liability.

Legal Basis. ERISA sections 4002(b)(3) and 4213(a).

Regulatory Flexibility. The PBGC has determined that this rule is not likely to have a significant economic impact on a substantial number of small entities.

PBGC Contact. Ms. Ellen A. Hennessy, Attorney, Office of the Executive Director, Policy and Planning, 202–254–4860.

17. Rules Governing the Notice of Insolvency

Summary. Section 4245(e) requires the plan sponsor, when he or she determines that the plan may become insolvent, to give notice of that fact to the PBGC. In addition, the plan sponsor must inform employees and affected employee organizations of the possible insolvency. Section 4245(e)(4) requires that the notice be given in accordance with regulations prescribed by the PBGC. PBGC has determined that this is not a major rule under the Executive Order.

Objective. This regulation is needed so that plan sponsors can comply with this statutory obligation. In addition, this notice is important to PBGC for program and financial planning.

Legal Basis. ERISA sections 4002(b)(3) and 4245(e)(4).

Regulatory Flexibility. Not covered by Act.

PBGC Contact. Mr. Terrence M. Deneen, Attorney, Office of the Executive Director, Policy and Planning, 202–254–4860.

18. Rules Governing the Notice of a Merger or Transfer of Assets Between Multiemployer Plans

Summary. Section 4231(b)(1) requires the plan sponsor of a multiemployer plan to notify PBGC, in accordance with regulations prescribed by PBGC, of a merger or transfer of assets or liabilities to another multiemployer plan at least 120 days before the effective date of the merger or transfer. PBGC has determined that this is not a major rule.

Objective. This regulation will enable plan sponsors to comply with this statutory obligation.

Legal Basis. ERISA sections 4002(b)(3) and 4231(b)(3).

Regulatory Flexibility. PBGC has determined that this regulation is not likely to have a significant economic impact on a substantial number of small entities.

PBGC Contact. Ms. Ellen A. Hennessy, Attorney, Office of the Executive Director, Policy and Planning, 202–254–4860.

19. Rules Allowing Plans To Adopt the "Construction Industry" Definition of Withdrawal

Summary. Section 4203(a) of ERISA defines the circumstances under which an employer withdraws from a multiemployer plan. Sections 4203 (b) and (c) include special definitions of withdrawal for the building and construction industry and for the entertainment industry. Under the special rules a withdrawal is considered to take place only if an employer ceases to have an obligation to contribute under the plan and either (1) continues to perform work of the same type for which contributions were previously required in the jurisdiction of the collective bargaining agreement or (2) resumes work in the jurisdiction within five years. Section 4203(f)(1) provides that plans in other industries may, pursuant to PBGC regulations, be amended to adopt similar withdrawal rules. However, section 4203(f)(2) specifies that the regulations may authorize use of the construction or entertainment rule only in those industries (or parts of industries) which display characteristics that make use of the construction rule appropriate, and where use of the rule would not pose an appreciable risk to the insurance system. PBGC has determined that this is not a major rule under the Executive Order.

Objective. This regulation is needed to provide plans that wish to adopt definitions of withdrawal similar to those for the construction and entertainment industries with guidance regarding how to seek PBGC approval for use of the definition.

Legal Basis. ERISA sections 4002(b)(3) and 4203(f)(1).

Regulatory Flexibility. Not covered by Act.

PBGC Contact. Mr. Terrence M. Deneen, Attorney, Office of the Executive Director, Policy and Planning, 202–254–4860.

20. Reimbursement Fund for Uncollectible Withdrawal Liability

Summary. Section 4222 of ERISA directs the PBGC to establish by regulation an insurance program to reimburse multiemployer pension plans for amounts of withdrawal liability that cannot be collected from withdrawn employers involved in cases or proceeding under Title 11, United States Code. Participation in the program is voluntary, and plans electing coverage shall pay premiums in accordance with PBGC regulations. Further the PBGC is authorized to establish terms and conditions for coverage under the reimbursement program. PBGC has determined this is not a major rule.

Objective. The purpose of this regulation is to implement the statutorily-mandated uncollectible withdrawal liability insurance program.

Legal Basis. ERISA sections 4002(b)(3) and 4222.

Regulatory Flexibility. PBGC has determined that this regulation is not likely to have a significant economic impact on a substantial number of small entities.

PBGC Contact. Ms. Ellen A. Hennessy, Attorney, Office of the Executive Director, Policy and Planning, 202–254–4860.

Issued in Washington, D.C., this 10th day of April, 1981.

Robert E. Nagle,

Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 81-12450 Filed 4-23-81; 8:45 am]

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Ch. I

Semi-Annual Agenda

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Semi-Annual agenda.

SUMMARY: Pursuant to section 5 of Executive Order 12291 ("Federal Regulations") the Federal Emergency Management Agency is publishing the first semi-annual agenda for FEMA. The agenda lists regulations that will be under development or review through the period April 15, 1981 to October 15, 1981.

FOR FURTHER INFORMATION CONTACT: William L. Harding, Assistant General Counsel, Legislation and Regulations, Office of General Counsel, Federal Emergency Management Agency, Washington, D.C. 20472 (202) 634–4113.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 801, 1725 I Street, NW., Washington, D.C. 20472

SUPPLEMENTARY INFORMATION: Executive Order 12291, "Federal Regulations", (46 FR 13193) directs each Executive agency to adopt procedures to improve existing and future regulations. Publication of an agenda of significant regulations is called for at least semi-annually in order to give the public adequate notice of agency rulemaking activities; also publication of a regulatory flexibility agenda concerning rules likely to have a significant impact on a substantial number of small entities must be published in accordance with 5 U.S.C. 602 and 605.

This is the first semi-annual agenda to be published by FEMA as an agency although certain of the regulatory material has been considered in agenda of other agencies from which functions now conducted by FEMA were transferred either by Reorganization Plan No. 3 of 1978 or Executive Order 12148 of July 20, 1979.

In fulfillment of requirements imposed by the Executive Order and 5 U.S.C. 602, this agenda: (1) Describes regulations under development or review by FEMA for the period through October 15, 1981; (2) indicates the need and legal basis for the action being taken; (3) provides the name and telephone number of an agency official familiar with the regulation; and (4) indicates, where known, if a regulatory analysis is anticipated.

Public comment on the agenda, including that by State and local governments, is invited and should be submitted to the Rules Docket Clerk.

If necessary, FEMA will publish supplemental agenda to identify additional significant regulations under development or review.

FEMA REGULATIONS: TITLE 44, CHAPTER 1

Subchapter A

1. Rulemaking; Policy and Procedures

Description. Sets forth procedures for adoption, through informal rulemaking, of FEMA regulations.

Need. This regulation effectuates Executive Order 12291, the Administrative Procedure Act, and other regulatory reform measures such as the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*); and enumerates FEMA policy with respect thereto.

Authority. 5 U.S.C. 553; 5 U.S.C. 601 *et seq.;* Executive Order 12291 (46 FR 13193); Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. p. 329); Executive Order 12127 (3 CFR 1979 Comp. p. 376); Executive Order 12148 (3 CFR 1979 Comp. p. 412).

Regulatory Analysis. No.

Contact. William L. Harding (202) 634–4113.

Status. A proposed rule was published August 27, 1979, 44 FR 58299, Final Rule is to be completed promptly.

2. Non-Discrimination in Federally Assisted Programs

Description. Effectuates for FEMA, the requirements of Title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972.

Need. FEMA provides a number of its programs for financial assistance and thus is subject to non-discrimination requirements. While the programs are still subject to the regulations of agencies from which functions were transferred to FEMA, FEMA needs its own regulations.

Authority. 42 U.S.C. 2000 d–1; 20 U.S.C. 1981; 29 U.S.C. 794; 42 U.S.C. 6101; Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. p. 329); Executive Order 12127 (3 CFR 1979 Comp. p. 376); Executive Order 12148 (3 CFR 1979 Comp. p. 412).

Contact. John J. Brosnahan (202) 634–4100.

Status. In draft.

3. Equal Employment Opportunity

Description. Provides for equality of opportunity in employment in FEMA for all persons and prohibits discrimination on non-job-related grounds in agency personnel programs, policies and practices.

Need. FEMA is required to implement with its own EEO regulation (not EEO regulations of predecessors) the Executive orders and regulations concerning this subject.

Authority. Executive Order 11478; 5 CFR Part 713; Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. p. 329); Executive Order 12127 (3 CFR 1979 Comp. p. 376); Executive Order 12148 (3 CFR 1979 Comp. p. 412).

Contact. Albert Maltz (202) 634–7810

Status. In draft.

4. Floodplain Management and Protection of Wetlands

Description. Relates to denial of availability of flood insurance in two limited situations of the floodplain regulation (sec. 9.9(e)(6) and 9.11(e)(4)), and to individual rating for insurance purposes in coastal high hazard areas.

Need. To encourage sound floodplain management, the wise location of structures in flood hazard areas, and fiscal stability of the flood insurance

program consideration is given to prohibiting sale of flood insurance in some limited situations actuarially rating structures for insurance purposes in coastal high hazard areas.

Authority. Executive Order 11988; Executive Order 11990; National Flood Insurance Act and the Flood Disaster Protection Act, 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, (3 CFR 1978 Com. p. 329); Executive Order 12127 (3 CFR Comp. p. 376); Executive Order 12148 (3 CFR 1979 Comp. p. 412).

Contact. John Scheibel, (202) 634–1990.

Status. Proposed Rule published 45 FR 79122. Comments due January 27, 1981, sections superseded pending further study (45 FR 79069). February 1 deadline for individual rating extended to May 1, 1981 (46 FR 9084), and may be extended further.

Subchapter B: Federal Insurance Administration

1. Prohibition of Solid Breakaway Walls in V Zones

Description. The final rule will revise the National Flood Insurance Program (NFIP) regulations to prohibit the use of solid breakaway walls below the base flood elevation for new construction or substantial improvements in designated Coastal High Hazard Areas (V zones). The final rule will also provide a minor revision to the definition of "new construction."

Need. The rule is needed to protect human lives and property in Costal High Hazard Areas (V zones). In those areas where solid "breakaway walls" have been permitted, local officials have had difficulty in enforcing the restriction against use of the space below the base flood elevation for human habitation. The allowance of solid "breakaway walls" encouraged the use or conversion of the space below the base flood elevation for sleeping and other habitable purposes. The final rule permits only open space, open wood constructed lattice "breakaway walls," or areas enclosed by insect screenings.

Authority. The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973, 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. p. 329); Executive Order 12127, effective April 1, 1979 (3 CFR 1979 Comp. p. 376).

Regulatory Analysis. No.

Contact. Richard Krimm, Federal Insurance Administration, FEMA, (202) 755–7894.

Status. Final rule being written. (Proposed rule with request for comment published March 7, 1980, 45 FR 14902.)

2. Proposed Rule To Increase Subsidized Flood Insurance Rates

Description. The Federal Insurance Administration (FIA) proposed to increase the subsidized flood insurance rates for the National Flood Insurance Program.

Need. FIA has determined that it is necessary to take action to bring the National Flood Insurance Program closer to a self-supporting basis and create a sounder financial basis for the Program. Therefore, to meet these needs FIA proposes to increase the chargeable or subsidized rates for the Program.

Authority. The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act 1973, 42 U.S.C. 4001 *et seq.*; Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. p. 329); Executive Order 12127, effective April 1, 1979 (3 CFR 1979 Comp. p. 376).

Contact. H. Joseph Coughlin, Jr., Federal Insurance Administration, FEMA, (202) 755–6580.

Regulatory Analysis. No.

Status. Proposed rule being prepared and cleared within the Executive branch.

3. Proposed Revisions to National Flood Insurance Program Flood Plain Management Criteria

Description. The Federal Insurance Administration proposes to revise the flood plain management criteria for the National Flood Insurance Program (NFIP).

Need. FIA has determined that revisions need to be made based upon the experiences in administering the NFIP since 1976 when the Program's regulations were published comprehensively, comments and criticisms received about the Program, and the need to make some editorial revisions to the criteria.

Authority. The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act 1973, 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. p. 329); Executive Order 12127, effective April 1, 1979 (3 CFR 1979 Comp. p. 376).

Regulatory Analysis. No.

Contact. Gary D. Johnson, Federal Insurance Administration, FEMA, (202) 755–5581.

Status. Draft proposed rule to be prepared.

4. Interim Rule Amending Requirements for Community Consultation Prior to Modification of Flood Elevations

Description. The current National Flood Insurance regulations (44 CFR Part 66) require community consultation, including a meeting with community officials, when the Federal Insurance Administration (FIA) proposes to modify flood elevation determinations. FIA has determined that the consultation requirements should be amended to delete the requirement of a community meeting. FIA believes that it can continue to provide adequate consultation with local officials without conducting meetings prior to the undertaking of modifications.

Need. There are several reasons for not conducting meetings prior to undertaking a study to modify flood elevations. Communities for which such studies are to be undertaken have been participating in the Program for some time and, therefore, are presumed to be quite knowledgeable about the Program. Also, flood elevation studies have been previously conducted in those communities. Thus, there is less need to explain the process and techniques used to determine flood elevations at a formal meeting. Finally, to conduct a meeting prior to undertaking a study to modify flood elevations will place a great administrative burden on FIA. Travel funds have been greatly restricted and few staff are available to conduct the meetings.

Authority. The National Flood Insurance Act of 1968 and the Flood Disaster Protection Act 1973, 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. p. 329); Executive Order 12127, effective April 1, 1979 (3 CFR 1979 Comp. p. 376).

Regulatory Analysis. No

Contact. Robert G. Chappell, Federal Insurance Administration, (202) 755–5585.

Status. Draft interim rule prepared.

Subchapter C: Fire Prevention and Control

No action.

Subchapter D: Disaster Assistance

1. Individual Assistance: (Subpart D)

Description. Subpart D revises and updates the current disaster assistance regulations governing temporary housing assistance, individual and family grants, disaster unemployment assistance, disaster legal services, crisis counseling and food commodities.

Need. To reflect the reorganization of the disaster relief functions, revise the regulations covering Federal disaster assistance for clarity and to comply with recent legislative and executive requirements (e.g., floodplain management).

Authority. Disaster Relief Act of 1974, 42 U.S.C. 5121 *et seq.;* Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. p. 329); Executive Order 12148 (3 CFR 1979 Comp. p. 412); Executive Order 12127 (3 CFR 1979 Comp. p. 376).

Contact. Agnes Mravcak, (202) 653–5598.

Regulatory Analysis. No

Status. In draft.

2. Declaration Process (Subpart C)

Description. Describes the procedure for requesting declarations of emergencies or major disasters and processing these requests—the Federal-State Agreement.

Need. To reflect the reorganization of the disaster relief function and to complete the reorganization updating and revision of the regulations covering Federal disaster assistance.

Authority. Disaster Relief Act of 1974, 42 U.S.C. 5121 *et seq.*; Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. p. 329); Executive Order 12127 (3 CFR 1979 Comp. p. 376); Executive Order 12148 (3 CFR 1979 Comp. p. 412).

Contact. Ashley Holmes, (202) 634–7800

Status. Being drafted.

Subchapter E: Preparedness

1. Peacetime Screening of Ready Reserve

Description. This describes a system for identifying key non-federal employees who are members of the Ready Reserve so that an assessment can be made on impact of their call-up in time of mobilization, and appropriate arrangements made ahead of mobilization to reduce adverse impact.

Need. In event of mobilization, the Ready Reserve may be called to active military duty. No deferment may be granted members because of their civilian employment. It is necessary to recognize this and develop measures to assure performance of mobilization duties.

Authority. Section 103, National Security Act of 1947, 50 U.S.C. 404; Defense Production Act of 1950, 50 U.S.C. App. 2261 *et seq.*; Reorganization Plan No. 3 of 1978 (3 CFR 1978 Comp. p. 329); Executive Order 12127 (3 CFR 1979 Comp. p. 376); Executive Order 12148 (3 CFR 1979 Comp. p. 412).

Regulatory Analysis. No.

Contact. Henry M. Hyatt (202) 566–1324.

Status. Proposed rule (44 CFR Part 333) published at 46 FR 13528. Comment due April 24, 1981.

2. Review and Approval of State and Local Radiological Emergency Plans and Preparedness

Description. Describes the criteria for reviewing, evaluating and approving State local radiological emergency plans and preparedness. Describes the processes FEMA uses to evaluate and determine State and local governments' capability to effectively implement these plans and preparedness measures.

Need. On December 7, 1979, the President directed FEMA to take the lead in off-site planning and response to nuclear power plant accidents. Public Law 96–295 requires NRC, in consultation with FEMA, to determine the adequacy of State and/or local radiological emergency plans for responding to any radiological emergency at nuclear power plants under consideration for a NRC license. The State and local plans must comply with standards developed jointly by NRC and FEMA. A FEMA regulation is the most effective and convenient way to show how the NRC and FEMA assigned responsibilities will be carried out.

Authority. Section 201, Disaster Relief Act of 1974, Title V, Federal Civil Defense Act of 1950, as amended; Executive Order 12148 (3 CFR 1979 Comp. p. 412); Presidential Fact Sheet dated December 7, 1979.

Regulatory Analysis. No

Contact. Marshall E. Sanders (202) 523–1781.

Status. Published as 44 CFR Part 350 in 45 FR 42341ff, June 24, 1980, as proposed for comment by August 25, 1980. Now being put in final form.

3. Radiological Emergency Response Planning and Preparedness

Description. Assigns Federal agency responsibilities for assisting State and local governments in emergency planning and preparedness related to fixed nuclear facilities and transportation accidents involving radioactive materials.

Need. This regulation complies, in part, with a statement made by the President on December 7, 1979, in which he directed FEMA to "develop and issue an updated series of interagency assignments which would delineate respective agency capabilities and responsibilities and clearly define procedures for coordination and direction for both emergency planning and response."

Authority. Executive Order 12148 (3 CFR 1979 Comp. p. 412).

Regulatory Analysis. No.

Contact. Marshall E. Sanders (202) 523–1781.

Status. Published as 44 CFR Part 351 in 45 FR 69904ff, October 22, 1980, for interim use and comment within 60 days. The final rule should be published soon.

4. Earthquake and Hurricane Plans and Preparedness

Description. Procedures for FEMA financial assistance for contingency plans and related preparedness activities for earthquakes, hurricanes, and associated hazards in high-risk, high-population areas.

Need. FEMA is beginning full-scale implementation of the Earthquake and Hurricane Loss Study and Contingency Planning Program. Its purposes and methods must be set forth in the Agency's regulations.

Authority. Disaster Relief Act of 1974, as amended, subsections 201(a) and (b).

Contact. Harold W. Andress, (202) 566–0805.

Status. Proposed rule is in final draft, ready for Executive branch clearance.

5. Review of Policy Guidance on Use of Defense Production Act, Priorities and Allocation Authorities

Description. The principal claimant agency, Department of Defense, is requesting that FEMA review and reissue its policy guidance and delegation of authorities on the use of Defense Production Act priorities and allocations authorities.

Need. Part 322 of 44 CFR was last issued in 1963 and needs to reflect recent approved programs, delegations of authority and policy guidance.

Authority. Defense Production Act of 1950, as amended, 50 U.S.C. App. 2261 *et seq.* and Executive Order 12148.

Regulatory Analysis. None yet.

Contact. Clair K. Blong, (202) 566–1324.

Status. In draft.

Dated: April 20, 1981.

George Jett,

General Counsel.

[FR Doc. 81-12414 Filed 4-23-81; 8:45 am]

BILLING CODE 6718-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

45 CFR Part 95

Time Limits for States To File Claims

AGENCY: Office of the Secretary, HHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule will implement a statutory restriction which precludes payments by HHS out of funds currently available to it under the first and second continuing resolutions for FY 1981 (Pub. L. 96–369 and 96–536) for State expenditures made before September 30, 1978 under a State plan approved under any of several titles of the Social Security Act if the State's claim had not been filed with the Federal Government within one year of the expenditure. This amendment is needed to clarify the regulations

published on January 15, 1981 (see 45 CFR Part 95, Subpart A, 46 FR 3527) because of statutory restrictions on the use of funds appropriated thus far for FY 1981.

DATES: Comments on the proposed rule must be received by June 23, 1981.

ADDRESSES: Send your written comments to: Office of the General Counsel, Department of Health and Human Services, Room 716A, Hubert H. Humphrey Bldg., 200 Independence Ave., S.W., Washington, D.C. 20201. Copies of all written comments we receive can be seen at the same address.

FOR FURTHER INFORMATION CONTACT:

For financial assistance programs under Titles I, IV–A, XIV and XVI (AABD): Kent Dickson—(202) 245–2056

For child support enforcement programs under Title IV–D: Pera P. Daniels—(301) 443–2910

For child welfare services programs under Title IV–B and foster care and adoption assistance programs under Title IV–E: Jim Rich—(202) 755–7800

For social services programs under Titles I, IV–A, X, XIV, XVI (AABD), and XX: Bettye Mobley—(202) 472–3075

For medical assistance programs under Title XIX: Miles McDermott—(301) 594–7345

SUPPLEMENTARY INFORMATION:

Regulatory Procedural Requirements

Because this proposed rule would apply only to States and would impose no conditions or requirements on small entities, the Secretary certifies that this rule would not have a significant economic impact on a substantial number of small entities as defined by the Regulatory Flexibility Act, 5 U.S.C. 601 et seq.

Because this proposed rule does not meet the criteria in section 1(b) of E.O. 12291, the Department has determined that this is not a major rule.

Statutory Basis

On January 15, 1981, the Department issued regulations (see 45 CFR Part 95, Subpart A, 46 Federal Register 3527) to implement section 306 of the Adoption Assistance and Child Welfare Act of 1980, Pub. L. 96–272 (June 17, 1980). This statute enacted Section 1132 of the Social Security Act, 42 U.S.C. 1320b–2, and provides in part that, with respect to all State expenditures incurred prior to October 1, 1979 in various programs under the Social Security Act, claims for reimbursement must be filed with the Federal Government by January 1, 1981. The January 1981 regulations extended this deadline until May 15, 1981.

However, the first and second continuing resolutions for FY 1981 (Pub. L. 96–369 and Pub. L. 96–536) expressly provide that funds made available under those resolutions are subject to the authority and conditions provided in the applicable appropriation Acts for FY 1980. The FY 1980 Acts applicable to the Department prohibit the use of funds appropriated for FY 1980 for the Aid to Families with Dependent Children (AFDC), Medicaid and various social services and assistance programs under Titles I, IV–A, IV–B, IV–D, IV–E, X, XI, XIV, XVI, XIX, and XX of the Social Security Act, to reimburse a State for any expenditure incurred in those programs before September 30, 1978, unless the claim for reimbursement was filed within one year of the expenditure. (See Pub. L. 96–86 and Pub. L. 96–123.) These Acts incorporate provisions of H.R. 4389 (96th Congress, 1st Session), as passed by the House of Representatives on August 2, 1979.

Thus, there is an apparent inconsistency between the provisions in section 306 of Pub. L. 96–272 and the conditions governing the use of funds made available to the Department under the first and second continuing resolutions for FY 1981. However, the restrictions on the payment of prior year claims (as incorporated into the first and second continuing resolutions) were enacted subsequent to section 306 and are an express prohibition on the use of funds currently available to the Department to pay pre-September 30, 1978 claims. Moreover, section 306, as an authorizing statute, cannot have the effect of overriding the subsequently enacted appropriation restriction.

The Department has determined that the provisions of the first and second continuing resolutions for FY 1981 (Pub. L. 96–369 and Pub. L. 96–536) must be given effect. Therefore, the FY 1980 appropriation prohibition against reimbursement of pre-September 30, 1978 expenditures not submitted within one year of the expenditure (as incorporated into the first and second continuing resolutions for FY 1981) governs reimbursement with respect to those claims out of funds presently available to the Department.

The effect of this determination is to prohibit payment, out of funds currently available to the Department under the first and second continuing resolutions for FY 1981, of claims for expenditures incurred prior to September 30, 1978, under the AFDC, Medicaid and various social services and assistance programs, to the extent such claims were not filed with the Department within one year of the date of the expenditure. All provisions of the regulations published on January 15, 1981 remain in effect except as modified by this regulation. Claims for expenditures made on or after September 30, 1978 and before October 1, 1979 must be filed, subject to certain exceptions (45 CFR 95.10), by May 15, 1981. Claims for expenditures made on or after October 1, 1979, must be filed within 2 years after the calendar quarter in which the State agency made the expenditure, subject to certain exceptions (45 CFR 95.7). The proposed rule also provides that we will pay States' otherwise allowable claims for expenditures subject to the availability of funds (as provided in Acts appropriating funds to the Department in effect at the time in which such claims are being considered for payment) and subject to conditions or restrictions applicable to payments out of such funds.

PART 95—GENERAL ADMINISTRATION—GRANT PROGRAMS (PUBLIC ASSISTANCE AND MEDICAL ASSISTANCE)

1. Subpart A of 45 CFR Part 95 is amended by adding a new § 95.11, to read as follows:

§ 95.11 Payment of claims subject to appropriations restrictions.

Notwithstanding any other provision of this Subpart, we will pay States' otherwise allowable claims for Federal financial participation under the programs covered by this Subpart, subject to the availability of funds (as provided in Acts appropriating funds to the Department in effect at the time in which such claims are being considered for payment), and subject to conditions or restrictions applicable to payments out of such funds, including provisions of the first and second continuing resolutions for FY 1981 (Pub. L. 96–369 and Pub. L. 96–536) that make funds under those Acts available to pay for a State agency expenditure made before September 30, 1978, only if the State had filed a claim for that expenditure with us within one year of the expenditure.

Dated: March 25, 1981.

Juan A. del Real,

Acting General Counsel.

Approved: April 7, 1981.

Richard S. Schweiker,

Secretary of Health and Human Services.

[FR Doc. 81-11864 Filed 4-20-81; 8:45 am]

BILLING CODE 4110-12-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 90

[PR Docket No. 81-215; RM-3742; FCC 81-120]

Talk-Around in Private Land Mobile Radio Services on Shared Conventional Channels Above a Specific Frequency Band

Correction

In FR Doc. 81-11870 appearing on page 22624 in the issue of Monday, April 20, 1981, in the second column, the date given for the receipt of reply comments now reading "May 11, 1981" should have read "June 24, 1981".

BILLING CODE 1505-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1043 and 1084

[Ex Parte Nos. MC-5 and 159]

Minimum Amounts of Cargo Insurance, Bonds or Other Security Required To Be Filed by Motor Common Carriers of Property and Freight Forwarders; Modification of Regulations

AGENCY: Interstate Commerce Commission.

ACTION: Proposed Rules; denial of petition for extension of comment period.

SUMMARY: The Interstate Commerce Commission is denying a petition for a 45 day extension of the initial comment period in the proceeding governing minimum amounts of cargo insurance, bonds or other security required to be filed by motor common carriers of property and freight forwarders. the initial comment period of March 26, 1981, was extended to May 1, 1981, by Decision served March 23, 1981. Since the total comment period embraces 80 days, a sufficient time period has been afforded interested persons to present their veiws.

DATES: Comments in this proceeding are due on or before May 1, 1981.

FOR FURTHER INFORMATION CONTACT: Ray G. Atherton, Jr., (202) 275-7844, or Patricia M. Schulze, (202) 275-7475.

SUPPLEMENTARY INFORMATION: An Advance Notice of Proposed Rulemaking was published on pages 11566-11567 of the **Federal Register** of February 9, 1981, and invited comments for 45 days ending March 26, 1981. A petition of the American Trucking Associations, Inc., (ATA) for extension of the comment period to May 1, 1981, was granted and published on page 19948 of the **Federal Register** of April 2, 1981. The present petition of the Shippers National Freight Claim Council, Inc., sought a 45 day extension of the original comment period. The comment period, as extended, allows sufficient time (80 days) for the submission of views, and the additional 10-day period which would result from a grant of the present petition is not warranted.

It is ordered: The request of Shippers National Claim Council, Inc., for extension of time for the filing of comments is denied.

Decided: April 10, 1981.

By the Commission, Marcus Alexis, Acting Chairman.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-12453 Filed 4-23-81; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 46, No. 79
Friday, April 24, 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

Agricultural Marketing Service

Flue-Cured Tobacco Advisory Committee; Meeting

The Flue-Cured Tobacco Advisory Committee will meet in the Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, laboratory, Room 223, Flue-Cured Tobacco Cooperative Stabilization Corporation, 1306 Annapolis Drive, Raleigh, North Carolina 27605, at 1:00 p.m., on Friday, May 8, 1981.

The purpose of the meeting is two-fold: (1) To review various regulations issued under the grower designation plan pursuant to the Tobacco Inspection Act, 7 U.S.C. 511–511q, particularly those issued under emergency rulemaking late in the 1980 marketing season relating to penalties for warehouses found to be in violation of sales schedules. (2) Discussion of quantities of tobacco designated to warehouses in each marketing area for the 1981 flue-cured season. After thorough review and discussion, the committee will have the opportunity to recommend to the Secretary, for consideration, possible changes which may be needed to improve equitability and/or effectiveness of the regulations, particularly regarding sales scheduling.

Matters to be discussed also include other matters as specified in 7 CFR, Part 29, Subpart G, § 29.9404.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman. Persons, other than members, who wish to address the Committee at the meeting should contact Mr. T. A. VonGarlem, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street SW., United States Department of Agriculture, Washington, D.C. 20250, (202) 447–2567.

Dated: April 21, 1981.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 81-12426 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-02-M

Economics and Statistics Service

Discontinuance of Farm Labor Report

Notice is hereby given that the Economics and Statistics Service intends to discontinue its *Farm Labor* reports effective with the report scheduled for release August 21, 1981. This report which has included family and hired employment on farms and wage rates has been issued quarterly in February, May, August and November. Discontinuance is required as a cost reduction measure which will save over $1 million annually.

Members of the public wishing to comment on this proposal may submit their views in writing to the Director, Estimates Division, Economics and Statistics Service, USDA, Room 0204–S, Washington, D.C. 20250. The comment period will close May 15, 1981.

Done at Washington, D.C. this 20th day of April, 1981.

Kenneth R. Farrell,

Administrator.

[FR Doc. 81-12358 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-18-M

Rural Electrification Administration

Colorado-Ute Electric Association, Inc.; Intent To Prepare Draft Environmental Impact Statement and To Hold Public Scoping Meetings

Notice is hereby given that the Rural Electrification Administration, if lead agency, intends to prepare a Draft Environmental Impact Statement in order to fulfill its requirements under the National Environmental Policy Act of 1969 in connection with possible financing assistance to Colorado-Ute Electric Association, Inc., P.O. Box 1149, Montrose, Colorado 81401, for the construction of certain generation and related transmission facilities. The borrower tentatively proposes that the generating facilities be located in the State of Colorado and is investigating possible sites in the counties of Montezuma, Dolores, Delta, La Plata, Montrose, San Miguel, and Mesa.

The sites are being investigated for a possible 400 MW coal-fired generating station with possible capability for expansion to ultimately support 1600 MW of generating capacity. Associated with the proposed generating station will be fuel handling, waste disposal, bulk transmission, cooling reservoir, water supplies, etc., and other ancillaries.

Alternatives to be considered by REA and the borrower are described in REA Bulletin 20–21:320–21 and may include among other options, (a) no project, (b) conservation measures, (c) purchase power from other utilities, (d) shared generating units with other utilities, (e) alternative sites for the generating plant and transmission lines, (f) alternative fuels, and (g) alternative methods of generation.

Public scoping meetings will be held in order to obtain public input and comments concerning the proposed project. A representative of REA will act as a chairperson at the public scoping meetings. The schedule for these meetings is:

Date: May 27, 1981
Location: Delta High School Cafeteria, Delta High School, 822 Grand Avenue, Delta, Colorado
Time: Starting at 7:30 p.m.
Date: May 28, 1981
Location: Ramada Inn, 718 Horizon Drive, Grand Junction, Colorado
Time: Starting at 7:30 p.m.

Government agencies, other organizations, and the public are invited to participate in the planning and analysis of this proposed project at an early stage. Issues to be discussed at the scoping meeting include, but are not limited to, (a) determination of project scope and identificaton of the significant environmental issues, (b) elimination of issues which are not significant from detailed study, (c) identification of other environmental review, consultation, and study requirements so the lead and cooperating agencies may have prepared other required analyses and studies concurrently with the EIS, and (d) identification of environmentally sensitive areas and/or other potential sites. The participants at the meeting will be invited to critique specific alternative sites identified as well as

propose other potential non-site specific alternatives, including no action. Inquiries and comments should be forwarded to the Director, Power Supply Division, USDA, REA, Agriculture-South Building, Washington, D.C. 20250, telephone (202) 447-6183.

The Rural Electrification Administration's financing assistance to Colorado-Ute will be subject to, and release of funds thereunder will be contingent upon, REA's arriving at a satisfactory conclusion with respect to environmental effects. Final action will be taken only after compliance with environmental impact statement procedures required by the National Environmental Policy Act of 1969.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 21st day of April 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-12424 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-15-M

United Power Association; Finding of No Significant Environmental Impact

Notice is hereby given that the Rural Electrification Administration (REA) has made a Finding of No Significant Impact which concludes that there is no need for REA to prepare an environmental impact statement in connection with construction by United Power Association (UPA), of Elk River, Minnesota, of 40 kilometers (25 miles) of 69 kV transmission line and an associated 69 kV distribution substation.

The 69 kV transmission line will be comprised of two sections. One section will extend from UPA's La Prairie Switch, near Grand Rapids, Minnesota, to UPA's Deer River distribution substation, near Deer River, Minnesota. The second section will tap the proposed La Prairie to Deer River line at a point approximately 9 miles east of Deer River and extend approximately 2½ miles northward to the site of the proposed 69 kV distribution substation. UPA has prepared a Borrower's Environmental Report (BER) concerning the proposed project. REA has reviewed the BER and determined that it represents an accurate assessment of the environmental impact of the project. REA has prepared an Environmental Assessment (EA) concerning the proposed project and its impacts.

Threatened and endangered species, important farmland, archaeological and historic sites, wetlands, flood plains and potential impacts of the project are adequately considered in the BER. REA's independent evaluation of the proposed project leads it to conclude that its proposed financial 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 and a review of UPA's BER, a Finding of No Significant Impact was reached in accordance with Section IV.B and IV.D.1 of REA Bulletin 20-21:320-21, Part I.

Various alternatives to the proposed project were examined. These alternatives are as follows: no action; the use of an existing Minnesota Power & Light (MP&L) power line right-of-way south of the proposed line; the installation of 115/69 kV bays at MP&L's Blackberry substation and the Boswell Generating Plant at Cohasset, and construction of 69 kV lines from the Blackberry substation to the Gunn area and from the Boswell Plant to the Deer River area; tapping one of the two bulk transmission lines originating at the Boswell Plant and proceeding north through the East Deer Lake vicinity; joint construction with MP&L involving their 230 kV line between the Boswell Plant and the Blackberry substation; and alternate line routes. After reviewing these alternatives, REA determined the the proposed 69 kV transmission line and associated substation is the best alternative for providing power to existing and future UPA loads within the area.

Copies of REA's Finding of No Significant Impact and UPA's BER may be reviewed in the office of the Director, Power Supply Division, Room 5168, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250 and at the office of the cooperative, United Power Association, Elk River, Minnesota 55330.

This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees.

Dated at Washington, D.C., this 21st day of April 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-12425 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-15-M

Continental Telephone Company of Iowa; Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," dated February 4, 1975, published in proposed form in the **Federal Register**, September 16, 1974, (Vol. 39, No. 180, pages 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $9,700,000 to Continental Telephone Company of Iowa, Knoxville, Iowa. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service to existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Robert Zinnecker, President, Continental Telephone Company of Iowa, 1214 West Jackson, Knoxville, Iowa 50138.

To assure consideration, proposals must be submitted May 26, 1981, to Mr. Robert Zinnecker. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Continental Telephone Company of Iowa and REA deem appropriate. Prospective lenders are advised that it is anticipated that financing for this project will be available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of REA Bulletin 320-22 are available from the Director, Office of Information and Public Affairs, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

(Catalog of Federal Domestic Assistance as 10.851—Rural Telephone Loans and Loan guarantees)

Dated at Washington, D.C. this 16th day of April, 1981.

Joe S. Zoller,

Acting Administrator, Rural Electrification Administration.

[FR Doc. 81-12357 Filed 4-23-81; 8:45 am]

BILLING CODE 3410-15-M

DEPARTMENT OF COMMERCE

International Trade Administration

Clear Sheet Glass From Taiwan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on clear sheet glass from Taiwan. The scope of the review is limited to the two known exporters to the United States, Hsinchu Glass Works, Inc. and Taiwan Glass Corporation, and covers the period from July 1, 1979 through July 31, 1980. The review disclosed no shipments to the United States of this merchandise during this time period. There are no known unliquidated entries for this period.

As a result of this review the Department has preliminarily decided to require cash deposits equal to the calculated margins on the last known shipments for which margins have been found. Interested parties are invited to comment on this decision.

EFFECTIVE DATE: April 24, 1981.

FOR FURTHER INFORMATION CONTACT: Arthur N. DuBois, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C., 20230 (202–377–3814).

SUPPLEMENTARY INFORMATION:

Procedural Background

On August 21, 1971, a dumping finding with respect to clear sheet glass from Taiwan was published in the **Federal Register** as Treasury Decision 71–226 (36 FR 16508). On January 1, 1980, the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of the Treasury to the Department of Commerce ("the Department"). The Department published in the **Federal Register** of March 28, 1980 (45 FR 20511–20512) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of the Tariff Act, the Department has conducted an administrative review of the finding on clear sheet glass from Taiwan.

Scope of the Review

This review covers imports of clear sheet glass which is currently classifiable under items 542.3120 through 542.4835 of the Tariff Schedules of the United States Annotated (TSUSA). The Department knows of only two Taiwanese exporters of clear sheet glass to the United States, Hsinchu Glass Works, Inc. and Taiwan Glass Corporation. The review covers the period, July 1, 1979 through July 31, 1980. Treasury reviewed all prior periods and issued appraisement instructions ("master lists") for those periods. The issue of the Department's obligation to conduct administrative reviews of entries, unliquidated as of January 1, 1980 and covered by such master lists, is under review.

Liquidation has been suspended pending disposition of the issue.

There were no known shipments to the United States during this time period and there are no known unliquidated entries.

Preliminary Results of the Review

As required by § 353.48(b) of the Commerce Regulations, we preliminarily determine that a cash deposit of estimated duties of 1.6 percent and 7 percent of the entered value for Taiwan Glass Corporation and Hsinchu Glass Works, respectively, based on the margins found on the last shipments by each firm, will be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. This requirement shall remain in effect until publication of the final results of the next administrative review.

Interested parties may submit written comments on this preliminary determination on or before May 26, 1981, and may request disclosure and/or a hearing by May 11, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

(Sec. 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53))

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81–12374 Filed 4–23–81; 8:45 am]

BILLING CODE 3510–25–M

Portable Electric Typewriters From Japan; Preliminary Results of Administrative Review of Antidumping Duty Order

AGENCY: International Trade Administration, Commerce.

ACTION: Notice of preliminary results of administrative review of antidumping duty order.

SUMMARY: This notice is to advise the public that the Department of Commerce has conducted an administrative review of the antidumping duty order on portable electric typewriters from Japan. There are three known exporters of this merchandise to the United States. The scope of this review covers one of the three, Nakajima All Co., Ltd. The review covers all shipments produced by Nakajima All and entered from the date liquidation was suspended, January 4, 1980, through April 30, 1980. The review indicates the existence of a *de minimis* margin of 0.21 percent for this period. As a result of this review, the Department has preliminarily determined to assess dumping duties equal to the calculated differences between foreign market value and United States price on shipments occurring during the covered period. Because of the *de minimis* nature of the calculated margin, the Department has preliminarily determined not to require estimated cash deposits for shipments entered after the date of publication of the final results of this review. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 24, 1981.

FOR FURTHER INFORMATION CONTACT: Susan M. Crawford, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–2209).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 9, 1980, the Department of Commerce ("the Department") published in the **Federal Register** (45 FR 30618–19) and antidumping duty order with respect to portable electric typewriters from Japan. Pursuant to section 736(c) of the Tariff Act of 1930 ("the Tariff Act"), the Department published an "Early Determination of Antidumping Duties" on August 13, 1980 (45 FR 53853–53856), with respect to two exporters, Brother Industries Ltd. and Silver Seiko Ltd. The Department published in the **Federal Register** of March 16, 1981 (46 FR 16921) a notice of intent to conduct administrative reviews of certain antidumping findings and

orders. As required under section 751 of the Tariff Act, the Department has conducted an administrative review of the antidumping duty order on portable electric typewriters from Japan.

Scope of the Review

Imports covered by this review are shipments of portable electric typewriters from Japan. The Department defines such merchandise as all typewriters currently classifiable under item 676.0510 of the Tariff Schedules of the United States Annotated ("TSUSA"), and some currently classifiable under TSUSA 676.0540, depending on their individual characteristics. The characteristics we consider include, but are not limited to, the dimensions, weight, presence of a carrying case, type of market, and method of distribution.

The Department knows of a total of three exporters to the United States of Japanese portable electric typewriters. As mentioned, on August 13, 1980, the Department published an "Early Determination of Antidumping Duties" with respect to two of the three known exporters. This review covers the remaining known exporter, Nakajima All Co., Ltd., from the date liquidation was suspended, January 4, 1980, through April 30, 1980. This is the initial administrative review of this order with respect to Nakajima All.

United States Price

In calculating United States price the Department used purchase price, as defined in section 772(b) of the Tariff Act, since all sales were made to unrelated purchasers. In this case purchase price was calculated on the basis of the F.O.B. packed price to an unrelated purchaser in the United States, with deductions for Japanese inland freight and loading charges. No other adjustments were claimed or made.

Foreign Market Value

In calculating foreign market value the Department used third country sales, as defined in section 773(b) of the Tariff Act since, as provided for in § 353.4(a) of the Commerce Regulations, sales in the home market were less than 5 percent of export sales to countries other than the United States. During the fair value investigation home market price was used as the basis of comparison, since sufficient sales were available. In accordance with the criteria in § 353.5(c) of the Commerce Regulations for selection of the appropriate third country, the Department used sales to West Germany as the proper basis of comparison. Third-country prices are based on F.O.B. or delivered-Japanese-warehouse prices to unrelated purchasers in the third country, with deductions for Japanese inland freight and loading charges. We also made adjustments, where applicable, for differences in credit costs and differences in the merchandise, in accordance with §§ 353.15 and 353.16 of the Commerce Regulations, respectively. No other adjustments were claimed or made.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that a margin of 0.21 percent exists for the period January 4, 1980 through April 30, 1980.

Interested parties may submit written comments on these preliminary results on or before May 26, 1981 and may request disclosure and/or a hearing by May 11, 1981. A request for an administrative protective order may be on or before April 29, 1981. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all entries made during the period involved. Individual differences between United States price and foreign market value may vary from the percent stated above. The Department will separately issue appraisement instruction directly to the Customs Service. Because there is a *de minimis* margin, the Department shall not require a cash deposit, as defined in section 353.48(b) of the Commerce Regulations, on any shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This deposit waiver shall remain in effect until publication of the final results of the next administrative review.

(Sec. 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53))

April 16, 1981.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-12375 Filed 4-23-81; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

Caribbean Fishery Management Council; Education and Information Subcommittee; and Administrative Subcommittee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Caribbean Fishery Management Council, established by section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94-265), has established Education and Information and Administrative Subcommittees. The Council and its Subcommittees will hold separate meetings. The Council will hold its 35th regular meeting to consider status reports on fishery management plans (FMPs) under development; draft FMP framework for shallow-water reef fishes; draft FMP for coastal migratory pelagics resources and Caribbean Billfish draft FMPs; discuss progress on preparation of the color-slide narrated presentation on Council activities, as well as discuss administrative matters and other Council business. The Education and Information Subcommittee will also meet to consider the color-slide narrated presentation on Council activities and to discuss the Council's newsletter; the Administrative Subcommittee will meet to consider matters related to the Council's newsletter; the Administrative Subcommittee will meet to consider matters related to the Council's budget and administrative operations. These meetings are open to the public.

DATES: The Council meeting will convene on Wednesday, May 20, 1981, at approximately 9 a.m., and will adjourn at approximately 5 p.m.; reconvene on Thursday, May 21, 1981 at 9 a.m. and adjourn at approximately noon. The Council's Education and Information Subcommittee will meet on Tuesday, May 19, 1981, at approximately 11 a.m., and adjourn at approximately 12:30 p.m., and the Council's Administrative Subcommittee meeting will also convene on the same day, at approximately 2 p.m., and adjourn at approximately 5 p.m.

ADDRESS: The meetings will take place at the Fredericksted Fort, Conference Room, National Park Service, Fredericksted, St. Croix, U.S. Virgin Islands.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, Suite 1108, Banco de Ponce

Building, Hato Rey, Puerto Rico 00918, Telephone: (809) 753–4926.

Dated: April 21, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-12446 Filed 4-23-81; 8:45 am]

BILLING CODE 3510-22-M

South Atlantic Fishery Management Council; Scientific and Statistical Committee; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The South Atlantic Fishery Management Council, established by Section 302 of the Magnuson Fishery Conservation and Management Act (Public Law 94–265), has established a Scientific and Statistical Committee (SSC), which will meet to continue discussions from the previous SSC meeting of April 7–8, 1981. Discussions will be continued on the reorganization of the Council's SSC; continued discussions on the Swordfish FMP; discussion of the Spiny Lobster FMP, and review status of other FMP activities.

DATES: These public meetings will convene on Monday, May 11, 1981, at approximately 2:30 p.m., and will adjourn on Tuesday, May 12, 1981, at approximately 2:30 p.m.

ADDRESS: The meetings will take place at the Council's Headquarters Office, One Southpark Circle, Suite 306, Charleston, South Carolina.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407, Telephone: (803) 571–4366.

Dated: April 21, 1981.

Robert K. Crowell,

Deputy Executive Director National Marine Fisheries Service.

[FR Doc. 81-12447 Filed 4-23-81; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

U.S. Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $5.00 each ($10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Request for information on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, U.S. Department of Commerce.

Chief, Intellectual Prop. Division, OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, DC 20310

Patent application 6–184,456: Electronically Tuned Gunn Oscillator and Mixer Including the Same; filed Sept. 5, 1980.

Patent 4,177,353: RFI Shielded Doors with Inflatable Gaskets; filed Mar. 18, 1977; patented Dec. 4, 1979; not available NTIS.

Patent 4,187,106: Process for Making Phase Holegrams; filed Mar. 23, 1979; patented Feb. 5, 1980; not available NTIS.

Patent 4,194,936: Prestressed Article; filed May 15, 1978; patented Mar. 25, 1980; not available NTIS.

Patent 4,195,571: Modular Wheel Dispenser; filed Apr. 2, 1979; patented Apr. 1, 1980; not available NTIS.

Patent 4,195,931: Clear Air Turbulence Detector; filed May 18, 1978; patented Apr. 1, 1980; not available NTIS.

Patent 4,196,219: Method of Extending the Storage Life in the Frozen State of Precooked Foods and Product Produced; filed Nov. 9, 1978; patented Apr. 1, 1980; not available NTIS.

Patent 4,196,399: Repetitively Pulsed, Cold Cathode E-Beam, Self-Switch Laser; filed Jan. 9, 1978; patented Apr. 1, 1980; not available NTIS.

Patent 4,197,466: Gas Compression Infrared Generator; filed Nov. 1, 1978; patented Apr. 8, 1980; not available NTIS.

Patent 4,197,500: Automatic Channel Selection; filed Dec. 22, 1978; patented Apr. 8, 1980; not available NTIS.

Patent 4,197,666: Dual Caliber Revolver; filed Apr. 24, 1978; patented Apr. 15, 1980; not available NTIS.

Patent 4,198,015: Ideal Trajectory Shaping for Anti-Armor Missiles via Time Optimal Controller Autopilot; filed May 30, 1978; patented Apr. 15, 1980; not available NTIS.

Patent 4,196,219: Air Inlet Grille for Engine Compartment; filed Nov. 22, 1978; patented Apr. 15, 1980; not available NTIS.

Patent 4,198,225: Microchannel Plate in Wall Fabrication, Method and Apparatus; filed Apr. 20, 1979; patented Apr. 15, 1980; not available NTIS.

Patent 4,198,644: Tunnel Diode; filed June 9, 1978; patented Apr. 15, 1980; not available NTIS.

Patent 4,200,808: Detector for Fumes of Hydrazine and Its Derivatives; filed June 15, 1978; patented Apr. 29, 1980; not available NTIS.

Patent 4,201,474: Variable Angle of Incidence Reflectometer with a Continuous Read Out; filed Aug. 7, 1978; patented May 6, 1980; not available NTIS.

Patent 4,201,623: Method for Making Epitaxial Silicon Crystals with Uniform Doping Levels; filed May 23, 1978; patented May 6, 1980; not available NTIS.

Patent 4,201,989: Wideband Antenna with Frequency Dependent Ferrite Core Inductor; filed Apr. 11, 1979; patented May 6, 1980; not available NTIS.

Patent 4,202,104: HCL or DCL Chemical Laser Using Laser Induced Chemistry; filed July 24, 1978; patented May 13, 1980; not available NTIS.

Patent 4,202,269: Fuze Mine Anti-Personnel; filed Oct. 15, 1958; patented May 13, 1980; not available NTIS.

Patent 4,202,515: Two Tone Tracker; filed July 5, 1978; patented May 13, 1980; not available NTIS.

Patent 4,202,714: Ballistic Modifiers and Synthesis of the Ballistic Modifiers; filed Dec. 20, 1972; patented May 13, 1980; not available NTIS.

Patent 4,203,117: Dual Beam Line Scanner for Phased Array Applications; filed Sept. 28, 1978; patented May 13, 1980; not available NTIS.

Patent 4,203,974: Stable Aqueous Foam Formulation, and Method of Use Thereof for Visual Obscuration and Area Denial; filed Mar. 15, 1978; patented May 20, 1980; not available NTIS.

Patent 4,204,928: Method for the Removal of Phosgene Impurities from Boron Trichloride; filed Mar. 16, 1979; patented May 27, 1980; not available NTIS.

Patent 4,205,283: Signal Delay System; filed Oct. 10, 1978; patented May 27, 1980; not available NTIS.

Patent 4,205,331: Infrared Optical Devices of Layerd Structure; filed June 9, 1978; patented May 27, 1980; not available NTIS.

Patent 4,206,705: Electric Initiator Containing Polymeric Sulfur Nitride; filed June 19, 1978; patented June 10, 1980; not available NTIS.

Patent 4,208,638: HF or DF Chemical Laser Using Laser Induced Chemistry; filed July 24, 1978; patented June 17, 1980; not available NTIS.

Patent 4,208,667: Controlled Absorption in Heterojunction Structures; filed June 9, 1978; patented June 17, 1980; not available NTIS.

Patent 4,208,948: High Efficiency Propulsion System; filed Nov. 22, 1978; patented June 24, 1980; not available NTIS.

Patent 4,208,967: Squib Design; filed May 15, 1978; patented June 24, 1980; not available NTIS.

Patent 4,209,351: Ambient Cured Smokeless Liner/Inhibitor for Propellants; filed June 5, 1978; patented June 24, 1980; not available NTIS.

Patent 4,209,786: Near Carrier AM–FM Calibration Technique; filed Jan. 15, 1979; patented June 24, 1980; not available NTIS.

U.S. Department of the Air Force; AF/JACP, 1900 Half Street SW., Washington, DC 20324

Patent 4,232,240: High Piezoelectric Coupling X-Cuts of Lead Potassium Niobate, $Pb_2KNb_5O_{15}$, for Surface Acoustic Wave Applications; filed May 31, 1979; patented Nov. 4, 1980; not available NTIS.

Patent 4,233,249: Method for the Preparation of Alkali Metal Salts of Dinitromethane; filed Apr. 26, 1979; patented Nov. 11, 1980; not available NTIS.

Patent 4,233,250: Process for Synthesizing the Alkali Metal Salts of Dinetromethane; filed Apr. 26, 1979; patented Nov. 11, 1980; not available NTIS.

U.S. Department of Agriculture, Program Agreements and Pat. Branch, Admin, Ser. Div., Federal Building, Science and Education Admin., Hyattsville, MD 20782

Patent 4,243,686: Process for Improving the Palatability of Straw for Animal Feed; filed May 30, 1979; patented Jan. 6, 1981; not available NTIS.

U.S. Dept. of Health and Human Services, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, MD 20205

Patent 4,239,744: Patent, filed Oct. 10, 1978; patented Dec. 16, 1980; not available NTIS.

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, VA 22217

Patent 4,188,096: Acousto-Optical Transducer; filed Apr. 2, 1976; patented Feb. 12, 1980; not available NTIS.

Patent 4,227,249: Injected Coded Reference for Adaptive Array Systems; filed Aug. 9, 1978; patented Oct. 7, 1980; not available NTIS.

Patent 4,228,407: Ion-Beam Excited Gas Laser; filed Aug. 23, 1978; patented Oct. 14, 1980; not available NTIS.

Patent 4,228,408: Pulsed Cyclic Laser Based on Dissociative Excitation; filed Oct. 23, 1978; patented Oct. 14, 1960; not available NTIS.

Patent 4,229,711: Metal Dihalide Photodissociation Cyclic Laser; filed Aug. 23, 1978; patented Oct. 21, 1980; not available NTIS.

Nat. Aeronautics and Space Admin., Assist. Gen. Couns. for Pat. Matters, NASA Code GP-4, Washington, DC 20546

Patent application 6-153,245: Fiber Optic Crossbar Switch for Automatically Patching Optical Signals; filed May 27, 1980.

Patent application 6-178,193: Acoustic Tooth Cleaner; filed Aug. 14, 1980.

Patent application 6-178,195: Hot Foil Transducer Skin Friction Sensor; filed Aug. 14, 1980.

Patent application 6-182,881: Method of and Apparatus for Damping Nutation Motion with Minimum Spin Axis Attitude Disturbance; filed Aug. 29, 1980.

Patent application 6-189,234: Process for Preparing High Temperature Polyimide Film Laminates; filed Sept. 22, 1980.

Patent application 6-195,223: Miniature Spectrally Selective Dosimeter; filed Oct. 8, 1980.

Patent application 6-195,227: Interferometric Angle Monitor; filed Oct. 8, 1980.

Patent application 6-195,228: Multiprism Collimator; filed Oct. 8, 1980.

Patent application 6-199,765: Three Phase Power Factor Controller; filed Oct. 23, 1980.

Patent application 6-199,766: Off-Axis Coherently Pumped Laser; filed Oct. 23, 1980.

Patent application 6-199,769: Nicral Ternary Alloy Having Improved Cyclic Oxidation Resistance; filed Oct. 23, 1980.

Patent application 6-200,634: Curved Film Cooling Admission Tube; filed Oct. 27, 1980.

Patent application 6-206,506: Non-Contacting Power Transfer Device; filed Nov. 13, 1980.

[FR Doc. 81-12360 Filed 4-23-81; 8:45 am]

BILLING CODE 3510-04-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Addition

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

ACTION: Addition to procurement list.

SUMMARY: This action adds to Procurement List 1981 a commodity to be produced by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: April 24, 1981.

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

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

SUPPLEMENTARY INFORMATION: On February 27, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (46 FR 14373) of proposed addition to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodity is hereby added to Procurement List 1981:

Class 6545

Surgical Dressing Set, 6545-00-105-5826

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 81-12361 Filed 4-23-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981; Proposed Additions

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

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 services to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 27, 1981.

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

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

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following services to Procurement List 1981, November 12, 1980 (45 FR 74836):

SIC 0782

Grounds Maintenance, Federal Building, Compton and Aviation Boulevard, Hawthorne, California.

SIC 7349

Janitorial Service, USDA Forest Service, Sequoia National Forest, Smith Building (New Wing Only), 900 W. Grand Avenue, Porterville, California.

Janitorial/Custodial Services, Social Security Administration District Office Building, 22 Morris Street, Hackensack, New Jersey.

SIC 7699

Rebuilding of Typewriters, General Services Administration, Self-Service Stores Only, Chicago, Illinois.

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 81-12362 Filed 4-23-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981; Proposed Deletion

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

ACTION: Proposed deletion from procurement list.

SUMMARY: The Committee has received a proposal to delete from Procurement List 1981 a commodity produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 27, 1981.

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

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

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

It is proposed to delete the following commodity from Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 1430

Circuit Card Assembly, 1430–00–089–9251

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 81–12363 Filed 4–23–81; 8:45 am]

BILLING CODE 6820–33–M

COMMODITY FUTURES TRADING COMMISSION

Chicago Board of Trade's Proposed 90-Day United States Treasury Bill Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed futures contract.

SUMMARY: The Chicago Board of Trade ("CBT") has applied for designation as a contract market in 90-day United States Treasury bills having a face value of one million dollars or multiple thereof. The proposed contract calls for the delivery, at the seller's option, of United States Treasury bills with maturities of 90, 91 or 92 days on delivery day. All Treasury bills delivered against the proposed contract, however, would bear uniform maturity dates. The Commodity Futures Trading Commission ("Commission") has determined that the proposed terms and conditions of the proposed futures contract are of major economic significance and that, accordingly, publication of the proposed terms and conditions is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before May 26, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to CBT 90-Day United States Treasury Bill Futures Contract.

FOR FURTHER INFORMATION CONTACT: Linda Kurjan, Assistant Director, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254–8955; or Ronald Hobson, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C., (202) 254–7303.

SUPPLEMENTARY INFORMATION: The terms and conditions of CBT's proposed 90-day United States Treasury Bill futures contract are as follows:

90-Day U.S. Treasury Bills Futures Contracts

XX02.01 *Application of Regulation*—Futures transactions in 90-day U.S. Treasury Bills shall be subject to the general rules of the Association as far as applicable and shall also be subject to the regulations contained in this chapter which are exclusively applicable to trading in 90-day U.S. Treasury Bills.

XX03.01 *Emergencies, Acts of God, Acts of Government*—If the delivery or acceptance for any pre-condition or requirement of either, is prevented by strike, fire, accident, act of government, act of God or other emergency, the seller or buyer shall immediately notify the chairman. If the chairman determines that emergency action may be necessary, he shall call a special meeting of the Board and arrange for the presentation of evidence respecting the emergency condition. If the Board determines that an emergency exists, it shall take such actions under rule 180.00 as it deems necessary under the circumstances and its decision shall be binding upon all parties of the contract. For example, and without limiting the Board's power, it shall extend delivery dates and designate alternate delivery points in the event of conditions interfering with the normal operations of the approved facilities.

In the event the Board determines that there exists a shortage of deliverable 90-day U.S. Treasury Bills it may take such actions as may be in the Board's sole discretion appear necessary to prevent, correct or alleviate the condition.

XX04.01 *Unit of Trading*—The unit of trading shall be 90-day United States Treasury Bills having a face value at maturity of ($1,000,000) or multiples thereof.

XX05.01 *Months Traded In*—Trading in U.S. Treasury Bills may be conducted in March, June, September and December, or any other months as determined by the Board or the Financial Instrument Committee.

XX06.0.1 *Price Basis*—Prices shall be quoted on an index basis, i.e., 100 minus the discount rate of the T-Bill. (Example: A discount rate of 12.35% is a quote at 87.65). Minimum price fluctuations shall be increments of one-hundredth (1/100) of one percent of one million dollars on a 90 day basis ($25.00 per basis point). Contracts shall not be made on any other price basis.

XX07.01 *Hours of Trading*—The hours of trading for future delivery in 90-day U.S. Treasury Bills shall be determined by the Board. On the last day of trading in an expiring future, the closing time for such futures shall be 12:00 noon, subject to the provisions of the second paragraph of rule 1007.00. The market shall be opened and closed with a public call made month-by-month, conducted by such persons as a pit committee or the Board so direct.

XX08.01 *Trading Limits*—Trading is prohibited during any day in futures contracts of 90-day Treasury Bills at prices more than 50/100 of one percent of one million dollars on a 90-day basis ($1,250 per unit of trading) above or below the Board of Trade Clearing Corporation's settlement prices for such contracts on the previous business day. These provisions shall not apply to trading in the current month on or after the first notice day thereof.

XX09.01 *Last Day of Trading*—No trades in 90-day U.S. Treasury Bill futures deliverable in a current month shall be made after the last business day by 12:00 p.m., prior to the last Thursday of the month. Any contracts remaining open must be settled by delivery or as provided in regulation XX09.02 after trading in such contracts has ceased.

XX09.02 *Liquidation in the Last Day of Trading*—After trading in contracts for future delivery in the current delivery month has ceased in accordance with regulation XX09.01 of this chapter, outstanding contracts may be liquidated by delivery of book entry 90-day U.S. Treasury Bills (regulation XX42.01) or by mutual agreement by means of bona fide exchange of such current futures for actual 90-day U.S. Treasury Bills or comparable instruments. Such exchange must come, in any event be made no later than 2:00 p.m. of the day immediately preceding the last delivery day of the month.

XX10.01 *Margin Requirements*—Margin requirements shall be as determined by the Board by Regulation.

Delivery Procedures

XX36.01 *Standards*—The contract grade for delivery on futures contracts made under these regulations shall be 90-day Treasury Bills having a face value at maturity totaling $1,000,000. At sellers option, a delivery unit may be composed of Treasury Bills having a maturity period of 90, 91 or 92 days on delivery day. All bills delivered against a contract must bear uniform maturity dates.

Payment for 90-day Treasury Bills delivered shall be adjusted in accordance with the formula below so as to reflect the actual maturity period of Treasury Bills delivered.

The following formula shall be used to calculate the invoice amount:

$$\text{Invoice Price} = 1{,}000{,}000 - \left(\text{discount rate}^{*} \times \frac{\text{days to maturity}}{360} \times 1{,}000{,}000\right).$$

$$\frac{}{100}$$

XX42.01 *Deliveries on Futures Contracts*—Deliveries against 90-day U.S. Treasury Bill Futures contracts shall be by book entry transfer between accounts of clearing members at qualified banks (regulation XX80.01) in accordance with Department of Treasury circular 300, Subpart O: Book Entry Procedure. Delivery must be made no later than the last Thursday of the month. Notice of intention to deliver shall be given to the Board of Trade Clearing Corporation by 2:15 p.m. on the business day preceding delivery day; (regulation 1049.01). In the event the Long Clearing Member does not agree with the terms of the invoice received from the Short Clearing Member, the Long Clearing Member must notify the Short Clearing Member, and any dispute must be settled by 9:30 a.m. on delivery day. The Short Clearing Member must have the bills in acceptable delivery form to his bank by 10:00 a.m. on delivery day.

The Long Clearing Member must notify his bank (regulation XX80.01) to accept contract grade instruments and to remit Federal funds to the Short Clearing Member's account at the Short Clearing Member's bank (regulation XX80.01) by 1:00 p.m. on delivery day. All deliveries must be assigned by the Clearing Corporation. Where a commission house or a member of the Clearing Corporation has an interest both long and short for customers on its own books, it must tender to the Clearing Corporation such notices of intention to deliver as it received from its customers who are short.

XX42.02 *Wire Failure*—In the event that delivery cannot be accomplished because of failure of the Federal Reserve wire or because of the failure of either the Long Clearing Member's bank or the Short Clearing Member's bank access to the Federal Reserve wire, delivery shall be made before 9:30 a.m. on the next business day on which the Federal Reserve wire is operable. Interest shall accrue to the Long paid by the Short beginning on the day on which the Bills were to be originally delivered.

In the event of such failure, both the Long and Short must provide documented evidence that the instructions were given to their respective banks in accordance with regulations XX41.01 and XX41.04 and that all other provisions of regulations XX42.01 and XX49.04 have been complied with.

XX46.01 *Date of Delivery*—Delivery of 90-day U.S. Treasury bills may be made by the Short upon any Thursday of the delivery month the Short may select. If Thursday is a holiday, delivery may be made on the following business day. At the option of the seller, Treasury bills may be provided on the first business day following an authorized delivery day. Payment by the Long will then be made on the day that bills are received by the Long, in accordance with XX94.04. Invoice price, contract grade, notice day, and intention day will remain the same as if the bills were provided on the authorized delivery day.

*The discount rate is calculated by subtracting the settlement price on the last day of trading prior to actual delivery of the 90-day Treasury Bill from 100.

XX49.03 *Seller's Invoice to Buyers*—Upon determining the buyer's obligation to accept deliveries tendered by issuances of delivery notices, the Clearing Corporation shall promptly furnish each, issuer the names of the buyers obligated to accept delivery from him and a description of each commodity tendered by him which was assigned by the Clearing Corporation to each such buyer. Thereupon, sellers (issuers of delivery notices) shall prepare invoices addressed to their assigned buyers describing the documents to be delivered to each such buyers. Such invoice shall show the amount which buyers must pay to the sellers in settlement of the actual deliveries, based on the delivery prices established by the Clearing Corporation. Such invoices shall be delivered to the Clearing Corporation by 3:15 p.m. on the day of intention. Upon receipt of such invoices, the Clearing House shall promptly make them available to buyers to whom they are addressed, by placing them in buyers' mailboxes provided for that purpose in the Clearing Corporation.

XX49.04 *Payment*—Payment shall be made in Federal funds. The Long obligated to take delivery must take delivery and make payment before 1:00 p.m. on the day of delivery, except on banking holidays when delivery must be taken and payment made before 9:30 a.m. the next banking business day. Adjustments for differences between contract prices and delivery prices established by the Clearing House shall be made with the Clearing House in accordance with its by-laws and resolutions.

Regularity of Banks

XX80.01 *Banks*—For purposes of these regulations relating to trading in 90-day U.S. Treasury Bills, the word "bank" (regulation XX42.01) shall mean a U.S. commercial bank (either Federal or State charter) that is a member of the Federal Reserve System and with capital (capital, surplus and undivided earnings) in excess of $100 million ($100,000,000).

Other materials submitted by the CBT in support of its application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145, as amended at 45 FR 26953–4 (April 22, 1980)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at the Commission's headquarters, in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the terms and conditions of the proposed futures contract, or with respect to other materials submitted by the CBT in support of its application for contract market designation, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581, by May 26, 1981.[1] Such comment letters will be publicly available except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9

Issued in Washington, D.C., on April 20, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-12300 Filed 4-23-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Organization of the Joint Chiefs of Staff, National Defense University Panel of the Board of Visitors for National Defense University and Defense Intelligence School; Meeting

The President of the National Defense University has scheduled a meeting of the National Defense University Panel of the Board of Visitors for National Defense University and Defense Intelligence School on Tuesday, June 2, 1981, from 0830–1145 and 1330–1600. The meeting will be held in the Hill Conference Center, Theodore Roosevelt Hall, Building 61, Fort Lesley J. McNair, Washington, D.C. The discussions will include progress and plans for the National Defense University and the curricula, faculty, and students of the Industrial College of the Armed Forces and the National War College. The meeting is open to the public, but the limited space available for observers will be allocated on a first-come, first-served basis. To reserve space, interested persons should write or phone (693–1075), the Assistant to the President, National Defense University, Fort Lesley J. McNair, Washington, D.C. 20319.

April 21, 1981.

M. S. Healy,

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

[FR Doc. 81-12442 Filed 4-23-81; 8:45 am]

BILLING CODE 3810-70-M

[1] Because the Commission anticipates that its staff is prepared to complete review of this application for contract market designation within the next two months, it is departing from its general practice of providing a sixty-day comment period on proposed new contracts. In light of this action, if interested persons require additional time to prepare and submit comments on CBT's application, the Commission believes it would be appropriate, upon request, to extend this comment period for thirty days.

Corps of Engineers, Department of the Army

Hilo Area Comprehensive Study Small Craft Navigation Improvements; Draft Environmental Impact Statement

April 14, 1981.

AGENCY: US Army Corps of Engineers, DoD, Honolulu District.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY:

1. The US Army Engineer District, Honolulu, is studying the feasibility of constructing a small boat harbor on the east coast of the island of Hawaii.

2. The study is investigating the possibility of siting the harbor at one of four locations, Leleiwi Point, King's Landing, Pohoiki, and Kalapana.

3. The Corps held a workshop in February 1981 in Hilo and participated with the State of Hawaii, Harbors Division, in another workshop held on 18 March 1981 at Pahoa. Local interest groups, private organizations and parties, and Federal, State and County of Hawaii agencies will be contacted during the course of the study. At this time, the DEIS will address the effects of the harbor on fish and wildlife resources, historic sites, water resources, parks, and social considerations identified by local residents at the public workshops. The US Fish and Wildlife Service will provide their opinion of the project effects on fish and wildlife resources for inclusion in the DEIS. Consultation with the US Advisory Council on Historic Preservation, National Park Service, State Historic Preservation Officer, State Department of Health, US Environmental Protection Agency, National Marine Fisheries Service, State Harbor Division, and State Department of Parks, County Department of Parks and Recreation will be completed during the study.

4. A scoping meeting is not planned at this time.

5. The DEIS will be made available for public review about August 1981.

ADDRESS: Questions about the proposed action and DEIS can be answered by:

Ms. Teresa Bowen, Acting Project Manager, US Army Engineer District, Honolulu, Building 230, Ft. Shafter, Hawaii 96858. Telephone: (808) 438-2240.

Dated: April 16, 1981.

Alfred J. Thiede,

Colonel, Corps of Engineers, District Engineer.

[FR Doc. 81-12367 Filed 4-23-81; 8:45 am]

BILLING CODE 3710-NN-M

Santa Paula Creek, Ventura County, California, Project; Draft Supplemental Environmental Impact Statement

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Notice of intent to prepare a draft supplemental environmental impact statement (DSEIS).

SUMMARY:

1. The Corps of Engineers, Los Angeles District, prepared a final environmental impact statement for a flood control project on Santa Paula Creek in March 1972. Construction was completed on the downstream 1,700 feet of concrete channel prior to termination of construction due to a lawsuit on the original impact statement. The court stipulated that the Corps prepare a supplemental environmental impact statement displaying an array of considered alternatives. The Corps initiated a new study of possible alternatives that included a public involvement program utilizing input from a Citizens Advisory Group (see No. 3, Scoping Process). The study process identified four structural alternatives that were considered implementable from an engineering and economic standpoint as well as a non-structural alternative. One of the structural alternatives was subsequently dropped from the final array of alternatives based on more detailed feasibility studies. Of the remaining three structural alternatives, the modified Mupu alternative has been selected as the tentatively recommended plan. This alternative consists of a debris basin near the Mupu School and a trapezoidal concrete channel extending downstream to the existng concrete channel. The distance from the proposed debris basin to the existing channel is about 13,500 feet. A concrete spillway would be constructed in the earthfill embankment. A low-flow natural area would be constructed along the channel.

2. Alternatives. Two other structural alternatives were considered feasible from an engineering and economic standpoint. The Confluence alternative would consist of a debris basin immediately downstream from the confluence of Santa Paula and Mud Creeks, and a trapezoidal concrete channel extending to the existing channel. The distance from the proposed confluence debris basin to the existing concrete channel is about 16,500 feet. A natural area would be constructed along the channel below Mupu. The Steckel Park alternative, which was the original recommended plan, would consist of two debris basins and a concrete channel. A small basin would be located on Mud Creek and connected to Santa Paula Creek by a rectangular reinforced concrete channel. A larger debris basin would be constructed on Santa Paula Creek in lower Steckel Park. The distance from the proposed Steckel Park debris basin to the existing concrete channel is about 18,000 feet. A natural area would be constructed along the channel downstream from Mupu. Floodproofing, the nonstructural alternative, would consist of floodproofing existing structures in the flood plain, and, where possible, relocating structures that cannot be floodproofed and restricting future development in the flood plain through zoning.

3. Scoping Process. A public involvement program for the review of plan formulation for Santa Paula Creek commenced in February 1977 with the formation of a Citizens Advisory Group (CAG). The group, formed at the request of the Corps by the local sponsor, the Ventura County Flood Control District, consisted of representatives of all organizations and agencies identified as having an interest in the project (organizations and agencies represented in the CAG will be identified in the DSEIS). The purpose of the CAG was to provide input to the Corps on community objectives, alternatives for flood control, and evaluation of the alternatives in the light of community objectives. The Corps and the CAG originally identified about 26 alternatives, which were then refined to the 11 that appeared to warrant more detailed study. During the Corps' design-refining process, the alternatives were further reduced to those discussed in this Notice of Intent. The Ventura County Board of Supervisors, the Zone II Advisory Board, and the City Council of the City of Santa Paula recommended construction of the Steckel Park alternative. However, the significant biological/ecological impacts associated with the Steckel Park alternative, as well as the Confluence alternative, led to a redesign of the Mupu alternative to lessen the social (relocation) impacts associated with that plan. The modified Mupu alternative was then presented as the tentatively recommended plan.

The DSEIS will identify all of the alternatives considered during both the preliminary and detailed planning process and will include an impact analysis of plans considered in detail. Biological, cultural, water, geological (i.e., turbidite formation), and social/

economic (e.g., land use) resources will be discussed in the DSEIS.

The required U.S. Fish and Wildlife Service Coordination Act Report will be included in the DSEIS. The Corps is coordinating with F&WS regarding that agency's recommendations for the project. The required 404(b) water quality evaluation will also be included in the DSEIS.

4. A public meeting to present the tentatively recommended plan (modified Mupu alternative) will be held subsequent to circulation of the DSEIS.

5. It is estimated that the DSEIS will be available for circulation to concerned agencies and public for review and comment by the end of the year.

Address: Questions about the proposed action and the DSEIS can be answered by Mr. Ed King, Design Branch, U.S. Army Corps of Engineers, P.O. Box 2711, Los Angeles, California 90053.

Dated: April 17, 1981.

Roger C. Higbee,

Lieutenant Colonel, CE, Acting District Engineer.

[FR Doc. 81-12370 Filed 4-23-81; 8:45 am]

BILLING CODE 3710-KF-M

DEPARTMENT OF ENERGY

Compliance With the National Environmental Policy Act; Intent To Prepare Environmental Impact Statement and Conduct a Public Scoping Meeting Regarding the Operation of the Pantex Plant, Amarillo, Texas

AGENCY: Department of Energy (DOE).

ACTION: Notice is hereby given that the DOE intends to prepare an environmental impact statement (EIS) to assess the environmental implications of continuing operations and constructing additional facilities at the Pantex Plant in order to meet DOE's weapons production responsibilities.

SUMMARY: DOE will prepare an EIS evaluating the impact of continuing operations and constructing additional facilities at the Pantex Plant in order to meet DOE's continuing responsbilities for nuclear weapons assembly, stockpile monitoring, maintenance, and modifications, and retirements (disassembly) as mandated by Presidential direction and Congressional authorization and appropriation. The EIS will analyze a range of alternatives to the proposed action. Alternatives identified include continued operations and construction of new facilities at the Pantex Plant; relocation of some or all of Pantex operations to existing facilities (which may require refurbishing) or new facilities at a formerly utilized nuclear weapons assembly plant site near Burlington, Iowa; relocation of all operations to new facilities at another site other than the site near Burlington, Iowa; and impact mitigation alternatives.

Interested agencies, organizations, and the general public desiring to submit written comments or suggestions for consideration in connection with the preparation of this EIS are invited to do so and/or to attend the public scoping meeting which will be held on May 28, 1981, in Amarillo, Texas. The purpose of the scoping meeting is to assist DOE in identifying significant environmental issues and the appropriate scope of the EIS. Parties who desire to present oral comments at the scoping meeting should provide advance notice to DOE as described below under Comments and Scoping Meeting. Upon completion of the draft EIS, its availability will be announed in the **Federal Register** and othe public media at which time comments will be solicited.

Written comments on the scope of the EIS should be addressed to: Mr. Alex R. Griego, Operational Safety Division, DOE Albuquerque Operations Office, P.O. Box 5400, Albuquerque, New Mexico 87115, Telephone: (505) 846-1108.

Written comments postmarked on or before June 5, 1981, will be considered in the preparation of the EIS. Comments postmarked after that date will be considered to the extent practicable.

Scoping Meeting

Times: 1:00 p.m. to 4:30 p.m. and 7:00 p.m. to 10:00 p.m.
Date: May 28, 1981
Location: Amarillo, Texas, Hilton Inn, Center Ballroom, Interstate 40 and Lakeside

For general information on the EIS process, contact: NEPA Affairs Division, Office of Environmental Compliance and Overview, Office of the Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, D.C., 20585, Attention: Mr. Richard P. Smith, telephone (202) 252-4610.

Background Information

The Pantex Plant is a DOE facility for assembling and disassembling nuclear weapons and monitoring, maintaining, and modifying weapons in the Nation's nuclear stockpile. The Pantex Plant is located in the panhandle of Texas in Carson County. The facility is approimately 27 kilometers (17 miles) northeast of downtown Amarillo, and 16 kilometers (10 miles) west of downtown Panhandle. The plant site consists of 4,130 hectares (10,200 acres).

Current plant operations include the fabrication of chemical high explosive components for nuclear weapons, nuclear weapons assembly and disassembly, nuclear weapons modifications, repair and surveillance, and testing and disposal of chemical high explosive and nonradioactive components. Weapons assembly and stockpile surveillance activities involve handling significant quantities of uranium, plutonium, and tritium, as well as a variety of nonradioactive toxic chemicals.

Environmental Impact Statement

The EIS will present a comprehensive analysis of the environmental impacts of the proposed DOE action; i.e., to continue operations and to construct new facilities at the Pantex Plant necessary to meet the currently projected nuclear weapon production, modifications, surveillance and retirement schedules and to imporve safety. This analysis will discuss the environmental consequences of various alternatives to the proposed action including: (a) Utilizing only the existing Pantex Plant facilities; (b) relocation of some or all of the Pantex operations to existing facilities (which may require refurbishing) or new facilities at the site of a formerly utilized nuclear weapons plant near Burlington, Iowa; (c) relocation of all of Pantex operations to new facilities at another site; and (d) implementation of various potential impact mitigation alternatives at the Pantex Plant (e.g., acquisition of additional lands around the present plant site to proivde larger buffer zone, or designing and constructing replacement facilities to much more stringent standards). The EIS will also address the environmental impacts of DOE-controlled transportation of nuclear weapons components and nuclear weapons into and out of the Pantex Plant. The preparation of this EIS is in accordance with an agreement between the DOE and the Panhandle Environmental Awareness Committee.

Preliminary Definition of Environmental Issues: The purpose of this notice is to solicit comments and suggestions for consideration in preparing the EIS. Any written comments or oral statements made at the scoping meeting will be considered in preparation of the EIS. The following list of environmental issues has been tentatively identified for analysis and

assessment in the EIS. This list is not all-inclusive nor does it imply any predetermination of impacts. Additional issues for analysis may be identified as the result of public comment.

A. Environmental impacts that may be associated with continued operation of the Pantex Plant:

1. Impacts on public health and safety from normal operations;

2. Impacts on the natural environment including air quality, water quality, water resources, ecology, radiation, and energy resources;

3. Impacts on socioeconomic resources including employment, population, economics, community resources, land use and quality of life; and

4. Impacts resulting from potential accidents including radiation, radioactivity, or hazardous materials resulting from fire, explosion, spill, or other causes.

B. Environmental impacts that may be associated with construction and operation of new facilities at Pantex or elsewhere:

1. Direct impacts of construction including socioeconomic, construction resources, and impacts on the natural environment;

2. Impacts of operation of new facilities including those on the natural environment and on socioeconomic resources such as work force relocation or availability, changes in economic benefits, and induced population changes; and

3. Impacts of the health and safety of the public and the work force.

C. Other environmental impacts that may be associated with the proposed action or alternatives:

1. The possibility of affecting threatened or endangered species or critical habitats for such species;

2. Possible impact on floodplains or wetlands;

3. Possible impacts on the continued use and viability of prime and unique farmlands;

4. Possible impacts on sites or properties included on, nominated for, or eligible for inclusion in the National Register of Historic Places, or historical, architectural, or archeological sites of national significance;

5. Possible impacts on native Americans and their exercise of religious freedoms; and

6. Impacts of decontamination and decommissioning of facilities.

Comments on Scoping Meeting. Parties who desire to present oral comments at one of the scoping meetings should provide advance notice to DOE, by calling or writing Mr. Alex R. Griego at the address or telephone number listed above. Such requests must be received before 4:15 p.m., m.d.t. on May 22, 1981. Speakers who have provided such advance notice will be allotted ten minutes for their oral statements. Should any speaker desire to have additional time, such requests should be submitted so as to be received by Mr. Griego before 4:15 p.m., m.d.t. on May 22, 1981. All requesters should give a telephone number where they may be contacted prior to the meeting so that DOE may notify prospective speakers of the schedule for presentation in advance of the meeting. Others requesting to present oral comments at the meetings will be afforded an opportunity to do so after those speakers who had submitted their requests have spoken. However, the length of time allotted for each of those not submitting advance notification may have to be limited by the presiding officer based on the availability of time.

A transcript of the meetings will be made. Mr. John F. Burke, Assistant Manager for Operations, DOE Albuquerque Operations Office, Albuquerque, New Mexico, will be the presiding officer at this meeting. The presiding officer will establish the order of speakers and provide any additional procedures necessary for the conduct of the meeting.

A transcript of the scoping meeting will be retained by DOE and made available for inspection at the Freedom of Information (FOI) Library, Room GA-152, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., 20585, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. A copy of the transcript will also be placed in the Amarillo Public Library, main branch. In addition, anyone may make arrangements with the reporter to purchase a copy of the transcripts.

Written and oral comments will be considered in preparation of the EIS.

Draft EIS Schedule and Availability. The draft EIS is expected to be completed by October 1982, at which time its availability will be announced in the **Federal Register** and other public media, and comments will be solicited.

Those individuals who do not wish to submit comments or suggestions at this time, but who would like to receive a copy of the draft EIS for review and comment when it is issued, should notify Mr. Alex R. Griego at the address given in the Summary section above. Those seeking further information may inquire of either Mr. Alex R. Griego or Mr. Richard P. Smith.

Dated: April 21, 1981

Barton R. House,

Acting Assistant Secretary for Environmental Protection, Safety, and Emergency Preparedness.

[FR Doc. 81-12313 Filed 4-23-81; 8:45 am]

BILLING CODE 6450-01-M

National Petroleum Council, Hazardous Wastes Task Group of the Committee on Environmental Conservation; Meeting

Notice is hereby given that the Hazardous Wastes Task Group of the Committee on Environmental Conservation will meet in April 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Hazardous Wastes Task Group meeting follows:

The Hazardous Wastes Task Group will hold its fourth meeting on Thursday, April 30, 1981, at 10:00 a.m., in Room 1805 of the Amoco Production Company, Seventeenth and Broadway, Denver, Colorado.

The tentative agenda for the meeting follows:

1. Discuss Task Group assignments.

2. Review preliminary draft sections of the Task Group Report.

3. Discuss any other matters pertinent to the overall assignment of the Hazardous Wastes Task Group.

The meeting is open to the public. The Chairman of the Hazardous Wastes Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Hazardous Wastes Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633-8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the

Freedom of Information Public Reading Room, Room IE–190, DOE, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on April 15, 1981.

Carl W. Guidice,

Acting Assistant Secretary for Fossil Energy.

April 15, 1981.

[FR Doc. 81–12314 Filed 4–23–81; 8:45 am]

BILLING CODE 6450–01–M

National Petroleum Council, Hazardous Wastes Task Group of the Committee on Environmental Conservation; Meeting

Notice is hereby given that the Hazardous Wastes Task Group of the Committee on Environmental Conservation will meet in May 1981. The National Petroleum Council was established to provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and natural gas or the oil and natural gas industries. The Committee on Environmental Conservation will analyze the environmental problems of the oil and gas industries and the impact of current environmental control regulations on the availability and costs of petroleum products and natural gas. Its analysis and findings will be based on information and data to be gathered by the various task groups. The time, location and agenda of the Hazardous Wastes Task Group meeting follows:

The Hazardous Wastes Task Group will hold its fifth meeting on Wednesday, May 20, 1981, at 10:00 a.m., in the Conference Room of Conoco Inc., 1025 Connecticut Avenue NW., Suite 1000, Washington, D.C.

The tentative agenda for the meeting follows:

1. Discuss Task Group assignments.
2. Review preliminary draft sections of the Task Group Report.
3. Discuss any other matters pertinent to the overall assignment of the Hazardous Wastes Task Group.

The meeting is open to the public. The Chairman of the Hazardous Wastes Task Group is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Hazardous Wastes Task Group will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform G. J. Parker, Office of Oil and Natural Gas, Fossil Energy, 202/633–8383, prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Summary minutes of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room IE–190, DOE, Forrestal Building, 1000 Independence Avenue SW., Washington, D.C., between the hours of 8 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on April 15, 1981.

Carl W. Guidice,

Acting Assistant Secretary for Fossil Energy.

April 15, 1981.

[FR Doc. 81–12315 Filed 4–23–81; 8:45 am]

BILLING CODE 6450–01–M

Bonneville Power Administration

Public Meetings To Receive Comments on Contract Negotiation Matters; Request for Agenda Items

AGENCY: Bonneville Power Administration (Bonneville), Department of Energy.

ACTION: Notice of Public Meetings To Receive Comments on Contract Negotiation Matters; Request for Agenda Items.

SUMMARY: The process for public participation and acceptance of public comments in Bonneville's contract negotiation sessions were previously announced in 46 FR 18331, March 25, 1981. In response to requests that more opportunities for comment be available, Bonneville has scheduled two public meetings to receive additional comments from the public on aspects of Bonneville's negotiation of new contracts with its customers. The meetings will be on May 13 and 14, 1981, in Seattle, Washington, and Boise, Idaho, respectively. The meetings will cover items identified by public interest groups and by individuals particularly interested in Bonneville's 1981 contracts negotiation process. Bonneville invites all interested members of the public to suggest discussion items for inclusion in the meeting agenda. In order to be considered for inclusion in the agenda, suggestions for discussion must be received by May 4, 1981. The procedure for the conduct of the public meetings will be available at the meetings. Bonneville may schedule additional meetings.

DATES: Bonneville will include in the meeting agenda discussion items identified by May 4, 1981. The meetings will be held on May 13 and 14, 1981. Registration at each meeting will be at 7 p.m., and both meetings will begin at 7:30 p.m. The meeting on May 13 will be held in the Fidalgo Room of the Seattle Center, 1st North and Republican Streets, Seattle, Washington. The meeting on May 14 will be held in the East Conference Room of the Hall of Mirrors, Capitol Mall, Boise, Idaho.

ADDRESSES: Recommendations of discussion items should be sent to the Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212.

FOR FURTHER INFORMATION CONTACT: Donna L. Geiger, Public Involvement Coordinator, Bonneville Power Administration, P.O. Box 12999, Portland, Oregon 97212; the telephone number is 503–234–3361, ext. 4261. Bonneville maintains toll-free lines for the use of persons within the region. Oregon callers may use 1–800–452–8429; callers in Washington, Idaho, Montana, Wyoming, Utah, Nevada, and California may use 1–800–547–6048. Messages received after normal business hours (after 4:30 p.m. and before 7:30 a.m.) may be recorded on the toll-free lines. Additional information is available from Ronald H. Wilkerson, Spokane Area Manager, Room 561, U.S. Courthouse, West 920 Riverside Avenue, Spokane, Washington 99201, 509–456–2518; Mr. Gordon H. Brandenburger, Kalispell District Manager, P.O. Box 758, Kalispell, Montana 59901, 406–755–6202; Mr. Ronald K. Rodewald, Wenatchee District Manager, Suite 117, 23 South Wenatchee, Wenatchee, Washington 98801, 509–662–4377, ext. 379; Mr. John H. Jones, Portland Area Manager, Suite 288, 1500 NE. Irving Street, Portland, Oregon 97208, 503–234–3361, ext. 4551; Mr. Ladd Sutton, Eugene District Manager, Room 206, 211 East Seventh Street, Eugene, Oregon 97401, 503–345–0311; Mr. Randall W. Hardy, Seattle Area Manager, Room 250, 415 First Avenue, North, Seattle, Washington 98109, 206–442–4130; Mr. Roy Nishi, Walla Walla Area Manager, West 101 Poplar, Walla Walla, Washington 99362, 509–525–5500, ext. 701; Mr. Robert N. Laffel, Idaho Falls District Manager, 531 Lomax Street, Idaho Falls, Idaho 83401, 208–523–2706.

SUPPLEMENTARY INFORMATION: The Pacific Northwest Electric Power Planning and Conservation Act (Regional Act) requires that Bonneville simultaneously offer, within 9 months of the date of enactment, long-term power sales contracts to: (1) Existing public body and cooperative customers and investor-owned utility customers; (2) Federal agency customers; (3) electric utility customers participating in the

residential exchange; and (4) the direct-service industrial customers. Bonneville has begun the development and negotiation of prototype contract provisions which will form the basis for the individual contracts offered to each customer. Each customer's contract will contain the applicable prototype contract provisions as well as provisions uniquely tailored to the services provided by Bonneville to that customer. Bonneville is also negotiating prototype conservation and resource acquisition contracts and possible resource option agreements.

Recently Bonneville published a **Federal Register** Notice on Public Participation in Negotiation of Initial Long-Term Power Sales and Certain Other Contracts (46 FR 18331, March 25, 1981). In that Notice, Bonneville clarified the role of the public in the negotiation process, inviting public observation and comment for consideration in the negotiation sessions.

Bonneville has since received requests that meetings also be held and written comments solicited in the region to identify the concerns of groups and individuals interested in the contract negotiation process. In response to these requests, Bonneville will hold two public meetings in Seattle, Washington, and Boise, Idaho, on May 13 and 14, respectively, to receive comments from the public and from various groups on items identified by public interest groups and by other individuals particularly interested in Bonneville's 1981 contract negotiation process. Bonneville officials will be at the meetings to receive advice and to accept comments. Comments received at the meetings will be treated similarly to comments received in the contract negotiation process. They will be distributed to parties, participants, and groups and individuals at or interested in the contract negotiation process. Such comments will be available for the use of the negotiating parties in drafting prototype contracts. Bonneville also encourages written comments from those unable to attend the meetings or from those who wish to augment their remarks. Written comments should be addressed to Bonneville's Public Involvement Coordinator.

Bonneville has received suggestions for discussion items from a number of public interest groups and others. The items received to date are as follows:

1. Power Sales Requirements and Computed-Demand Contracts

Discretion to provide efficiency-oriented incentives in the power sales contracts: Duration of long-term contracts; alternative rate forms; criteria governing allocation of energy in periods of inadequate supply; standards for service. (National Resource Defense Council, NRDC)

Specific language recommendations respecting environmental protection and compliance with National Environmental Policy Act (NEPA). (Lloyd Marbet, Forelaws on Board)

The extent planning is being determined by contract negotiations. (Lloyd Marbet)

Diversion of generating resources in Montana and Wyoming to Utah and Nevada. (Lloyd Marbet)

Proposals to implement and enforce the conservation provisions of the Regional Act through power sales contracts. (Idaho Conservation League)

Requirement of conservation as a condition of sale in sales contracts. Criteria and penalties. (Mark Reis, NRDC)

Inclusion of "local entities" in the first conservation program. Definition of a local entity. (Mark Reis)

Desirability of specific requirement in sales contracts that a utility customer must wheel to BPA power generated by a private firm or person. (Mark Reis)

Recognition of legal obligations to protect, mitigate, and enhance fisheries, and provision that nothing in the individual contracts will preclude these obligations. (National Marine Fisheries Service, NMFS)

Provision that generating utilities comply with Federal and State regualtions. (Washington Environmental Council)

Recall provision on all customer sales outside the region. (Washington Environmental Council)

2. Direct-Service Industrial Contracts

Incentives for efficiency improvements and facilities owned by industries directly served by BPA:

Term of contracts and utilization of automatic extension as incentives;

Rate incentives; and

Rationing incentives during periods of shortage. (NRDC)

Recognition of legal obligations to protect, mitigrate, and enhance fisheries, and provision that nothing in the individual contracts will preclude these obligations. (NMFS)

Proposals to implement and enforce the conservation provisions of the Act through direct-service industrial contracts. (Idaho Conservation League)

Provision that nothing in the individual contracts will preclude implementation of or constrain in fishery program developed under Section 4(h) of the Regional Act. (National Marine Fisheries Service). Recall provisions on all customer sales outside the region. (Washington Environmental Council)

Duration of long-term contracts. (Lloyd Marbet)

Specific language recommendations respecting environmental protection and compliance with NEPA. (Lloyd Marbet)

The extent planning is being determined by contract negotiations. (Lloyd Marbet)

3. Conservation Prototype Contracts

Provisions to enforce conservation contracts. (Idado Conservation League)

Assurance of significant conservation efforts. (Citizens for Alternatives to Coal Power)

Provision for appropriate price ceiling on sources of purchase power. (Washington Environmental Council)

Specific language recommendations respecting environmental protection and compliance with NEPA. (Lloyd Marbet)

The extent planning is being determined by the contract negotiations. (Lloyd Marbet)

Specific language recommendations respecting environmental protections and compliance with NEPA. (Lloyd Marbet)

Duration of long-term contracts. (Lloyd Marbet)

4. Resource Acquisition Prototype Contracts

Proposals to implement and enforce conservation provisions of the Regional Act through resource acquisition contracts. (Idaho Conservation League)

Provision for environmental compliance on coal and nuclear plants. (Washington Environmental Council)

Provision for appropriate price ceilings on sources of purchase power. (Washington Environmental Council)

Provision for regional equity respecting environmental impacts. (Washington Environmental Council)

Desirability of inclusion in resource acquisition contracts a provision for the direct acquisition of conservation energy from independent conservation companies. Minimum size of such programs. Status of such companies as local entities. (Mark Reis)

Duration of long-term contracts. (Lloyd Marbet)

Specific language recommendations respecting environmental protection and compliance with NEPA. (Lloyd Marbet)

The extent planning is being determined by contract negotiations. (Lloyd Marbet)

Recognition of legal obligations to protect, mitigate, and enhance fisheries, and provision that nothing in the individual contracts will preclude these

obligations. (National Marine Fisheries Service, NMFS)

5. Exchange Contracts

Concern that the Council's decision respecting purchase of Washington Public Power Supply System Nuclear Plants 4 and 5 may not be made in a timely way so that investor-owned utilities can estimate the rate impact and decide whether or not to take advantage of the exchange provisions of Section 5(c) of the Regional Act. (Idaho Conservation League)

Bonneville's present estimate of the difference in Bonneville's rates depending on whether Plants 4 and 5 are purchased or not. (Idaho Conservation League)

The term of exchange contracts and the right to terminate. (Idaho Conservation League)

Duration of long-term contracts. (Lloyd Marbet)

Specific language recommendations respecting environmental protection and compliance with NEPA. (Lloyd Marbet)

The extent planning is being determined by contract negotiations. (Lloyd Marbet)

Recognition of legal obligations to protect, mitigate, and enhance fisheries, and provision that nothing in the individual contracts will preclude these obligations. (National Marine Fisheries Service, NMFS)

6. Option Agreements

Duration of long-term contracts. (Lloyd Marbet)

Specific language recommendations respecting environmental protection and compliance with NEPA. (Lloyd Marbet)

The extent planning is being determined by contract negotiations. (Lloyd Marbet)

Recognition of legal obligations to protect, mitigate, and enhance fisheries, and provision that nothing in the individual contracts will preclude these obligations. (National Marine Fisheries Service, NMFS)

Bonneville welcomes receiving other suggestions for additional items which relate to each of the following contract negotiations: Power Sales Requirements and Computed Demand Prototype Contracts, Direct-Service Industrial Prototype Contracts, Residential Exchange Prototype Contracts, Conservation Prototype Contracts, Resource Acquisition Prototype Contracts, and Prototype Option Agreements.

In order to be considered for inclusion in the agenda, suggestions for discussion items must be received by May 4, 1981.

Dated: April 20, 1981.

Earl Gjelde,

Acting Administrator.

[FR Doc. 81-12504 Filed 4-23-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Energy Research

Biomass Panel of the Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: Biomass Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770).

Date and time: May 8, 1981, 8:30 am to 5:00 pm.

Place: Department of Energy, Forrestal Building, Room 6A-092, 1000 Independence Avenue, SW., Washington, D.C. 20585.

Contact: Eudora M. Taylor, Staff Assistant, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER-431, 1000 Independence Avenue, SW., Washington, D.C. 20585, Telephone: 202/252-8933.

Purpose of the parent board: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

Tentative agenda: Working session to review *draft* Biomass Energy Report.

Public participation: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Transcripts: Available for public review and copying at the Freedom of Information Public Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, SW., Washington, D.C., between 8:00 am and 4:00 pm Monday through Friday, except Federal Holidays.

Issued at Washington, D.C., on April 20, 1981.

Antionette Grayson Joseph,

Associate Director for Field Operations Management, Office of Energy Research.

[FR Doc. 81-12316 Filed 4-23-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Project No. 4143-000]

City of Bountiful, Utah; Application for Preliminary Permit

April 21, 1981.

Take notice that City of Bountiful, Utah (Applicant) filed on February 6, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4143 to be known as the Starvation Hydro Project located on the Strawberry River in Duchesne County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. W. Berry Hutchings, Manager, Bountiful City Light and Power Department, 198 South 200 West, Bountiful, Utah 84010. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would utilize the existing Water and Power Resources Service's Starvation Dam and Reservoir and would consist of: (1) a new penstock utilizing the existing outlet works near the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 1,600 kW; (3) a tailrace; (4) a new transmission line connecting to existing 69 kV lines; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 7,680,000 kWh.

Purpose of Project.—Project energy would be used by Bountiful City through a transmission contract with Moon Lake R.E.A. and Western Area Power Administration.

Proposed Scope and Cost of Studies Under Permit.—Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be $30,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the

Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Application.—This application was filed as a competing application to the City of Duchesne, Utah's application for Project No. 3564 filed on October 14, 1980, under 18 CFR 4.33 (1980), and therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 22, 1981.

Filing and Service of Responsive Documents.—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4143. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12318 Filed 4-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4365-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 21, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4365 to be known as Pine Creek Humboldt Project located on Pine Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would consist of: (1) a 5-foot high rock and concrete diversion dam; (2) a 7,000-foot long diversion conduit or channel; (3) a 350-foot long steel penstock; (4) a 43-foot long and 22-foot wide powerhouse containing one generating unit rated at 4,560 kW; and (5) a 3-mile long transmission line. The proposed project may affect a wild and scenic river.

The Applicant estimates that the average annual energy output would be 18.7 million kWh.

Purpose of Project.—The energy generated by the project would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit.—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering studies and surveys, make a feasibility and economic analysis, conduct environmental studies, do preliminary designs, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be $140,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before June 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 21, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a

protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 22, 1981.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4365. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street NW., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12319 Filed 4-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4367-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 21, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for proposed Project No. 4367 to be known as Tish Tang a Tang Project located on Tish Tang a Tang Creek in Humboldt County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would consist of: 1) a 5-foot high rock and concrete diversion dam; 2) a 7,700-foot long diversion conduit or channel; 3) a 1,750-foot long and 33-inch diameter steel penstock; 4) a powerhouse containing one generating unit rated at 4,500 kW; and 5) a 7.5 mile long transmission line.

The Applicant estimates that the average annual energy output would be 21.1 million kWh.

Purpose of Project.—The energy generated by the project would be sold to the Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit.—Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would conduct engineering, economic, feasibility, and environmental studies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the studies to be performed under the preliminary permit is estimated to be $140,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before June 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 21, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 22, 1981.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4367. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative

of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12320 Filed 4-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4106-000]

Town Board of English, Indiana; Application for Preliminary Permit

April 21, 1981.

Take notice that Town Board of English (Applicant) filed on February 3, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4106 to be known as Patoka Lake Dam located at the U.S. Army Corps of Engineers Patoka Lake Dam on the Patoka River in DuBois County, Indiana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Glenn Lawrence, Esq., Luckett and Lawrence, 301 East 5th Street, P.O. Box 115, English, Indiana 47118. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would utilize an existing U.S. Army Corps of Engineers dam. Project No. 4106 would consist of: 1) a proposed powerhouse located on the right bank of the river; 2) a proposed penstock running from the headworks, through the existing outlet conduit to the vicinity of the powerhouse; 3) proposed transmission lines; and 4) appurtenant facilities. Applicant estimates the capacity of the proposed project to be a maximum of 2.8 MW. The Applicant estimates that the average annual energy output would be 5.2 GWh.

Purpose of Project.—Energy produced at the proposed project would be sold to the Indiana Statewide Rural Electric Cooperative.

Proposed Scope and Cost of Studies Under Permit.—Applicant has requested a 36 month preliminary permit to prepare a definitive project report, including data acquisition and analysis, technical studies, potential energy production and capacity evaluations, project layout and design, construction options, and financial and economic examinations. Careful investigation of environmental, recreational and historic aspects will also be conducted along with obtaining necessary agreements with other Federal, State and local agencies. The cost of the studies is estimated by the Applicant to be $48,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—This application was filed as a competing application to Continental Hydro Corporation's Project No. 3776, filed on November 25, 1980 and ENAGENICS' Project No. 3996, filed on January 13, 1981. Anyone desiring to file a competing application must submit to the Commission, on or before June 3, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 3, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or §1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 5, 1981.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4106. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12321 Filed 4-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3930-000]

Township of Monongahela, Pennsylvania and Pennsylvania Renewable Resources, Inc.; Application for Preliminary Permit

April 21, 1981.

Take notice that Township of Monongahela, Pennsylvania and Pennsylvania Renewable Resources, Inc. (Applicant) filed on January 7, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)-825(r)] for proposed Project No. 3930 to be known as Monongahela Lock and Dam No. 7 located on the Monongahela River in Green and Fayette Counties, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Jeffrey M. Kossak, Pennsylvania

Renewable Resources, Inc., Suite 1900, 14 Wall Street, New York, New York 10005, (212) 349-7400. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would utilize the existing Corps of Engineers' Monongahela River Lock and Dam No. 7 and would consist of a powerhouse containing one or more generating units with a rated capacity of 9.5 MW, a transmission line, a penstock, a tailrace channel, a switchyard, and appurtenant facilities. The Applicant estimates that the average annual energy output would be 51.5 GWh.

Purpose of Project.—The energy generated at the proposed project would be utilized by the Township of Monongahela, Pennsylvania or sold to Duquesne Power and Light, Monongahela Power Company or General Public Utilities Service Corporation.

Proposed Scope and Cost of Studies Under Permit.—The proposed term of the preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $98,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—This application was filed as a competing application to Atlantic Power Development Corporation Project No. 3521 on October 2, 1980, under 18 CFR 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 18, 1981.

Filing and Service of Responsive Documents.—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 3930. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12322 Filed 4-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4049-000]

Nephi City Corp.; Application for Preliminary Permit

April 21, 1981.

Take notice that the Nephi City Corporation (Applicant) filed on January 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4049 to be known as the Nephi Project located on Salt Creek in Juab County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Clark M. Mower, Water Power Company, P.O. Box 22208, Salt Lake City, Utah 84122. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description.—The proposed project would consist of: (1) an existing 5-foot high masonry diversion dike 15 feet long; (2) a new intake structure; (3) a new 16,000-foot penstock; leading to (4) a new powerhouse with an installed generating capacity of 1,250 kW; (6) 200 feet of new transmission lines; and (6) appurtenant works. The Nephi City Corporation currently holds rights to lands affected by the proposed project. The Applicant estimates that the average annual energy output would be 6,430,000 kWh.

Purpose of Project.—Project energy generated would be sold to the Utah Power and Light Company.

Proposed Scope and Cost of Studies Under Permit.—Applicant seeks issuance of a preliminary permit for a period of two years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates the cost of studies under the permit would be $23,000.

Purpose of Preliminary Permit.—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power,

and all other information necessary for inclusion in an application for a license.

Agency Comments.—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before June 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 21, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 22, 1981.

Filing and Service of Responsive Documents.—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4049. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12323 Filed 4-23-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 3985-000]

Spaulding Fibre Company, Inc.; Application for Exemption for Small Hydroelectric Project Under 5 MW Capacity

April 21, 1981.

Take notice that on January 9, 1981, the Spaulding Fibre Company, Inc. (Applicant) filed an application, under Section 408 of the Energy Security Act of 1980 (Act) [Public Law 96-294, 94 Stat. 611] (16 U.S.C. 2705, and 2708 as amended), for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The North Rochester small hydroelectric project is located on the Salmon Falls River in Strafford County, New Hampshire, and York County, Maine. Correspondence with the Applicant should be directed to Attorney Howard M. Moffett, Orr and Reno, 95 North Main Street, Concord, New Hampshire 03301.

Project Description.—The proposed project would consist of the following existing works: (1) a 21-foot high concrete and granite dam with a 165-foot wide spillway and wooden level control boards; (2) a 65-acre reservoir; (3) a 1000-foot long canal, leading to (4) a generator room having an installed capacity of 250 kW. The Applicant proposes to rebuild the existing turbines in order to improve their power output and (5) appurtenant works.

Purpose of Project.—Project energy would be used by the Applicant for industrial purposes.

Agency Comments.—The U.S. Fish and Wildlife Service, the New Hampshire Department of Fish and Game and the Maine Department of Inland Fisheries and Wildlife are requested, for the purposes set forth in Section 408 of the Act, to submit appropriate terms and conditions to protect any fish and wildlife resources. Other Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications.—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before June 1, 1981, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application.

Submission of a timely notice of intent allows an interested person to file the competing license application no later than September 29, 1981. Applications for a preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 1, 1981.

Filing and Service of Responsive Documents.—Any comments, protest, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO

INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 3985. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12324 Filed 4-23-81; 8:45 am]

BILLING CODE 6460-85-M

[Docket No. RP81-45-000]

West Texas Gathering Co.; Tariff Filing

April 17, 1981.

Take notice that West Texas Gathering Company (West Texas) on March 12, 1981, tendered for filing Second Revised Sheets No. 51-A, 51-B, 51-C and 51-D to FPC Gas Tariff Original Volume No. 1, showing the proposed tariff with Northern Natural Gas Company for the period April 1, 1981, to April 1, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 28, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12317 Filed 4-23-81; 8:45 am]

BILLING CODE 6450-85-M

Office of Hearings and Appeals

Issuance of Decisions and Orders; Week of February 23 Through February 27, 1981

During the week of February 23 through February 27, 1981, the decisions and orders summarized below were issued with respect to appeals and applications for exception or other relief filed with the Office of Hearings and Appeals of the Department of Energy. The following summary also contains a list of submissions that were dismissed by the Office of Hearings and Appeals.

Appeals

Ergon Refining, Inc., 2/24/81, BEA-0578

Ergon Refining, Inc. filed an Appeal from the Entitlements Notice for September 1980. In its Appeal, Ergon alleged that the method used by the Entitlements Office on the September Notice to correct Ergon's reporting error from the previous month was arbitrary and capricious and deprived the firm of entitlements revenues to which it was entitled. In considering the Appeal, the DOE found that the correction method used by the Entitlements Office unfairly penalized Ergon for the reporting error. This resulted from changes in the value of the National Domestic Crude Oil Supply Ratio and the effect of the correction on Ergon's small refiner bias position. Accordingly, Ergon's Appeal was granted and the Entitlements Office was ordered to issue additional entitlements equal in value to $445,109.70 on the next Entitlements Notice.

Exxon Company, U.S.A., Marathon Oil Company, 2/26/81, DEA-0452, DEA-0474, DEA-0475, DEA-0476, DEA-0477, DEA-0473, DEA-0481

Exxon Company, U.S.A. and Marathon Oil Company filed several appeals from several Redirection of Product Orders issued to the firms by the DOE in June 1979. In considering the Appeals, the DOE determined that all of the Redirection Orders failed to set forth sufficient factual bases. Accordingly, Exxon Company, U.S.A. and Marathon Oil Company's appeals were granted, and the orders were rescinded.

International Processors, 2/25/81, BEA-0475

International Processors filed an Appeal from a denial by the Economic Regulatory Administration of three Applications for Emergency Allocation of Crude Oil under the Buy/Sell Program. In considering the Appeal, the DOE concluded that: (i) the ERA had erroneously denied the firm's applications; and (ii) the firm satisfied the two-prong eligibility requirement for newly constructed refinery capacity found in 10 CFR 211.65(a)(1)(iii). The Appeal was therefore granted.

Remedial Orders

Anthony Massahos, 2/23/81, DRO-0292

Anthony Massahos filed a Statement of Objections to an Interim Remedial Order for Immediate Compliance which was issued to him on July 6, 1979, by the Northeast District of Enforcement of the Economic Regulatory Administration. In the IROIC, the ERA alleged that Massahos had violated the DOE retail price regulations in sales of premium and regular gasoline. In considering the Massahos IROIC, the DOE concluded that the type of general statements concerning injury to customers which was contained in the order do not form a proper basis for concluding that irreparable harm will occur unless the violation is remedied immediately. *Glenn Martin Heller*, 3 DOE ¶ 82,010 (1979). Since no other showing of irreparable harm was made, the IROIC was rescinded.

Dalton J. Woods, 2/25/81, DRO-0222

Dalton J. Woods filed a Statement of Objections to a Proposed Remedial Order which the DOE Southwest Enforcement District issued to him on May 15, 1979. In the Proposed Remedial Order, the Office of Enforcement determined that Woods, as the operator of the Fisher/Woods Unit, a crude oil producing property located in Concordia Parish, Louisiana, sold certain volumes of crude oil at prices that exceeded the applicable ceiling price levels. In his Statement of Objections, Woods did not contest this finding. Instead, Woods argued that his refund liability should be proportional to his equity participation in the Fisher/Woods Unit. In rejecting this contention, the DOE noted that it has consistently stated that operators of crude oil producing properties are generally deemed to be the producer of all of the crude oil from the property and therefore may be held liable for any pricing violations that occur as a result of the misapplication of the price regulations, without regard to the operator's equity position in the property. In addition, the DOE found that Woods failed to demonstrate that the Office of Enforcement had abused its discretion in selecting him as the recipient of the Proposed Remedial Order, or that it would be unduly burdensome for him to bear full responsibility for discharging the full refund obligation. The DOE therefore concluded that the Proposed Remedial Order should be issued as a final Order.

Request for Modification and/or Rescission

Office of Enforcement (ERA), 2/23/81, BER-0104

The DOE's Office of Enforcement filed a Motion for Reconsideration of *Gary Energy Corporation*, 6 DOE ¶ 80,174 (1980), a Freedom of Information Act appeal decision. The Motion for Reconsideration, if granted, would permit the Office of Enforcement to withhold certain enforcement material pursuant to 10 CFR 1004.10(b)(2) and 10 CFR 1004.10(b)(5), which material the DOE had ordered released in *Gary Energy*. On February 2, 1981, the Department of Energy issued a Decision and Order which determined that the Motion for Reconsideration should be granted with respect to Exemption (b)(5) and should be denied with respect to Exemption (b)(2).

Requests for Exception

Atlantic Richfield Company, 2/24/81, DEE-2151

The Atlantic Richfield Company filed an Application for Exception from the provisions

of 10 CFR 212.83(c). The firm sought to adjust its May 1973 non-product marketing costs to reflect the divestiture of various marketing facilities. In considering the request, the DOE found that the pricing regulations set forth in Section 212.83 are intended to permit a refiner to pass through the increased costs it has incurred for comparable operations since May 1973. Accordingly, exception relief was granted, and Arco was permitted to exlude from its May 1973 marketing costs the direct marketing costs associated with the assets the firm had divested.

C & M Oil, Inc., 2/24/81, BEE-1354

C & M Oil, Inc. filed an Application for Exception from the provisions of 10 CFR 212.131(d), which if granted, would permit C & M to recertify as stripper well property crude oil, a quantity of crude oil which was produced and sold from the State C-3 lease in September 1979. In considering the request, the DOE found that C & M had made a showing that it was aware of the certification requirements and acted promptly and reasonably to comply with them. The DOE also determined that C & M's attempt to comply with the certification requirements was frustrated by external circumstances. Under these circumstances, the DOE concluded that the firm would experience a gross inequity in the absence of exception relief, and that compelling reasons existed for extending relief on a retroactive basis. Accordingly, exception relief was granted.

Checker Cab Company, 2/27/81, DEE-8072

Checker Cab Company filed an Application for Exception from the provisions of 10 CFR, Part 211, in which the firm sought an increase in its base period allocation of motor gasoline. Checker stated that in spite of the January 28, 1981, executive order decontrolling crude oil and refined petroleum products, the firm still desired the DOE to issue a decision in this case so that it would not be necessary for it to reapply for an exception in the event allocation restrictions were again imposed. After considering Checker's request, the DOE determined that the firm's Application for Exception should be dismissed since speculation about what might occur in the future does not form a proper basis for exception relief.

Fina Jobbers Association, Inc., American Petrofina, Inc., Crown Central Petroleum Corp., Texas Office of Fuel Allocation, 2/25/81, DEE-5568, BMR-0009, BED-0030, BED-0036, BEH-0036, BEJ-0037, BEJ-0026, BMR-0001, BMR-0005

The Fina Jobbers Association (Fina Jobbers) filed an Application for Exception from the provisions of 10 CFR 211.102, which, if granted, would enable the branded jobbers of American Petrofina, Inc. (Fina) to receive increased supplies of motor gasoline. In considering the request, the DOE found that the Fina Jobbers would suffer a gross inequity if they did not receive increasd supplies of gasoline. The DOE therefore directed the Economic Regulatory Administration to assign additional suppliers to the Fina Jobbers. Those suppliers were directed to supply the Jobbers with 4,000,000 gallons of gasoline during each month of the period September through December 1979. The DOE further relieved Fina of the obligation to make motor gasoline available through the state set-aside system during that period. The DOE also denied the request made by firms ordered by the ERA to supply the Fina Jobbers with additional gasoline that Fina be required to pay back to the suppliers the volumes received from them. The DOE rejected the argument made by the Texas Office of Fuel Allocation that the Office of Hearings and Appeals had no authority to relieve a firm of the obligation to contribute motor gasoline to the state set-aside system. Finally, the DOE determined that it would not be proper to base the volume of additional gasoline to be provided to the Fina Jobbers on their adjusted base period volumes rather than on their actual purchases during the base period.

Fort Oglethorpe Tire and Service Center, 2/24/81, DEE-6300

Fort Oglethorpe Tire and Service Center filed an Application for Exception from the provisions of 10 CFR, Part 211, in which the firm sought an increase in its base period allocation of motor gasoline. In considering the firm's request, the DOE determined that anomalous events occurred during the base period and that the firm would experience a gross inequity in the absence of exception relief. Accordingly, an exception was granted for the period from July 24, 1980 through January 28, 1981.

JaMar Oil Distributors, 2/24/81, BEE-1553

JaMar Oil Distributors filed and Application for Exception from the reporting requirements set forth in Form EIA-9A ("No. 2 Distillate Price Monitoring Report") in which the firm sought to be relieved of any obligation to prepare and submit Form EIA-9A. In considering the request, the DOE found that the firm was not being adversely affected in a unique manner by the reporting requirements of Form EIA-9A, and that any burden which JaMar might encounter in completing the form was not significantly different from that encountered by other firms which have also been selected to file Form EIA-9A. The DOE also found that JaMar had failed to demonstrate that the burden of providing the requested data exceeded the benefits which would be realized from the information. Accordingly, exception relief was denied.

LeClair Operating Co., Inc., 2/25/81, BEE-1398

LeClair Operating Co., Inc. filed an Application for Exception from the Provisions of 10 CFR Part 212, Subpart D. Exception relief was granted to permit LeClair to sell at upper tier ceiling prices 38.91 percent of the crude oil produced from the Croton Creek Unit.

MAPCO Inc., 2/25/81, BEE-1321

MAPCO Inc. filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. Exception relief was granted to permit MAPCO to sell at market prices 91.57 percent of the crude oil produced from the Carman Lease 1-7.

MAPCO Inc., 2/25/81, BEE-1322

MAPCO Inc. filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. In considering the exception request for MAPCO's Dennie Ralphs 1-5 Lease, the DOE determined that the firm will be able to operate that lease on a profitable basis even if the crude oil produced from the property is sold at the applicable upper tier ceiling and market price levels pursuant to the provisions of Part 212. Accordingly, the DOE concluded that exception relief should be denied.

MAPCO Inc., 2/26/81, BEE-1362

MAPCO Inc. filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. Exception relief was granted to permit MAPCO to sell at market prices 52.48 percent of the crude oil produced from the Sorensen 1-8 Lease.

McGoldrick Oil Company, 2/25/81, BEE-1337

McGoldrick Oil Company filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. Exception relief was granted to permit McGoldrick to sell at upper tier ceiling prices 100 percent of the crude oil produced from the TL SU "K" H. J. Collins Lease.

S/T, Inc., 2/25/81, BEO-0347

S/T, Inc. filed an Application for Exception from the provisions of 10 CFR, Part 211 in which the firm sought an increase in its base period allocation of motor gasoline. In considering the request, the DOE noted that the President issued an Executive Order on January 28, 1981 immediately exempting motor gasoline, crude oil and propane from the Mandatory Petroleum Allocation Regulations. Nevertheless, the applicant requested that the DOE proceed with the consideration of its exception request. The DOE found that the applicant's arguments that another motor gasoline shortage might occur and that allocations might again be reimposed utilizing the same base period were speculative and did not form a proper basis for exception relief. Accordingly, the Application for Exception was dismissed as moot.

D. W. Shelton, 2/24/81, BEE-1327

D. W. Shelton filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. In considering the exception request for Shelton's Dean Ward Number 1 Well, the DOE determined that the firm would be able to operate that well on a profitable basis even if the crude oil produced from the property is sold at the applicable upper tier ceiling and market price levels pursuant to the provisions of Part 212. Accordingly, the DOE concluded that exception relief should be denied.

The Superior Oil Company, 2/24/81, BEE-1152

The Superior Oil Company filed an Application for Exception from the provisions of 10 CFR Part 212, Subpart D. Exception relief was granted to permit Superior to sell at upper tier ceiling prices 35.99 percent of the crude oil produced from the South Croton Creek Unit.

Request for Temporary Exception

Indiana Farm Bureau Cooperative Association, Inc., 2/25/81, BEL-1628

Indiana Farm Bureau Cooperative Association, Inc. filed an Application for Exception from the provisions of 10 CFR 211.67 in which the firm sought additional entitlements in order to offset its disproportionately lower access to price controlled crude oil. In considering the request, the DOE found that the firm had failed to demonstrate that it would be irreparably injured in the absence of temporary relief, or that there was a strong likelihood of success on the merits of its underlying exception application. Accordingly, temporary exception relief was denied.

Request for Temporary Stay

Southland Oil Company/VGS Corporation, 2/27/81, BET-0016, BEX-0168

Southland Oil Company/VGS Corporation filed an Application for Temporary Stay and a Request for Supplemental Order. In its submissions, Southland requested a reconsideration of three Decisions and Orders issued to the firm on February 23, 1981 (Case Nos. DEX-0058, DEX-0161, and BEX-0043). Southland based its request for reconsideration on its assertion that the DOE had erred in arriving at the conclusions reached in the three February 23 determinations. In considering Southland's request, the DOE found that no error had been made in the February 23 determinations. Accordingly, Southland's Application for Temporary Stay and Request for Supplemental Order were denied.

Motion for Evidentiary Hearing

Hawthorne Oil and Gas Company, Inc., 2/27/81, DRH-0208, DRD-0208

Hawthorne Oil and Gas Company, Inc. filed a Motion for Evidentiary hearing and a Motion for Discovery in connection with its Statement of Objections to a Proposed Remedial Order issued to the firm on May 30, 1978. In considering the Motion for Evidentiary Hearing, the DOE determined that Hawthorne had not established that there were disputed issues of fact that could best be resolved at an evidentiary hearing. Accordingly, the Motion for Evidentiary Hearing was denied. In considering the Motion for Discovery, the DOE determined that Hawthorne had failed to establish why the discovery which it sought was necessary to obtain relevant and material evidence. The Motion for Discovery was accordingly denied.

Motion for Discovery

Atlantic Richfield Co., Mobil Oil Corp., Chevron U.S.A., Inc., Texaco, Inc., Marathon Oil Company, Ashland Oil, Inc., 2/27/81, BED-0373, BED-0052

The Atlantic Richfield Company, Mobil Oil Corporation, Chevron U.S.A., Inc., Texaco, Inc., and Marathon Oil Company (the Petitioners) filed a consolidated Motion for Discovery in connection with the firms' Statement of Objections to a Proposed Decision and Order that was issued to Ashland Oil, Inc. (Ashland). In their discovery request, the Petitioners requested discovery of the Office of Hearings and Appeals, Ashland, ten of Ashland's customers, five state governments, the Amerada Hess Corporation, and the Charter Oil Company. Ashland submitted a response opposing the consolidated motion and as part of its response submitted a motion for Discovery of the nine refiners assigned by the Proposed Decision to supply Ashland with crude oil. After considering the interrogatories directed to the OHA, the DOE determined that the OHA should release documents that it reviewed in determining the volumes of crude oil that each firm was assigned to supply Ashland. With regard to Ashland's customers and the five state goverments, the DOE determined that discovery was warranted with regard to the extent of their dependence on Ashland for their supplies and the availability of alternative supplies. The DOE determined, however, that the discovery directed towards the Amerada Hess Corporation and the Charter Oil Company was irrelevant. Discovery of Ashland was granted to the extent the interrogatories requested information relating to the Petitioners' contentions that: (1) Ashland's difficulties after the cut-off of Iranian crude oil supplies were due to its own discretionary business decisions; (2) Ashland could have taken action to obviate the relief; and (3) the relief, if warranted, was excessive. The DOE determined that none of the information requested in the Ashland Motion for Discovery was relevant and denied that motion in its entirety.

Supplemental Orders

Leonard E. Belcher, Inc., 2/25/81, BRX-0163

On January 29, 1981 the Office of Hearings and Appeals of the Department of Energy received a submission from Leonard E. Belcher, Inc. in which the firm requested that a Supplemental Order be issued in regard to the Appeal Decision issued to the firm on January 26, 1981. In considering the submission, the DOE determined that on the basis of evidence submitted by the firm, the January 26, 1981 Appeal Decision should be amended to provide for the effectuation of Belcher's refund obligation through a letter of credit which the firm had previously established. The DOE also stayed this order for sixty days to conform to a stipulation entered into by Belcher and the Department of Justice in related litigation.

Energy Cooperative, Inc., 2/24/81, BEX-0161

On February 3, 1981, Energy Cooperative, Inc. filed a Motion for Supplemental Order with the Office of Hearings and Appeals of the Department of Energy. In its submission, ECI requested that the Office of Hearings and Appeals recalculate the amount of exception relief granted to the firm in a previous exception proceeding. *Energy Cooperative, Inc.*, No. BEE-1298 (January 19, 1981) (proposed decision). In considering the request, the DOE found that the issues raised by ECI in its Motion for Supplemental Order are more appropriately considered in the objections phase of the related exception proceeding. Therefore, ECI's Motion for Supplemental Order was dismissed.

Exxon Company, U.S.A., 2/25/81, BCX-0152

The Office of Hearings and Appeals considered the effect of certain amendments to § 211.63 of the DOE allocation regulations and of an Order issued by the Federal Energy Regulatory Commission on the exception relief previously granted to Exxon Company, U.S.A. The DOE concluded that the exception relief granted to Exxon on March 20, 1979 (Case No. FEX-0184) should be rescinded as of October 1, 1980. The DOE also ordered that Exxon be given certain credits against any future sales obligations the firm might have in the event that it becomes subject to the Crude Oil Buy/Sell Program.

Hibbard Oil Company, 2/26/81, BEX-0151

The Economic Regulatory Administration (ERA), of the DOE provided data to the Office of Hearings and Appeals which brought into question the accuracy of the factual foundation of a portion of a Decision and Order issued by the Office of Hearings and Appeals on February 26, 1980. *Hibbard Oil Co.*, 5 DOE ¶ 80,128 (1980). In that Decision and Order the Office of Hearings and Appeals granted Hibbard's Appeal from an ERA Assignment Order and ordered the matter remanded for further consideration. The Decision and Order also provided that Hibbard could recoup those volumes of gasoline which the firm was obligated to pay back to Amoco Oil Company, its supplier, since the interim base period allocation it received was in excess of the volume assigned to Hibbard by the deficient ERA order.

Following review of the ERA data, OHA found that Hibbard should not have been permitted to recoup that gasoline, because during the period in question Hibbard received more than twice as much motor gasoline as it was entitled to receive under the ERA order and appears not to have been seriously affected by its payback obligation. The DOE pointed out that during the pendency of the firm's Appeal, Hibbard was obliged to keep OHA informed of significant changes in the circumstances upon which relief was sought and had failed to do so. Accordingly, the Appeal order was modified to rescind the recoupment relief provided.

Office of Special Counsel for Compliance, 2/24/81, BRX-0156

Pursuant to the Order of the Office of Hearings and Appeals in *Texaco, Inc.*, 7 DOE ¶ 82,014 (1981), the Office of Special Counsel submitted for the OHA's *in camera* inspection thirteen documents withheld from discovery by Texaco, Inc. and the Louisiana Land and Exploration Company on grounds of privilege. The Office of Hearings and Appeals held that four of the documents were privileged in their entirety and that the OSC's privilege claim with respect to them was not outweighted by the firm's need for the information they contain. However, the Office of Hearings and Appeals directed OSC to disclose all or parts of the remaining documents.

Southland Oil Company, 2/23/81, BEX-0043

In accordance with Decisions and Orders issued to Southland Oil Company, which granted the firm exception relief from the

provisions of 10 CFR 211.67 (the Entitlements Program), the firm submitted actual financial data for its 1979 fiscal year ended December 31, 1979. After reviewing the level of exception relief granted to Southland under the applicable standards, the DOE issued a final Decision and Order which determined that Southland should sell $7,281,634 of entitlements.

Southland Oil Company, 2/23/81, DEX-0161

In accordance with Decisions and Orders issued to Southland Oil Company, which granted the firm exception relief from the provisions of 10 CFR 211.67 (the Entitlements Program), the firm submitted actual financial data for its 1978 fiscal year ended December 31, 1978. After reviewing the level of exception relief granted to Southland under the applicable standards, the DOE issued a final Decision and Order which determined that Southland should purchase $5,746,849 of entitlements.

Southland Oil Company, 2/23/81, DEX-0058

In accordance with Decisions and Orders issued to Southland Oil Company, which granted the firm exception relief from the provisions of 10 CFR 211.67 (the Entitlement Program), the firm submitted actual financial data for its 1977 fiscal year ended December 31, 1977. After reviewing the level of exception relief granted to Southland under the applicable standards, the DOE issued a final Decision and Order which determined that Southland should purchase $7,651,617 of entitlements.

Southwestern Refining Co., Inc., 2/27/81, BEX-0160

On its own motion, the DOE issued a Supplemental Order to Southwestern Refining Co., Inc. in conjunction with a Proposed Decision and Order issued to Southwestern (Case No. BEE-1567). The DOE found that Southwestern's obligation to purchase entitlements during the months of February 1981 and March 1981 to account for crude oil receipts and runs to stills for the months of December 1980 and January 1981 should be stayed. Accordingly, stay relief was granted until the conclusion of the pending exception proceeding.

Texaco, Inc., 2/25/81, BRX-0155

Texaco, Inc., sought an order compelling the Office of Special Counsel to supplement its responses to two interrogatories submitted by Texaco in connection with an enforcement proceeding pending before the Office of Hearings and Appeals. The Office of Hearings and Appeals rejected Texaco's request to compel OSC to submit a supplemental response to an interrogatory concerning the OSC's treatment of other firms, holding that Texaco failed to make the required preliminary showing that OSC acted in bad faith or abused its discretion with respect to the subject matter of the interrogatory. The OHA also rejected Texaco's request that OSC be compelled to supplement its response to an interrogatory concerning oral communications related to the DOE's application of certain regulatory standards to Texaco, holding that the matter was resolved in *Texaco, Inc.*, 7 DOE ¶ 82,014 (1981).

Supplemental Order

The following firm was issued a Supplemental Order on February 26, 1981 which ordered that the Decision and Order issued to the firm on February 2, 1981 be amended to correct a typographical error contained in the February 2, 1981 Decision and Order:

Firm Name and Case No.

Elk Trading Company, Inc., BEX-0167

Protective Orders

The following firms filed Applications for Protective Orders. The applications, if granted, would result in the issuance by the DOE of the proposed Protective Order submitted by the firm. The DOE granted the following applications and issued the requested Protective Order as an Order of the Department of Energy:

Name and Case No.

Chevron U.S.A., Inc., Indiana Farm Bureau Cooperate Assoc., BEJ-0188
Standard Oil Co. of CA, Office of Special Counsel, BRJ-0190

Interim Orders

The following firms were granted interim exception relief which implements the relief which the DOE proposed to grant in an order issued on the same date as the interim order:

Company Name and Case No.

Fletcher Oil & Refining Co., BEN-1611
Ergon Refining Co., BEN-1620

Petitions Involving the Motor Gasoline Allocation Regulations

The following firms filed Applications for Exception, Temporary Exception, Stay, and/or Temporary Stay from the provisions of the Motor Gasoline Allocation Regulations. The requests, if granted, would result in an increase in the firm's base period allocation of motor gasoline. The DOE issued Decisions and Orders which determined that the requests be dismissed.

Company Name and Case No.

Big Bear Lake Valley Chamber of Commerce, BEE-0389
G & G Alcohol Enterprises, Inc., BEE-1497

Dismissals

The following submissions were dismissed without prejudice to refiling at a later date:

Name and Case No.

Alabama River Pulp Co., BEA-0588
Ashmore Distributors, BEO-0232
Atlantic Richfield Co., BEN-0890
Bonafide Oil Co., BEO-0782
Chevron U.S.A., BED-1520
Coastal States Gas Corporation, DMR-0063
Cody Texaco, BEO-0697
Don Phelps Texaco, DEE-3211
Dow Chemical, U.S.A., BXE-1520
Edgington Oil Co., BEE-0832
Emer. Small Ind., Refiners Task Force, BSG-0002
Fina Jobbers Assoc., Inc. et al., BEA-0153, BEA-0054, BEA-0067, BEA-0068, BEA-0069, BEA-0120, BEA-0152, BEA-0153
Gasol, Inc., BEE-0961
H & H Oil Co., BEE-0782
Herbert Young Refining Gulf Station, DEE-6111
Hydrotherm, Inc., BEL-1627
M. F. A. Oil Co., BEE-0630
Majik Market, BEO-1002
Max B. Dixon, et al., BSG-0033
Miraloma Shell Service, DEE-4243
Peerless Petrochemical Inc., BEE-1094, BEL-1094
Riverdale Chevron Service, BEE-0452
Southland Oil Co., BEL-0060
Southwestern Refining Co., Inc., BES-1567, BMR-0019
Standard Oil Co. of Ca., DRD-0196, BRZ-0064
Sun Petroleum Products Company, BSG-0021
Texaco, Inc., BES-0133
Tosco Corporation, BEL-1621
Troy Potter, Inc., BEE-1633
William P. Bennett, BEO-0561

Copies of the full text of these decisions and orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW, Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays. They are also available in *Energy Management: Federal Energy Guidelines*, a commercially published loose leaf reporter system.

George B. Breznay,

Director, Office of Hearings and Appeals.

April 17, 1981.

[FR Doc. 81-12445 Filed 4-23-81; 8:45 am]
BILLING CODE 6450-01-M

Office of the Secretary

International Atomic Energy Agreements; Proposed Subsequent Arrangement; European Atomic Energy Community and Switzerland

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 Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning the Peaceful Uses of Atomic Energy and the Agreement for Cooperation Between the Government of the United States of America and the Government of Switzerland.

The subsequent arrangement to be carried out under the above mentioned agreement involves approval of the following retransfer:

RTD/SD(EU)-31 from West Germany to Switzerland, prototype fuel elements containing 3.965 kilograms of uranium, with 1.8 kilograms of U-235 (45.4%) for testing of high density fuel in the Saphir research reactor at Wuerlingen.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended,

it has been determined that the approval of this retransfer will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than May 11, 1981.

For the Department of Energy.

Dated: April 21, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-12444 Filed 4-23-81; 8:45 am]

BILLING CODE 6450-01-M

International Atomic Energy Agreements; Proposed Subsequent Arrangement; Taiwan

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" authorized by the Taiwan Relations Act of 1979 (Pub. L. 96-8).

This subsequent arrangement would give approval for the sale of 4,000 kilograms of heavy water to be used by the Institute of Nuclear Energy Research, Taiwan, for use as a moderator for the Taiwan Research Reactor.

In accordance with section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangment will take effect no sooner than May 11, 1981.

For the Department of Energy.

Dated: April 21, 1981.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-12443 Filed 4-23-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1810-7]

Environmental Impact Statements; Availability

AGENCY: Office of Federal Activities (A-104), U.S. Environmental Protection Agency.

Purpose: This notice lists the Environmental Impact Statements (EIS's) which have been officially filed with the EPA and distributed to federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR 1506.9) during the week of April 13, 1981 to April 17, 1981.

Review Periods: The 45-day review period for Draft EIS's listed in this notice is calculated from April 24, 1981 and will end on June 8, 1981. The 30-day review period for Final EIS's as calculated from April 24, 1981 will end on May 26, 1981.

EIS Availability: To obtain a copy of an EIS listed in this notice you should contact the federal agency which prepared the EIS. If a federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209 (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460 (202) 245-3006.

Dated: April 21, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

Department of the Army

Final—Fort Indiantown Gap Candidate Army Realignment, Lebanon and Dauphin Counties, Pennsylvania and Anne Arundel County, Maryland (EIS Order No. 810291).

Final—Aircraft Depot Maintenance Function Consolidation, York County, Pennsylvania and San Patricio County, Texas (EIS Order No. 810292).

Army Corps of Engineers

Draft—Cross Village Light-Draft Vessel Harbor, Construction, Emmet County, Michigan (EIS Order No. 810282).

Final Supplement—Snettisham Hydroelectric Project, Crater Lake Phase Construction, Alaska (EIS Order No. 810289).

Report—Lynnhaven Inlet, Operation and Maintenance, Virginia (EIS Order No. 810283).

Department of the Interior

EDA: Draft—Port District Industrial Park Development and Resource Recovery, Union, Hudson and Essex Counties, New Jersey (EIS Order No. 810286).

NOAA: Draft Supplement—Mid-Atlantic Surf Clam and Ocean Quahog Fishery Management Plan, Amendment No. 3 (EIS Order No. 810296).

Department of Transportation

FHWA: Draft—Appalachian Corridor H, Elkins, Randolph County, West Virginia to Strasburg, Shenandoah County or Winchester, Frederick County, Virginia (EIS Order No. 810281).

FHWA: Draft—SW 185th Avenue and Tulatin Valley Highway Intersection Improvement, Washington County, Oregon (EIS Order No. 810288).

UMTA: Draft—Transit Assistance Act of 1981 (EIS Order No. 810287).

FAA: Draft—Dulles Airport Access Road, Outer Parallel Toll Roads, Loudoun and Fairfax Counties, Virginia (EIS Order No. 810297).

EPA7: Final—Olathe Wastewater Treatment Facilities, Grant, Olathe, Johnson County, Kansas (EIS Order No. 810284).

General Services Administration

Draft—Vista del Arroyo Federal Building/US Court of Appeals, Rehabilitation, Los Angeles County, California (EIS Order No. 810285).

Final—Charleston Post Office and Courthouse Renovation and Annex Construction, Charleston County, South Carolina (EIS Order No. 810295).

Department of Housing and Urban Development

Final—Barrington Place Subdivision, Mortgage Insurance, Fort Bend County, Texas (EIS Order No. 810290).

Missouri River Basin Commission

Final—Missouri River Basin Water Resources Management Plan, Nebraska, Montana, South Dakota, Wyoming, Kansas, Missouri, North Dakota, Colorado, Iowa and Minnesota (EIS Order No. 810293).

Nuclear Regulatory Commission

Final—Bison Basin Project, Uranium Mine and Recovery Plant, License, Fremont County, Wyoming (EIS Order No. 810294).

[FR Doc. 81-12412 Filed 4-23-81; 8:45 am]

BILLING CODE 6560-37-M

[EN-FRL 1810-6]

Fuels and Fuel Additives; Settlement of Lead Phasedown Case; Notice of Final Action

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Final Action—Settlement of Lead Phasedown Case Against American Petrofina Company of Texas.

SUMMARY: On July 29, 1980, the Environmental Protection Agency concluded a consent agreement and final order with the American Petrofina Company of Texas, as a result of a

complaint filed against the company for its violation of the lead phasedown regulations. This is to give notice to the public of the settlement.

DATE: Effective April 24, 1981.

ADDRESS: The agreement and final order are available for inspection at: Hearing Clerk, Mail Code A-110, Room 3708, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Susan A. Finder, Attorney/Advisor, Field Operations and Support Division, U.S. Environmental Protection Agency, at (202) 472-9367.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Environmental Protection Agency (EPA) concluded a consent agreement and final order with the American Petrofina Company of Texas on July 29, 1980 as a result of a complaint filed against the company for its violation of the lead phasedown regulations set forth at 40 CFR 80.20(a)(i), as amended by 44 FR 53144 (September 12, 1979). EPA mitigated the original civil penalty due to the company's good faith attempts to comply with the regulations. American Petrofina admitted to the violation. Of the $107,047.00 penalty, the company paid $72,047.00 to the United States, and used $35,000 to publicize the adverse effect of the unlawful use of leaded gasoline in vehicles requiring unleaded gasoline—"fuel switching."

Sanford W. Harvey, Jr.,

Deputy Assistant Administrator for Mobile Source and Noise Enforcement.

[FR Doc. 81-12365 Filed 4-23-81; 8:45 am]

BILLING CODE 6560-33-M

[OPTS-00023; TSH-FRL 1811-3]

Interagency Toxic Substances Data Committee; Cancellation of Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The May meeting of the Interagency Toxic Substances Data Committee has been cancelled.

FOR FURTHER INFORMATION CONTACT: Nan Fremont (TS-777), Executive Secretary, Interagency Toxic Substances Data Committee, Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460 (202-755-8040).

SUPPLEMENTARY INFORMATION: The regular meetings of the Interagency Toxic Substances Data Committee take place on the first Tuesday of each month at 9:30 a.m. and are open to the public. The meetings are held in: Rm. 2010, New Executive Office Building, 17th St. and Pennsylvania Ave., NW., Washington, D.C. 20006.

The May meeting has been cancelled. The next meeting of the Interagency Toxic Substances Data Committee will take place on June 2, 1981.

Dated: April 17, 1981.

Nan Fremont,

Executive Secretary, Interagency Toxic Substances Data Committee.

[FR Doc. 81-12364 Filed 4-23-81; 8:45 am]

BILLING CODE 6560-31-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[Docket: FEMA-REP-5-IL-1; FEMA-REP-5-IL-2]

Illinois Plan for Radiological Accidents

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of Receipt of Plan.

SUMMARY: For continued operation of nuclear power plants, the Nuclear Regulatory Commission requires approved licensee and State and local governments' radiological emergency response plans. Since FEMA has a responsibility for reviewing the State and local government off-site plans, the State of Illinois, by letter of transmittal dated March 31, 1981, submitted its radiological emergency plans to FEMA Region V office. These plans support the Commonwealth Edison Company's Dresden Nuclear Power Station located in Grundy County and LaSalle County Nuclear Station located in LaSalle County.

DATE: Plans Received: April 2, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robrt E. Connor, Acting Regional Director, FEMA Region V, One North Dearborn Street, Chicago, Illinois 60602, (312) 353-1500.

NOTICE: In support of the Federal requirement for off-site emergency response plans, FEMA has proposed a Rule describing its procedures for review and approval of State and local governments' radiological emergency response plans. Pursuant to this proposed FEMA Rule (44 CFR Part 350.8), "Review and Approval of State Radiological Emergency Plans and Preparedness," 45 FR 42341, the State Plan for Radiological Accidents for the State of Illinois was received by the Federal Emergency Management Agency Region V office.

Included are plans for local governments which are wholly or partially within the plume exposure pathway emergency planning zones of the nuclear plants. For the Dresden plant, plans are included for Grundy, Will and Kendall Counties; for the LaSalle plant, plans are included for LaSalle and Grundy Counties.

Copies of Plan are available for review at the FEMA Region V Plans and Preparedness Division, Population Protection Section, Federal Center, Battle Creek, Michigan 49016. Copies will be made available upon request in accordance with the fee schedule for FEMA Freedom of Information Act requests, as set out in subpart C of 44 CFR Part 5. There are 2,067 pages in the document; reproduction fees are $.10 a page payable with the request for copy.

Comments on the Plan may be submitted in writing to Mr. Robert E. Connor, Acting Regional Director, at the above address within thirty days of this **Federal Register** notice.

FEMA proposed Rule 44 CFR 350.10 also calls for a public meeting prior to approval of the plans. Public meetings were held on the State and local jurisdiction plans for the Dresden Nuclear Power Station on October 30, 1980, 10:00 a.m., Holiday Inn, Morris, Illinois; LaSalle County Nuclear Station on December 5, 1980, 2:00 p.m., Ramada Inn Meeting Room, Ottawa, Illinois.

Dated: April 20, 1981.

Robert E. Connor,

Acting Regional Director, FEMA Region V.

[FR Doc. 81-12352 Filed 4-23-81; 8:45 am]

BILLING CODE 6718-01-M

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 844]

Bernardine Shipping Company, Inc.; Order of Revocation

On April 20, 1981, Bernardine Shipping Company, Inc., One World Trade Center, Suite 7947, New York, New York 10048 requested the Commission to revoke its Independent Ocean Freight Forwarder License No. 844.

Therefore, by virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), § 5.01(c), dated August 8, 1977;

It is ordered, that Independent Ocean Freight Forwarder License No. 844 issued to Bernardine Shipping Company, Inc., be revoked effective April 20, 1981.

It is further ordered, that Independent Ocean Freight Forwarder License No. 844 issued to Bernardine Shipping Company, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Bernardine Shipping Company, Inc.

Daniel J. Connors,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-12385 Filed 4-23-81; 8:45 am]

BILLING CODE 6730-01-M

Carl Ronay, d.b.a. Aero-Mar-Terra Forwarding, et al.; Independent Ocean Freight Forwarder License; Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(c)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573:

Carl Ronay, d.b.a. Aero-Mar-Terra Forwarding, 4930 West 142nd Street, Hawthorne, CA 90250

Import Brokers, Inc., 7370 N.W. 36th Street, Suite No. 319A, Executive Center, Miami, FL 33166, Officers: Maurice Malmuth, President; Adrianne L. Hurst, Secretary; Denise Spaulding, Treasurer; Jonathan Arostegui, Assistant Treasurer

V. Alexander & Co., Inc., P.O. Box 30250, Memphis Int'l Airport, American Airlines Frt. Bldg., 2nd Fl. Officers: D. F. Brown, Jr., President; Carla A. Brown, Secretary/Treasurer; Michael E. Swett, Executive Vice President; W. Russell Daniel, Jr., Vice President; Gary F. Brown, Vice President; B. Michael Barnett, Vice President.

The Federal Maritime Commission.

Dated: April 21, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-12384 Filed 4-23-81; 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 meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, May 7, 1981
Thursday, May 14, 1981
Thursday, May 21, 1981
Thursday, May 28, 1981

These meetings will convene at 10 a.m., and will be held in Room 5A06A, Office of Personnel Management Building, 1900 E Street, NW, Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a Chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership of the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the prevailing rate system and other matters pertaining to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Office of Personnel Management thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the Chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the Committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the Director of the Office of Personnel Management under the provisions of Section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C., section 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the Committee publishes for the Office of Personnel Management, the President, and Congress a comprehensive report of pay issues discussed, concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the Committee Secretary.

Members of the public are invited to submit material in writing to the Chairman concerning Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Committee Secretary, Federal Prevailing Rate Advisory Committee, Room 1340, 1900 E Street, NW., Washington, D.C. 20415 (202-632-9710).

Jerome H. Ross,

Chairman, Federal Prevailing Rate Advisory Committee.

April 13, 1981.

[FR Doc. 81-12351 Filed 4-23-81; 8:45 am]

BILLING CODE 6325-01-M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of February 2-3, 1981

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on February 2-3, 1981.[1]

The information reviewed at this meeting suggest that real GNP expanded substantially in the fourth quarter of 1980 and that prices on the average continued to rise rapidly. In December industrial production and nonfarm payroll employment expanded further, and the unemployment rate was essentially unchanged at about 7½ percent. Retail sales declined, however, following a sizable gain over the preceding six months. Housing starts were about unchanged for the third month. Over the last few months of 1980, the rise in the index of average hourly earnings was at about the rapid pace recorded earlier in the year.

The weighted average value of the dollar in exchange markets has risen further over the past six weeks. The U.S. trade deficit in the final quarter of 1980 widened from the exceptionally low rate in the third quarter but remained substantially less than the rate in the first half.

M-1A and M-1B declined sharply in December; in January, after adjustment of the actual figures for the estimated effects of shifts into NOW accounts, these aggregates recovered in part. Growth in M-2 slowed markedly in December but accelerated in January. Some moderation of the expansion in commercial bank credit in December and early January was accompanied by stepped-up financing of nonfinancial businesses through issuance of commercial paper and longer-term debt instruments. Market interest rates have declined on balance from their highs of mid-December.

The Federal Open Market Committee seeks to foster monetary and financial conditions that will help to reduce inflation, encourage economic recovery, and contribute to a sustainable pattern of international transactions. The Committee agreed that these objectives would be furthered by growth of M-1A, M-1B, M-2 and M-3 from the fourth quarter of 1980 to the fourth quarter of 1981 within ranges of 3 to 5½ percent, 3½ to 6 percent, 6 to 9 percent, and

[1] The Record of Policy Actions of the Committee for the meeting of February 2-3, 1981, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C.20551.

6½ to 9½ percent respectively, abstracting from the impact of introduction of NOW accounts on a nationwide basis. The associated range for bank credit was 6 to 9 percent. These ranges will be reconsidered as conditions warrant.

In the short-run the Committee seeks behavior of reserve aggregates consistent with growth in M–1A and M–1B from December to March at annual rates of 5 to 6 percent and in M–2 at a rate of about 8 percent, abstracting from the impact of flows into NOW accounts. These rates are associated with growth of M–1A, M–1B, and M–2 from the fourth quarter of 1980 to the first quarter of 1981 at annual rates of about 2 percent, 2¾ percent, and 7 percent respectively. It is recognized that shifts into NOW accounts will continue to distort measured growth in M–1A and M–1B to an unpredicatable extent, and operational reserve paths will be developed in the light of evaluation of those distortions. If it appears during the period before the next meeting that fluctuations in the federal funds rate, taken over a period of time, within a range of 15 to 20 percent are likely to be inconsistent with the monetary and related reserve paths, the manager for Domestic Operations is promptly to notify the Chairman, who will then decide whether the situation calls for supplementary instructions from the Committee.

Note.—On February 24, the Committee adopted the following modification of the domestic policy directive adopted on February 3:

In light of the relatively strong growth of M–2 and M–3 and the substantial easing recently in money market conditions, as well as uncertainties about the interpretation of the behavior of M–1, the Committee on February 24 agreed to accept some shortfall in growth of M–1A and M–1B from the specified rates in the domestic policy directive adopted on February 3 as consistent with developments in the aggregates generally and the objectives for the year.

By Order of the Federal Open Market Committee, April 3, 1981.

Murray Altmann,

Secretary.

[FR Doc. 81-12142 Filed 4-23-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and, except as noted, received by the appropriate Federal Reserve Bank not later than May 18, 1981.

A. *Federal Reserve Banks of New York* (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

The Chase Manhattan Corporation, New York, New York (consumer lending, related lending, insurance brokerage activities and sale of travelers checks at retail; California): to make or acquire, for its own account and for the account of others, secured loans and other extensions of credit, including but not limited to, consumer and business lines of credit, installment loans for personal, household and business purposes, to service loans and other extensions of credit; to sell travelers checks at retail; to act as insurance agent for credit life insurance and credit accident and disability insurance directly related to such lending and servicing activities. These activities will be conducted by an indirect subsidiary, Chase Manhattan Financial Service, Inc., from an office at 2 Corporate Plaza Drive, Newport Beach, California 92660, and will serve customers throughout California.

B. *Federal Reserve Bank of Richmond* (Lloyd W. Bostian, Jr., Vice President) 701 East Byrd Street, Richmond, Virginia 23261:

Dominion Bankshares Corporation, Roanoke, Virginia (mortgage banking, Texas): to engage *de novo* through its subsidiary, Metropolitan Mortgage Fund, Inc., in originating residential, commercial, industrial and construction loans for its own account and for sale to others and servicing such loans for others. These activities would be conducted from an office in Houston, Texas and would serve the Houston SMSA.

C. *Federal Reserve Bank of Chicago* (Franklin D. Dreyer, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

National Detroit Corporation, Detroit, Michigan (commercial financing activities; Ohio, Pennsylvania): to engage, through its subsidiary, Instaloan Financial Services, Inc., in making or acquiring loans and other extensions of credit such as would be made by a commercial finance company, including commercial loans secured by a borrower's inventory, accounts receivable, or other assets in accordance with the Board's Regulation Y. These activities would be conducted from an office in Cleveland, Ohio, serving northern Ohio and western Pennsylvania. Comments on this application must be received not later than May 14, 1981.

D. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

U.S. Bancorp, Portland, Oregon (industrial banking, financing and insurance activities; Colorado): to engage through its subsidiary, Citizens Applewood Industrial Bank, in industrial banking; making, acquiring and servicing loans or other extensions of credit, either secured or unsecured, for its own account or the account of others, including but not limited to commercial, rediscount and installment sales contracts; issuing thrift certificates and passbooks and to act as insurance agent with regard to credit life and disability insurance solely in connection with extensions of credit. These activities would be conducted from an office located in Applewood, Jefferson County, Colorado, serving the Denver SMSA.

E. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, April 17, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-12404 Filed 4-23-81; 8:45 am]

BILLING CODE 6210-01-M

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding companies listed in this notice have applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y

(12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to each application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on an application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of that proposal.

Each application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for that application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than May 15, 1981.

A. *Federal Reserve Bank of Atlanta* (Robert E. Heck, Vice President), 104 Marietta Street, N.W., Atlanta, Georgia 30303:

Third National Corporation, Nashville, Tennessee (mortgage banking activities; Tennessee): to engage through its subsidiary, Third National Mortgage Company, in conducting the business of a mortgage company, including the making or acquiring, for its own account or for the account of others, loans and other extensions of credit, and servicing loans and other extensions of credit for any persons. These activities will be conducted at an office located in Jackson, Tennessee, serving Madison County and the surrounding area within an approximate 100-mile radius of Jackson, Tennessee.

B. *Federal Reserve Bank of Kansas City* (Thomas M. Hoenig, Assistant Vice President), 925 Grand Avenue, Kansas City, Missouri 64198:

Commerce Financial Corporation, Topeka, Kansas (finance company activities; Kansas): to engage, through its wholly-owned subsidiary, Comco Financial Service Centers, Inc., in making consumer and business loans. These activities would be conducted from an office in Topeka, Kansas, serving Kansas.

C. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, April 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-12405 Filed 4-23-81; 8:45 am]

BILLING CODE 6210-01-M

Community BancShares, Inc.; Formation of Bank Holding Company

Community BancShares, Inc., McArthur, Ohio, 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 The Vinton County National Bank of McArthur. 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 Cleveland. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 16, 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, April 17, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-12400 Filed 4-23-81; 8:45 am]

BILLING CODE 6210-01-M

Perham State Bancshares; Formation of Bank Holding Company

Perham State Bancshares, Perham, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)91)) to become a bank holding company by acquiring 95.7 percent of the voting shares of Perham State Bank, Perham, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 16, 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, April 17, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-12401 Filed 4-23-81; 8:45 am]

BILLING CODE 6210-01-M

Security BancShares of Montana, Inc.; Acquisition of Bank

Security BancShares of Montana, Inc., Billings, Montana, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares, less directors' qualifying shares, of First Citizens Bank of Miles City, Miles City, Montana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 16, 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, April 17, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-12402 Filed 4-23-81; 8:45 am]

BILLING CODE 6210-01-M

Verdigre State Company; Formation of Bank Holding Company

Verdigre State Company, Verdigre, Nebraska, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent or more of the voting shares of Bank of Verdigre, Verdigre, 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 May 15, 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, April 16, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-12403 Filed 4-23-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

[Final Environmental Impact Statement (EIS)]

Proposed Annex Construction and Repair and Alteration of U.S. Post Office and Courthouse (PO & CT), Charleston, S.C.; Availability of EIS

A Final Environmental Impact Statement (EIS) concerning the proposed annex construction and repair and alteration of the U.S. Post Office and Courthouse in Charleston, South Carolina, has been prepared by the General Services Administration in accordance with Section 102(2)(C) of the National Environmental Policy Act. The EIS was released on April 16, 1981, to Federal, State, and local agencies, interested individuals, and community groups. Participation by all interested public agencies, community groups and individuals in review and comment on the EIS is invited.

Written comments on the EIS may be submitted until May 24, 1981, and should be addressed to: Mr. W. H. Capes, Public Buildings Service (4PG), General Services Administration, Region 4, 75 Spring Street SW., Atlanta, Georgia 30303.

Copies of the EIS may be obtained upon request and are also available for review and public inspection at the following locations:

1. General Services Administration, Public Buildings Service, Operational Planning Staff, Room 418, Richard B. Russell Federal Building and Courthouse, 75 Spring Street SW., Atlanta, GA 30303.
2. General Services Administration, Public Buildings Service, Buildings Managers Office, L. Mendel Rivers Federal Building, 334 Meeting Street, Charleston, SC 29403.

Dated: April 16, 1981.

Wesley L. Johnson, Jr.,

Regional Administrator.

[FR Doc. 81-12304 Filed 4-23-81; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Compilation of Preambles for Medical Device Documents; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces the availability of another volume of the preamble compilation. This volume contains significant preambles of published **Federal Register** documents relating to Medical Device regulations, from March 1936 through March 1978.

ADDRESS: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Lola Batson, Federal Register Writer's Office (HFC-11), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-2994.

SUPPLEMENTARY INFORMATION: The preamble compilation series has been structured around the current organizational scheme for Food and Drug Administration regulations issued under Chapter I of Title 21 of the Code of Federal Regulations. This compilation is part of a comprehensive effort to make available to the public and the agency a central source for tracing, by subject, the historical development of agency regulations.

Each volume of the preamble compilation will be updated with an annual cumulative pocket supplement. The agency will publish in the **Federal Register** a notice of availability for each volume and pocket supplement as they become available.

The Medical Device volume may be purchased from the Superintendent of Documents (address above) for $8.00. To order, reference GPO stock No. 017-015-00181-4.

Dated: April 17, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-12310 Filed 4-23-81; 8:45 am]

BILLING CODE 4110-03-M

Consumer Participation; Open Meeting

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming consumer exchange meeting to be chaired by William C. Hill, District Director, San Francisco District Office, San Francisco, CA.

DATE: The meeting will be held from 2 p.m. to 4 p.m., Thursday, May 28, 1981.

ADDRESS: The meeting will be held at the P.J.K.K. Bldg., Rm. 6122, Ala Moana Blvd., Honolulu, HI.

FOR FURTHER INFORMATION CONTACT: Sheila A. Hennessey, Consumer Affairs Officer, Food and Drug Administration, 50 United Nations Plaza, San Francisco, CA 94102, 415-556-2062.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to encourage dialogue between consumers and FDA officials, to identify and set priorities for current and future health concerns, to enhance relationships between local consumers and FDA's San Francisco District Office, and to contribute to the agency's policymaking decisions on vital issues.

Dated: April 17, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-12309 Filed 4-23-81; 8:45 am]

BILLING CODE 4110-03-M

Public Advisory Committees; Request for Nominations for Voting Members

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration requests nominations for membership on the prescription drug advisory committees in the Bureau of Drugs. Nominations will be accepted for vacancies that now exist and vacancies that will or may occur on the committees during the next 12 months.

DATES: Since scheduled vacancies occur on various dates throughout each year, no cutoff date is established for receipt of nominations.

ADDRESS: All nominations for membership except for consumer-nominated members must be sent to: Joseph Price, Bureau of Drugs (HFD-22), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

Nominations for consumer-nominated positions must be sent to: Naomi Kulakow, Office of Consumer Affairs (HFE-40), Food and Drug

Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joseph Price, at the address given above (301–443–4090).

SUPPLEMENTARY INFORMATION: The Food and Drug Administration requests nominations for members for the following 12 advisory committees:

1. Anesthetic and Life Support Drugs Advisory Committee.
2. Arthritis Advisory Committee.
3. Cardiovascular and Renal Drugs Advisory Committee.
4. Endocrinologic and Metabolic Drugs Advisory Committee.
5. Fertility and Maternal Health Drugs Advisory Committee.
6. Gastrointestinal Drugs Advisory Committee.
7. Oncologic Drugs Advisory Committee.
8. Peripheral and Central Nervous System Drugs Advisory Committee.
9. Psychopharmacologic Drugs Advisory Committee.
10. Pulmonary-Allergy Drugs Advisory Committee.
11. Radiopharmaceutical Drugs Advisory Committee.

The functions of the 11 committees listed above are to review and evaluate available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the area of the medical specialties indicated by the title of the committee, and to make appropriate recommendations to the Commissioner of Food and Drugs.

12. Drug Abuse Advisory Committee:

The functions of the Drug Abuse Advisory Committee are to: (1) Advise the Commissioner regarding the scientific and medical evaluation of all information gathered by both the Department of Health and Human Services (HHS), and the Department of Justice regarding the safety, efficacy, and abuse potential for drugs or other substances and (2) recommend actions to be taken by HHS regarding the marketing, investigation, and control of such drugs or other substances.

Criteria for Members

Persons nominated for membership on the above-named committees must have adequately diversified experience appropriate to the work of the committee in such fields as anesthesiology, surgery, rheumatology, cardiology, endocrinology, obstetrics and gynecology, gastroenterology, oncology, neurology, psychiatry, nuclear medicine, internal medicine, epidemiology, statistics, or other appropriate areas of expertise. The specialized training and experience necessary to qualify the nominee as an expert suitable for appointment is subject to review, but may include experience in medical practice, teaching, research, and/or public service relevant to the field of activity of the committee. The term of office is ordinarily 4 years.

Criteria for Consumer-Nominated Members

FDA is currently placing one full voting member on each of the committees above to participate in the work of the committee and, in addition, to provide a consumer perspective on issues before the committee. These members are recommended by a consortium of nine consumer organizations which, regarding Bureau of Drugs advisory committees, has the responsibility for screening, interviewing, and recommending consumer-nominated candidates with appropriate scientific credentials. Candidates are sought who are aware of the consumer impact of committee issues, but who also possess enough technical background to understand and contribute to the committee's work. This would involve, for example, understanding of research design, benefit/risk, and the legal requirements for safety and efficacy of the products under review, and considerations regarding individual products. The term of office for these members is 2 years, with an optional 2-year reappointment. There are currently openings for consumer-nominated members on four Bureau of Drugs committees: the Drug Abuse Advisory Committee, the Radiopharmaceutical Drugs Advisory Committee, the Ophthalmic Drugs Advisory Committee, and the Dermatologic Drugs Advisory Committee. However, nominations for all committees listed above are invited for consideration for membership as openings become available.

Nomination Procedure

Any interested person may nominate one or more qualified persons for membership on one or more of the advisory committees. Nominations shall specify the committee for which the nominee is recommended. Nominations shall state that the nominee is aware of the nomination, is willing to serve as a member of the advisory committee, and appears to have no conflict of interest that would preclude committee membership. Potential candidates will be asked by FDA to provide detailed information concerning such matters as financial holdings, consultancies, and research grants or contracts in order to permit evaluation of possible sources of conflict of interest.

FDA has a special interest in assuring that women, minority groups, and the physically handicapped are adequately represented on advisory committees and therefore extends particular encouragement to nominations for appropriately qualified female, minority, and handicapped candidates. Final selection from among qualified candidates for each vacancy will be determined by the expertise required to meet specific agency needs and in a manner to ensure appropriate balance of membership.

(Federal Advisory Committee Act Pub. L. 92–463, 86 Stat. 770–776 (5 U.S.C. App. I)) and 21 CFR Part 14 relating to advisory committees)

Dated: April 20, 1981.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-12311 Filed 4-23-81; 8:45 am]

BILLING CODE 4110-03-M

Office of Human Development Services

[Program Announcement No. 13634-811]

Model Projects on Aging Program

AGENCY: Office of Human Development Services, HHS.

SUBJECT: Announcement of Availability of Funds for the Model Projects on Aging Programs

SUMMARY: The Administration on Aging (AoA) announces that applications from public and non-profit private agencies and organizations are being accepted for grants and cooperative agreement under the Model Projects on Aging Program. This program is authorized by Section 421, Section 424 and Section 425 of the Older Americans Act of 1965, as amended (42 U.S.C. Section 3001, et seq.

DATE: Closing date for receipt of applications is: July 10, 1981.

Scope of This Announcement

This announcement relates only to discretionary grants programs conducted by the Administration on Aging under the Model Projects Programs, Sections 421, 424 and 425, Title IV–C of the Older Americans Act and covers funding priorities for the remainder of the fiscal year 1981. For further information, consult the Model Projects Program Guidelines, Administration on Aging (MPD), 3280 HHS Building North, Washington, D.C. 20201.

Program Purpose

The purpose of the Discretionary Projects Program, Model Projects and Demonstrations, is to enhance the scope and quality of services provided older persons; in general, to show better ways of promoting the well-being of older persons, and to facilitate the exchange of information to stimulate adoption of the most effective programs and practices.

Program Goals and Objectives

The Administration on Aging has selected three objectives for this program cycle to assist the "Network" (i.e. State and area agencies on aging and service providers) in meeting the broad goal of enhancing the scope and quality of services provided to older persons. The three objectives to be supported under this Program Announcement are:

(1) To develop and demonstrate effective programs of dissemination and utilization of the experiences, findings and materials derived from prior AoA model projects, and other similar demonstrations, in selected subject areas;

(2) To develop and demonstrate effective programs for linking agencies serving older people with other resources to strengthen services and enhance opportunities for older Americans in selected subject areas; and

(3) To build up the administrative capacity of the aging network to serve older people.

Eligible Applicants

Any public or non-profit agency or organization may apply for grants under this announcement. the Administration on Aging invites and encourages colleges and universities including minority institutions, and other non-profit organizations and other private sector groups with innovative and promising ideas, and the State and area agencies on aging, to collaborate in the development and implementation of the demonstrations being solicited. Collaboration may be in the form of combining resources, sharing resources, jointly undertaking a project, providing technical or consultative services, etc.

Competing continuation proposals from current recipients of the AoA Model Project and Demonstration Program, also will be considered. However, preference will be given to funding new projects responsive to the priorities being announced herein. Continuation proposals will compete against the criteria in the Announcement under which the project is now funded.

Available Funds

It is expected that approximately $2.0 million will be awarded for 15 to 25 mainly new grants pursuant to this announcement. The range of the awards is expected to be from $30,000 to $200,000 with the average award being about $100,000. The project period for the awards is limited to 17 months; the budget period and project period should be identical as no further award is anticipated at this time.

The amount of funds to be awarded at any time is at the discretion of the Commissioner on Aging who makes the final determination with respect to all grant applications and awards.

Types of Awards

The financial assistance provided by AoA for the projects solicited will be in the form of grants or cooperative agreements. The use of the cooperative agreement anticipates substantial programmatic involvement between the Administration on Aging and the recipient during the performance of the project. Under a cooperative agreement, the recipient can expect AoA collaboration in the management of the project. The type of the financial assistance will be determined during the negotiation process with successful applicants.

Grantee Share of the Project

The recipents of financial assistance are expected to contribute significantly to the support of the project. Generally this is a minimum of 10 percent of total project costs or 50 percent of indirect costs, whichever is the greater; greater sharing of costs is encouraged. The grantee share must be project-related and allowable under the Department's applicable cost principles in CFR Part 74 (see 45 FR 26274, September 19, 1973).

The Application Process

Availability of Forms

Application for financial assistance under the Model Projects on Aging Programs must be submitted on standard forms provided for this purpose. Application kits which include the prescribed forms and information may be obtained by writing: Model Projects Division, Administration on Aging, Room 3280—HHS North Building, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone (202) 472-7219.

Kits are also available from Regional Offices, a list of which appears with this announcement.

Application Submision

One signed original and 2 copies of the grant application, including all attachments, must be submitted to the address indicated in the application instructions; additionally, to facilitate the review process, 2 more copies should be submitted. In addition, a copy of the application should be submitted concurently to the appropriate State agency on aging and another to the appropriate Regional Office on Aging. A State agency on aging may request comments from an area agency on aging and transmit these comments with its own to the Commissioner on Aging.

A-95 Notification Process

The Model Projects on Aging Program is considered a covered program under the provision of OMB Circular A-95. Applicants for grants must, prior to submission of an application, notify both the State and Areawide A-95 Clearinghouses of the intent to apply for Federal assistance. If the application is for a Statewide project which does not affect areawide or local planning and programs, only the State clearinghouse need by notified. Applicants should contact the appropriate State clearinghouse (listed at 42 FR 2210, January 10, 1977) for information on how they can met the A-95 requirements.

Application Consideration

The Administration on Aging determines the final action to be taken with respect to each grant application. Applications which are complete and conform to the requirements of this program announcement must compete in an objective review and evaluation by qualified persons independent of the program office. The results of the review assist the Commissioner on Aging in considering the approval of competing applications. The Commissioner's consideration also takes into account comments of the A-95 clearinghouses, the HHS Regional Offices and Headquarters program offices and, where appropriate, the comments of State and area agencies. Comments may also be requested from appropriate specialists and consultants inside and outside the Federal government.

After the Commissioner has reached a decision either to approve or not to fund an application, unsuccessful applicants are notified in writing of that decision. Successful applicants are notified through issuance of a Notice of Financial Assistance Awarded which sets forth the amount of funds granted, the terms and conditions of the grant, the effective date of the grant, the budget period for which support is

given, the total grantee participation expected, and the total period for which support is contemplated.

Areas for Which Proposals Are Solicited

Two types of applications will be considered: (1) those which respond directly to the "Identified Priorities" below; and (2) "Applicant Initiated" proposals which address these priorities in other ways or address other priorities.

A. Identified Priorities

Proposals are solicited for a series of six identified priorities: (1) *Dissemination and Utilization*, (2) *Transportation*, (3) *Mental Health*, (4) *Service Delivery Data*, (5) *Employment Opportunities*, and (6) *Networking Science and Technology*. Under the first, *Dissemination*, five areas are specified, namely: a. Informal Supports, b. Comprehensive and Coordinated Systems of Services, c. Rural Elderly, d. Targeting and e. Information and Referral. Under the fifth priority, *Employment*, two specific areas are listed, namely, (a) Small Business Employer Education, and (b) Employment Opportunity Strategies. Any reports and materials produced under the proposals being solicited, in addition to fulfilling the objectives of the grantee also are to be of benefit to the State and area agencies on aging and providers of services to the aging (hereinafter identified as the Network). Each application is expected to reflect fullest appropriate attention to the special needs of minorities, the limited English-speaking, impaired, rural and low income elderly.

Priority 1. *Demonstrations of Dissemination and Utilization of Findings in Selected Model Project Areas*—For the five areas under this priority, awards will be made to one or more applicants to demonstrate how the experiences, findings, and materials of related projects can be effectively disseminated and utilized by the aging Network. Applicants are expected to address AoA funded demonstrations related to the subject areas, and similar demonstrations which have been funded by other sources, supported or completed between January 1975 and December 1980.

The focus of the projects to be reviewed in each area is briefly indicated below. Additional information concerning their content and how grantees may obtain available reports is found in the "Guidelines for Applicants." For each area the reports produced and activities conducted should provide the Network with guidance and models for incorporating in their own programs the best practices from the projects reviewed.

Areas on Which Evaluations and Synthesis Have Been Conducted

a. *Informal Supports*—The object of the informal supports program was to encourage and maximize the effectiveness of care provided to older persons by spouses, family, peers, neighbors and community organizations without monetary remuneration. An evaluation and synthesis of AoA funded projects in this program is now underway and the findings should be available in July.

b. *Comprehensive and Coordinated Systems of Services*—The object of the comprehensive and coordinated systems of services program (also identified in previous program announcements as the community care systems program) was to improve the quality, delivery, access to, and coordination of services through an improved approach to providing services. This program encouraged the establishment of mechanisms for communities to organize separate services into more comprehensive and coordinated mixes of service activity and components of care. Evaluation of AoA supported projects in this area is now in progress and should be available in June.

Areas in Which Syntheses Are Not Available

c. *Rural Elderly*—The object of the rural elderly program was to adapt the delivery of services to the special conditions of rural life such as sparsity and dispersion of population, limited institutional and service resources, paucity of public transportation, etc. In addition to addressing AoA supported projects, this project should include relevant projects supported by at least the U.S. Department of Agriculture and the Community Services Administration.

d. *Targeting Elderly Persons with Special Needs*—The object of this program was to increase accessibility, acceptablity and utility of services among elderly populations in special need, such as minorities, the handicapped, and the limited English-speaking. The concern included ways to make existing service delivery more responsive and to target additional services to these populations.

e. *Information and Referral Systems*—As already noted, AoA has not funded demonstration projects in this area recently. However, at least six to ten exemplary systems are operating and can serve as the source for models worthy of dissemination and utilization. The ones to be utilized are to be selected jointly by the grantee and AoA. It is suggested this project especially demonstrate the packaging of the information obtained on best I&R practices for replication by other members of the Network.

Funds Available: $420,000. Number of Awards Anticipated: 1–5. Preferred Applicants: Open.

It is suggested that the foregoing applications include the following three phases and the activities listed under each, as appropriate to each of the five priority areas.

Phase I. Collection, Review, and Synthesis of Project Findings:

1. Collection of data from projects in program area.

2. Review of AoA and non-AoA funded projects for:

- The service needs addressed in each project,
- The successful ways in which these needs were addressed and met,
- Characteristics of these successful responses (services and programs), and their costs and benefits,
- Analysis, summary and assessment of information gathered,
- Implications for improving the Network's reponse to the needs and well-being of older persons.

3. Synthesis of findings including:

- Identification of best practices,
- Compilation and documentation of those practices appropriate for dissemination.

Phase II. Development of Dissemination Strategies and Tools:

1. Design of a strategy (activities) for dissemination and utilization of best practices; and

2. Development of tools and materials to be used in dissemination activities with guides for their use.

Phase III. Implementation and Assessment of Dissemination Strategies and Tools:

1. Dissemination to foster utilization of best practice information;

2. Assess potential impact of dissemination activities to improve utilization by program planners, administrators and practitioners noting:

- How and when awareness of findings can be increased,
- Appropriate situations for the use of findings,
- How best practice findings can be implemented.

Projects are expected to address all three phases for each of the five areas. However, AoA already has supported reviews and synthesis only of AoA funded projects in areas a. Informal Supports and b. Comprehensive and Coordinated Systems of Services.

Reviews and synthesis are not available for the remaining three areas; however, project reports should generally be available for areas c. Rural and d. Targeting. For the last, Information and Referral, the project will require on site gathering of information and forms—formal project reports probably will not exist as the systems selected for modeling may have evolved without ever having project status.

Priority 2. *Transportation*—The project is to identify solutions to increasingly pressing fiscal and managerial problems in providing transportation services for the elderly, and to disseminate this information to State and area agencies on aging and other local transportation providers. It is anticipated that one principal grantee will be selected to serve as a national resource and up to 5 grantees will be funded to implement on site demonstrations.

Three tasks are to be completed:

(1) Determine the problems and resources for providing transportation services for older persons under present and future economic and social conditions;

(2) Implement innovative ways of overcoming these problems in approximately five State and local areas; and

(3) Disseminate findings and successful strategies derived from these efforts to State and area agencies on aging and service providers in ways that will ensure implementation.

The project should build on previous research, demonstration, and training efforts supported by the Administration on Aging and the Office of Human Development Services Transportation Initiative; it should posit solutions that will be appropriate for urban, suburban, and rural communities. It should produce a preliminary strategy for dealing with these transportation problems during the early months (not more than three) of the project and a recommended strategy(ies) at the completion of this 17 month project, for use by the Network in aging. Close collaboration and coordination of activities between the principal and State grantees will be imperative. In addition, both the principal and on-site grantees are expected to obtain the active collaboration of State and local transportation agencies in the conduct of the projects.

The two kinds of grantees being sought will undertake the following activities:

(1) Principal grantee:

(a) Coordinate overall project;

(b) Collect, analyze, evaluate and disseminate findings of previous transportation projects;

(c) Identify gaps in knowledge and services;

(d) Update and provide pertinent handbooks, guides and other information and assistance to five on-site grantees in implementation of solutions to their problems;

(e) Develop mechanisms for effective transfer of knowledge derived from this project to the aging network; and

(f) Implement dissemination strategy(ies).

Funds Available: $175,000. Number of Awards Anticipated: 1. Preferred Applicants: Open.

(2) Five on-site demonstration grantees:

(a) Identify current problems, especially those emanating from the present economic situation;

(b) Propose and implement solutions to one or more problems identified, in cooperation with the principal grantee;

(c) Assist principal grantee in development and execution of a dissemination strategy.

Funds Available: Up to $85,000 per site. Number of Awards Anticipated: 5. Preferred Applicants: State Units on Aging.

Priority 3. *Mental Health*

The project is to develop appropriate strategies and demonstrate how State and area agencies on aging can deal more effectively with the critical problem of access by older persons to appropriate mental health services. Previously supported projects centered more on the development and expansion of mental health services. There is a growing concern for improved access by the elderly to mental health services tailored to their needs, for their receiving a fair share of services, and for developing non-traditional methods and techniques. This effort is to concentrate on opportunities and challenges for State agencies on aging to insure a fair share of mental health services for older persons. This issue is particularly salient with the current emergence of State governments as the focal point and arbiter of the public and private response to mental health problems.

The project should generate and help States initiate a comprehensive short and long-term program strategy covering, among other things:

(1) How State agencies on aging can build effective working relationships with State mental health agencies;

(2) What policy issues and program options should be considered and acted on to support such collaboration; and,

(3) What resulting relationships should be forged with the respective sub-State mental health and aging networks, including optional approaches for implementation and potentials for nontraditional services.

The resulting model strategy(ies) should be amenable to implementation by most, if not all, State agencies on aging. Thus, the selection of the project will take into account, among other things, the key variables or characteristics that distinguish the State mental health and aging operations among the various States.

Number of Awards Anticipated: 1. Funds Available: $200,000. Preferred Applicants: State Agencies on Aging.

Priority 4. *Service Delivery Data.*

These projects are to develop and demonstrate models of client-based service unit-cost systems using a standard taxonomy for services and cost accounting at all levels within the State. The project is to (1) test the taxonomy for services developed by the National Association of State Units on Aging (NASUA) and the National Association of Area Agencies on Aging (N4–A), and simultaneously (2) incorporate cost accounting by unit of services at the client level.

States are expected to develop and institute different approaches that can be replicated by other States throughout the country. Each grantee should:

(1) Develop (or adapt and modify, as necessary) appropriate data gathering tools, instruments and procedures designed to fit the capacity of agencies to use them;

(2) Train Area Agency on Aging (AAA) and service provider staff in their use;

(3) Test instrument appropriateness for client level data gathering; and

(4) Determine manpower, equipment and financial costs of the data system, and assess their impact on programs.

Each of the above tasks is to be undertaken with technical assistance from the NASUA/N4–A and AoA financial management contractor on the use of their taxonomy and financial procedures (See Guidelines for Applicants for particulars).

Project reports should be designed to facilitate replication by other States and the eventual development of a nationwide system for the aggregation of data on services for the aging.

Funds Available: $300,000. Number of Awards: 3 to 5. Preferred Applicants: State Agencies on Aging.

Priority 5. *Employment Opportunities After Fifty-five.*

a. *Small Business Employer Education Project*—This project is to test the utility of education of small business employers for:

(1) Expanding job opportunities for older people;

(2) Improving attitudes toward, and dispelling myths about, the older worker;

(3) Promoting the training and retention of older workers;

(4) Identifying additional incentives needed to increase employment opportunities for older people.

The project will develop small business employer related materials and demonstrate educational approaches and techniques that can be used for national replication in a variety of settings. The demonstration should be on a State-wide basis, covering both urban and rural areas in three to five States. The approach to this project should reflect the perspective of the small business employer hiring persons 55 years of age and over. Subjects such as the costs of hiring older people, the myths of aging, implications of the Age Discrimination in Employment Act, and model personnel programs should be considered. The innovative approaches and techniques developed should reflect the input of the small business sector. Models for the involvement, in the education of the small business community, of the aging network and State and local governments should be developed.

Funds Available: $175,000. Number of Awards Anticipated: 1. Preferred Applicants: Open.

b. *Employment Opportunity Strategies*—Some major U.S. corporations and labor unions have successful, exemplary programs to retain, retrain, promote and hire older persons. These programs address such issues as alternative work patterns, pension incentives, retirement benefits and flexible retirement options.

The project should demonstrate how a staff working with a small task force representing labor, industry and government, and supplemented by consultation from these entities, can:

(1) Gather and synthesize reports of such endeavors and programs;

(2) Package the results in forms appropriate for effective use with industries and labor unions;

(3) Devise and demonstrate an effective strategy to disseminate and use the materials; and

(4) Devise and demonstrate mechanisms for continuing efforts among industries, public agencies and labor unions to increase employment opportunities for older persons.

Funds available: $75,000. Number of awards anticipated: 1. Preferred applicants: Open.

Priority 6. *Networking Science and Technology for Older People.*

This project is to develop and to demonstrate models for linking the aging network with the Federal Laboratories. Over 600 Federal laboratories located throughout the USA serve as research and development areas of the National Aeronautics and Space Administration, Environmental Protection Agency and The Departments of Defense, Transportation, Agriculture, Justice, Interior and Energy. Research activities have ranged from energy conservation, crime prevention and safety to computer assisted training and the packaging and mass production of meals.

The purpose of this project is to: (1) tap the research and development resources of the Federal Laboratories that can apply technological advances to benefit older people and to assist the aging network; (2) to design and to test approaches that can be replicated nationally by State and area agencies on aging and private sector aging organizations that wish to establish linkages with the Federal Laboratories. This project will require the cooperation of the Federal Laboratories in the State with the State agencies on aging.

The project should produce working arrangements between the aging network and the Federal Laboratories to accomplish the following:

(1) Identify major needs and problems confronting older people and the aging network that are solvable through the application of science and technology;

(2) Locate and apply the appropriate technology to meet identified needs and defined problems;

(3) Institutionalize processes for continuing: a) communication; b) joint resource commitments; and c) identification of needs for new products and technologies; and

(4) Develop a mechanism for continuing input into Federal Laboratory research agendas.

The procedures, working arrangements and technologies employed should be reported in a form to facilities utilization and adoption by other States.

Funds Available: $150,000. Number of Awards Anticipated: 1. Preferred Applicants: State Agencies on Aging.

B. Applicant Initiated Proposals

Applicants may propose approaches, systems, technologies, policies or Models other than those in these guidelines. Such applications will need to present, convincingly, the special contributions the project could be expected to make.

Applicant initiated proposals should demonstrate that the proposed project will be equally or more significantly responsive to the announced priorities through a different approach from that provided in these guidelines; or that the proposed work addresses a problem or proposes a solution at least as important as those proposed herein.

Preferred applicants: Open. Funds available: Up to $250,000. Number of awards anticipated: 0–5.

Criteria for Review and Evaluation of Applicants

A. Knowledge and Understanding of Problem

Application includes review of relevant literature on the subject, describes the problem clearly and identifies its dimensions. Statement of the problem is appropriately linked to objectives and approaches.

B. Project Objectives

Objectives are clearly and succinctly stated in a format which identifies expected outcomes. Project objectives identify achievement of the specific objectives set-forth in this announcement. Objectives are realistic and verifiable by objective criteria.

C. Approach, Conceptualization and Methodology

The program to be demonstrated is well conceptualized. The approach follows from the problem, project objectives, and objectives stated in this Announcement. The approach or method selected is feasible, realistic, and achievable.

D. Procedures and Work Plan

Proposed procedures (scientific or otherwise) and work plans are well defined; if well executed they will achieve intended results.

E. Personnel and Facilities

Project personnel are identified and are well qualified or position descriptions describe qualifications of highly capable individuals. Personnel are or will be appropriate to the tasks set forth. The applicant organization has or will have adequate facilities and resources to satisfactorily complete the project.

F. Budget and Costs

The estimated cost to the government is reasonable, given the project objectives, approach, work plan, personnel and anticipated results.

G. Continuance, Dissemination and Replication

The application reveals a commitment and adequate planning to assure that the project will be continued at the end of government funding, where

appropriate. Dissemination plans reflect appropriate translation and packaging of information for special uses and groups, as well as the targeting of information to sub-groups of the aging network through a variety of mechanisms. Proper attention is paid to developing generic information and materials that have high potential for replication or adaptation by other communities or service providers.

H. Special Populations

Addresses the special needs of minorities, the physically and mentally impaired, the low income, the limited English-speaking and the rural elderly.

Closing Date for Receipt of Applications

The closing date for receipt of applications under this program announcement is July 10, 1981 for new projects. Competing continuation applications normally may be submitted at any time for action during the fiscal quarter following submission; however, proposals to be acted on prior to September 30, 1981 must be submitted by July 10, 1981. Applications may be mailed or hand delivered.

An application will be considered received on time if:

- The application was sent by registered or certified mail not later than July 10, 1981, as evidenced by the U.S. Postal Service postmark or the original receipt from the U.S. Postal Service;
- The application is received on or before close of business, July 10, 1981, in the DHHS mailroom in Washington, D.C.; or
- The application is hand-delivered to the address included under "application submission" in this announcement by close of business July 10, 1981.

Hand-delivered applications will be accepted daily from 9 a.m. to 5:00 p.m. except Saturdays, Sundays and Federal Holidays. In establishing the date of receipt, consideration will be given to the time date stamps of the mailroom or other documentary evidence of receipt maintained by the Department of Health and Human Services.

Applications received after the deadline because they were postmarked or hand-delivered too late or addressed incorrectly will not be accepted and will be returned to the applicant without consideration.

(Catalog of Federal Domestic Assistance Program Number: 13.634. Model Projects on Aging)

Dated: April 7, 1981.

M. Gene Handelsman,

Acting Commissioner on Aging.

Approved: April 21, 1981.

Warren Master,

Acting Assistant Secretary for Human Development Services.

[FR Doc. 81-12411 Filed 4-23-81; 8:45 am]

BILLING CODE: 4110-92-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Environmental Quality

[Docket No. NI-48]

Intended Environmental Impact Statement; Farmbrook, Foxcraft and Timberline Housing Proposals, Frederick County, Md.

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: Farmbrook, Foxcroft and Timberline Housing Proposals. This notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisdiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register**, then a new and updated Notice of Intent will be published.

Issued at Washington, D.C., April 14, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix

EIS on Farmbrook, Foxcroft and Timberline Housing Proposals, Frederick County, Maryland

The Department of Housing and Urban Development (HUD) Area Office in Baltimore, Maryland intends to prepare an EIS on a residential development proposed to be insured under Sections 221D-4 and 203B of the Housing and Community Development Act. The development is described below. Information and comments are solicited for consideration in the EIS.

Description: The proposal calls for the phased development of approximately 1500 single family and apartment residential units in Frederick County, Maryland by Land Development Association, Inc. The project began in February 1981 and is expected to be completed by November 1988. Construction will include necessary streets, and water and sewerage facilities and provide appropriate open space and recreational areas. The project area is located in southern Frederick County in the vicinity of Interstates 70, 270 and New Design Road. Ballanger Creek runs through the area. Total development area is 239 acres.

Need: An EIS is proposed due to HUD threshold requirements in accordance with housing program environmental regulations and probable impact on: prime agricultural farmland, transportation systems and county services.

Alternatives Perceived: At this time HUD alternatives are: no project, accept project as proposed, accept project with conditions and disapprove the project.

Scoping: This Notice is part of the process used for scoping the EIS, and responses will be used to help determine significant environmental issues; identify data which the EIS should address; and identify cooperating agencies.

Comments: Comments regarding this proposal should be sent on or before May 15, 1981 to: Thomas R. Hobbs, Area Manager, Attn: Mr. Robert Herbert, Environmental Officer, Department of Housing and Urban Development, Baltimore Area Office, 2 Hopkins Plaza, Baltimore, Maryland 21201. The Area Office phone number is (301) 922-3139.

[FR Doc. 81-12393 Filed 4-23-81; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. NI-49]

Intended Environmental Impact Statement; Countryside Development, Loudon County, Va.

The Department of Housing and Urban Development gives notice that an Environmental Impact Statement (EIS) is intended to be prepared for the following project under HUD programs as described in the appendix to this Notice: The Four Thirty Seven Land Development Company proposes to develop a development called Countryside Development in Loudon County, Virginia. This Notice is required by the Council on Environmental Quality under its rules (40 CFR 1500).

Interested individuals, governmental agencies, and private organizations are invited to submit information and comments concerning the project to the specific person or address indicated in the appropriate part of the appendix.

Particularly solicited is information on reports or other environmental studies planned or completed in the project area, issues and data which the EIS should consider, recommended mitigating measures and alternatives, and major issues associated with the proposed project. Federal agencies having jurisiction by law, special expertise or other special interests should report their interests and indicate their readiness to aid the EIS effort as a "cooperating agency."

Each Notice shall be effective for one year. If one year after the publication of a Notice in the **Federal Register** a Draft EIS has not been filed on a project, then the Notice for that project shall be cancelled. If a Draft EIS is expected more than one year after the publication of the Notice in the **Federal Register** then a new and updated Notice of Intent will be published.

Issued at Washington, D.C. April 14, 1981.

Francis G. Haas,

Deputy Director, Office of Environmental Quality.

Appendix

EIS on the Countryside Development in Loudon Co., Virginia

The Department of Housing and Urban Development (HUD) Area Office in Washington, D.C. intents to have prepared an EIS on the project described below and solicits information and comments for consideration in the EIS.

Description: Countryside is a proposed development under Section 203B of the Housing and Community Development Act. The developer proposes to build 2,430 units of detached and attached single family housing units. Twenty-two such units are already completed by the Four Thirty Seven Land Development Company in Loudon County, Virginia on a 1,270 acre site located along Route 7 and the Potomac River.

The site is otherwise vacant and located a short distance from two similar existing developments: Sterling Park and Sugar Land Run. These developments contain schools and shopping facilities. There is also a nearby active land fill operation.

Need: An EIS is proposed due to HUD threshold requirements in accordance with housing program evironmental regulations and probable impact on: water resources, energy, transportation facilities, community facilities, flood plain, soil, and land fill.

Alternatives Perceived: At this time HUD alternatives are: no project, accept project as proposed, accept project with conditions, or modifications of the project as proposed.

Scoping: A Scoping meeting to determine significant issues to be addressed will be held as part of the process of preparing the EIS. All interested citizens, and representatives of federal, state, and local government agencies are invited to attend such a meeting. For further information, please contact Millicent Walcott, Environmental Clearance Officer of the HUD Washington, D.C. Area Office. Her telephone number is (202) 673-5872.

Comments: Comments regarding this proposal should be sent on or before May 15, 1981 to: Terry Chisholm, Area Manager, Washington, D.C. Area Office, Universal North Building, 1875 Connecticut Avenue, N.W., Washington, D.C. 20009, Attn: Millicent Walcott, Environmental Clearance Officer. The Area Office phone number is (202) 673-5837.

[FR Doc. 81-12392 Filed 4-23-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Proposed Protection of Wetland Habitat in the Nebraska Sandhills; Withdrawal of Intent To Prepare an Environmental Impact Statement

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This Notice advises the public that the Fish and Wildlife Service (FWS) does *not*, at this time, intend to prepare an Environmental Impact Statement for protection of wetland areas in the Sandhills Region of Nebraska.

FOR FURTHER INFORMATION CONTACT: Rollin P. Seigfried, Acquisition Officer, U.S. Fish and Wildlife Service, 223 Federal Building, P.O. Box 250, Pierre, South Dakota 57501.

SUPPLEMENTARY INFORMATION: The Rainwater Basin and Sandhills of central Nebraska provide critical habitat for migrating and nesting waterfowls as well as other migratory and resident wildlife. Since World War II, a significant loss of this habitat (primarily in the Rainwater Basin) has occurred due to draining and farming. The Nonglaciated Prairie and Mountain Region of the Central Flyway Concept Plan of May 1979, identified the remaining wetlands in the Sandhills as being threatened by land use changes and recommends some form of protection for that resource.

On July 17, 1980, the FWS published a Notice of Intent To Prepare an Environmental Impact Statement and advised of meetings which were held on July 28, 29, 30, 31, August 1, September 3 and 4, 1980.

The purpose of these scoping meetings was to identify the significant issues related to the preservation of the wetlands of the Nebraska Sandhills. As a result of the comments received, it was determined that basic data pertaining to the wetland areas is lacking. Therefore, the EIS process is being postponed until such data can be collected. The primary author of this notice is William Knauer, U.S. Fish and Wildlife Service, Regional Officer, Denver, Colorado, 303-234-4608.

Robert H. Shields,

Deputy Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 81-12302 Filed 4-23-81; 8:45 am]

BILLING CODE 4310-55-M

Bureau of Land Management

[INT FEIS 81-16]

Availability of Final Environmental Impact Statement Prepared by the Bureau of Land Management and Adoption, in Part, of the Final Environmental Impact Statement Prepared by the Federal Energy Regulatory Commission for the Trailblazer Pipeline System, Extending From Uinta County, Wyo., to Gage County, Nebr.

AGENCY: Bureau of Land Management (BLM), Interior

ACTION: Notice of Availability of Final Environmental Impact Statement Prepared by the Bureau of Land

Management and Adoption, in part, of the Final Environmental Impact Statement Prepared by the Federal Energy Regulatory Commission for the Trailblazer Pipeline System.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, notice is hereby given that the Bureau of Land Management, U.S. Department of Interior, has prepared a final impact statement on the Trailblazer Pipeline System extending from Uinta County, Wyoming, to Gage County, Nebraska. In addition pursuant to § 1506.3 (a), (b) and (c) of the Regulations for implementing the Provisions of the National Environmental Policy Act, 43 CFR Part 1150–1508, notice is hereby given that the Bureau of Land Management, U.S. Department of the Interior, will adopt, in part, the final environmental impact statement prepared by the Federal Energy Regulatory Commission, Office of Pipeline and Producer Regulation (FERC/EIS–0018), in September 1980 for the Trailblazer Natural Gas Pipeline System

DATES: Written comments on the proposal and alternatives contained in the final environmental impact statement prepared by the Bureau of Land Management will be accepted up to and including May 25, 1981.

ADDRESSES: Written comments on the proposal and alternatives are to be addressed to: Mr. Elwin H. Price, Division of Planning and Environmental Coordination, Wyoming State Office, P.O. Box 1828, Cheyenne, Wyoming 82001. The final environmental impact statement prepared by the Bureau of Land Management and a limited number of the final environmental impact statement prepared by FERC may be obtained from the Bureau of Land Management, Wyoming State Office, 2515 Warren Avenue, Cheyenne; Rawlins District, 1300 3rd Street, Rawlins; Rock Springs District Office, Highway 187 North, Rock Springs; all in Wyoming.

SUPPLEMENTARY INFORMATION: The final environmental impact statement prepared by the Bureau of Land Management and the final environmental impact statement (FERC/EIS–0018) prepared by FERC identifies and analyzes the impacts that would results from the construction, operation, maintenance and abandonment of the Trailblazer Pipeline System and reflects the proposed actions now pending under right-of-way applications W–70796 and W–70865 before the BLM.

Alternatives considered and analyzed in the final environmental impact statement includes the no action, proposed action, MAPCO Route Adjustment and the Red Rim Route Adjustment. The no action, proposed action and MAPCO Route Adjustment alternatives were identified and analyzed in FERC/EIS–0018. The Red Rim Route Adjustment alternative was identified by the Bureau of Land Management and is analyzed in the final environmental impact statement prepared by the Bureau of Land Management.

In independent evaluation by BLM of the draft and final EISs prepared by FERC concludes that the content and analyses contained in the documents satisfies the requirements set forth by NEPA, CEQ and appropriate USDI and BLM regulations and is therefore adopted for these purposes. The evaluation also concludes that the FEIS is adequate for use by BLM in determining the finalization of pending right-of-way applications and any subsequent applications which may be required to develop terms and conditions (including but not limited to stipulations and/or mitigating measures) required for issuance of right-of-way grants associated with the Trailblazer Project. The FEIS furthermore is responsive to questions and concerns raised by BLM in commenting on the DEIS. As a result, the Wyoming State Director, Bureau of Land Management, proposes to adopt, in part, the FEIS prepared by the staff of the Federal Energy Regulatory Commission, FERC/EIS–0018, dated September 30, 1980, for the purpose of actions on application numbers W–70896, Overthrust Pipeline Company, and W–70865, Colorado Interstate Gas Company, now before the BLM. Those specific portions of the EIS proposed for adoption are: Section A—Description of the Proposed Action; Section B—Affected Environment; Section C—Environmental Impact of Trailblazer Project; Section D—Alternatives to the Proposed Action; References; and Appendices A, B, C, D, E, F, G, H and I. Adoption of the FEIS by BLM will be considered official May 26, 1981.

Dated: April 14, 1981.

Maxwell T. Lieurance,

State Director, Wyoming.

[FR Doc. 81-12198 Filed 4-23-81; 8:45 am]

BILLING CODE 4310-84-M

Twin Falls Grazing Environmental Impact Statement; Notice of Intent; Meetings

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of intent to prepare and consider an environmental impact statement and invitation for public participation.

SUMMARY: Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the BLM will prepare and consider an environmental impact statement (EIS) for proposed grazing management in the Twin Falls Planning Area in south-central Idaho. All affected federal, state, county and local agencies; affected organizations and individuals; and other interested parties are invited to participate in preparation of the EIS. Two informal public meetings will be held at the College of Southern Idaho, Administration Building, Cafeteria Conference Room, Twin Falls, Idaho on May 13 from 2:30 to 4:30 and from 7:30 to 9:00 p.m. A short briefing at 2:00 p.m. and again at 7:00 p.m. will precede each meeting.

ADDRESS: Inquiries should be directed to: BLM District Manager, Twin Falls EIS, Burley District Office, Route 3, Box 1, Burley, Idaho 83318.

FOR FURTHER INFORMATION CONTACT: Mikel Haase, EIS Team Leader, Burley District Office, Route 3, Box 1, Burley, Idaho 83318. Phone (208) 678–5514 or FTS 554–6641.

SUPPLEMENTARY INFORMATION: The Burley District will prepare an EIS on forage allocation and grazing management on approximately 237,000 acres of public land in Twin Falls County in south-central Idaho.

The proposed action will be based on multiple use recommendations that are currently being developed as part of a land use plan (Management Framework Plan) for the area. The multiple use recommendations are subject to refinement and additional public input. However, their general direction will be to provide for maintaining and improving the vegetation, soils, and water resources by (1) increasing or decreasing livestock grazing levels to the inventoried carrying capacity of the ranges, (2) implementing changes in grazing systems where deemed necessary, and (3) constructing additional range management facilities and conducting land treatments on selected areas.

The forage allocation method used as a basis for the proposed action provides for plant requirements that must be met to sustain or increase forage production.

The EIS will discuss alternatives to the proposed grazing management program. Two alternatives, no action and no livestock grazing, will be included in the EIS. Other alternatives

being considered for discussion include at least a higher and lower level of livestock grazing than that in the proposal. The EIS will identify the impacts that can be expected from implementation of either the proposed grazing management program or any of the alternatives discussed. The statement will be an analytical tool used in making final decisions for managing livestock grazing in the Twin Falls EIS area.

A scoping process will be conducted to select the significant issues to be analyzed in depth in the EIS and to eliminate the less significant issues from detailed study. This scoping process will include a review of public comments and suggestions already received, a specific request by mail to interested parties for additional suggestions, and public meetings. The agenda of the meetings will include review of the Management Framework Plan Step 2 recommendations. All participants will be encouraged to identify significant issues, additional issues or additional alternatives which should be addressed in the EIS.

Nick J. Cozakos,

District Manager.

[FR Doc. 81-12296 Filed 4-23-81; 8:45 am]

BILLING CODE 4310-84-M

Montana: Lewistown District Advisory Council; Meeting

April 17, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Lewistown District Advisory Council will meet May 7 and 8, 1981. The agenda will be:

May 7

1:00 p.m.—Call to order and review of last meeting's minutes.
1:15 p.m.—Election of Chairman.
1:30 p.m.—Eastern Montana Drought: Briefing.
2:00 p.m.—Prairie Potholes Environmental Impact Statement: Briefing and Discussion.
4:00 p.m.—Upper Missouri Wild and Scenic River: Program Briefing.
4:30 p.m.—Mining in Little Rocky Mountains: Briefing and Discussion.
5:30 p.m.—Adjournment.

May 8

8:00 a.m.—Billings Resource Management Plan Development: Briefing and Discussion.
11:00 a.m.—Wilderness Inventory and Study: Briefing and Discussion.
12:00 a.m.—Establish next meeting agenda.
12:15 a.m.—Adjournment.

DATES: May 7, 1:00 p.m. to 5:30 p.m., May 8, 8:00 a.m. to 12:15 p.m.

ADDRESS: Bureau of Land Management, Lewistown District Office, Airport Road, Lewistown, Montana 59457.

FOR FURTHER INFORMATION CONTACT: Glenn W. Freeman, District Manager, Bureau of Land Management, Lewistown District, Airport Road, Lewistown, Montana 59457, (406/538-7461).

SUPPLEMENTARY INFORMATION: The Lewistown District Advisory Council is authorized under Section 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739). The Council advises the Lewistown District Manager concerning the planning and management of the public lands administered within the District.

Glenn W. Freeman,

District Manager.

[FR Doc. 81-12371 Filed 4-23-81; 8:45 am]

BILLING CODE 4310-84-M

Wyoming and Montana; Powder River Regional Coal Team Meeting

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice.

SUMMARY: Pursuant to the responsibilities set forth in 43 CFR 3400.4(b), the Powder River Regional Coal Team will meet May 21, 1981, to conduct final tract ranking and selection. The team will also review the alternatives being analyzed in the regional EIS and select their preferred alternative. No Detailed Cumulative Analysis will be prepared due to the redelineation of the Ashland (Coalwood) tract in Montana. This redelineation will assist the team in making a determination as to the viability of the Ashland (Coalwood) tract for small business leasing. In lieu of the Detailed Cumulative Analysis, the Powder River EIS team will prepare, for review by the RCT, a report on the alternatives and related impacts. This report will be used by the RCT in making their decision on the preferred alternative. The RCT will also hear a status report on the regional lease target.

Public attendance at the regional coal team meeting is welcome and encouraged. The opportunity for the public to address the regional coal team will be provided during the meeting.

DATES: The regional coal team meeting will be held May 21, 1981, in Casper, Wyoming. The meeting is expected to last 1 day and will begin at 9 a.m.

ADDRESSES: The meeting will be held at the Ramada Inn, 123 West E Street, Casper, Wyoming.

FOR FURTHER INFORMATION CONTACT: Robert O. Buffington, Regional Coal Team Chairperson, 208-324-1401, Bureau of Land Management, Room 398, Federal Building, 550 West Fort Street, Boise, Idaho 83724; or J. Stan McKee, Project Manager, 307-778-2220, extension 2413, Bureau of Land Management, P.O. Box 1828, Cheyenne, Wyoming 82001.

Maxwell T. Lieurance,

State Director.

[FR Doc. 81-12369 Filed 4-23-81; 8:45 am]

BILLING CODE 4310-84-M

California Desert District Advisory Council; Call for Nominations

The purpose of this notice is to extend a call for nominations for membership on that Council.

No advisory council was established for this district when councils were formed for other BLM districts pending completion of a study of the Bureau's organization in California. That study has been completed and a reorganization implemented.

The Council will be composed of 12 members. To provide a total membership that is balanced in terms of points of view represented and functions to be performed, at least one member shall be an elected official of general purpose government serving the area, and at least one member shall be qualified to provide advice on each of the following categories of interest: Renewable resources; nonrenewable resources; recreation; environmental protection; transportation rights-of-way, or occupancy issues; wildlife; cultural resources; Native American concerns; and public-at-large. All members are expected to represent the general interest, but they should be knowledgeable in the category for which they are appointed.

Term of service will be two years. At the discretion of the Secretary of the Interior or his designee, members may be appointed to additional terms not to exceed a total of six years. All council members will serve without salary, but will be reimbursed for travel and per diem expenses at current rates for government employees.

The council normally will meet four times annually, but in no case less than once. Additional meetings may be called by the District Manager or his designee in connection with special needs for advice.

Establishment of this advisory council is in accordance with the Federal Land Policy and Management Act of 1976, as

amended, and the Federal Advisory Committee Act.

Persons wishing to nominate individuals to serve on the California Desert District Advisory Council should send the nominee's name, address, profession and other biographic data to: District Manager, California Desert District, 1695 Spruce Street, Riverside, California, 92507, no later than May 15, 1981.

Further information may be obtained from the California Desert District Manager or from: State Director, Bureau of Land Management, 2800 Cottage Way, Room E-2841, Sacramento, California, 95825.

Dated: April 14, 1981.

Gerald E. Hillier,

District Manager.

[FR Doc. 81-12305 Filed 4-23-81; 8:45 am]

BILLING CODE 4310-84-M

Nevada; Intent To Use Existing Regulations for Land Sales in Clark County

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice to the public and all prospective bidders that the regulations in Title 43, Code of Federal Regulations, Parts 2711 and 2720, published pursuant to sections 203 and 209 of the Federal Land Policy and Management Act of 1976, have been reviewed and found to be suitable for offering public land for sale in accordance with Pub. L. 96-586, an Act which provides for orderly disposal of certain lands in Nevada and for acquisition of certain other lands in the Lake Tahoe Basin.

SUMMARY: Pub. L. 96-586 provides for the distribution of revenues from the sale of public land within a defined urban area of Clark County, Nevada, to support the U.S. Forest Service land acquisition program for the Lake Tahoe Basin with ten percent of the net annual revenues going to the appropriate local government jurisdictions in Clark County for recreational developments. The Act directs that the sale of land be in accordance with regulations developed in cooperation with these local government entities. At a meeting held March 16, 1981, all benefitting local government entities agreed that the existing regulations are acceptable and that additional regulations for the sale of public land pursuant to Pub. L. 96-586 are not necessary at this time.

EFFECTIVE DATE: March 16, 1981.

SUPPLEMENTARY INFORMATION: Pub. L. 96-586 requires that no more than 700 acres of public land within the specified area of Clark County, Nevada be offered for sale before January 1, 1982 and then for each successive year through 1994. Information pertinent to the initial sale will be published in the **Federal Register** and elsewhere upon completion of the parcel selection and evaluation process.

Dated: April 15, 1981.

John L. Gregg,

Acting State Director, Nevada.

[FR Doc. 81-12306 Filed 4-23-81; 8:45 am]

BILLING CODE 4310-84-M

[N-32171]

Nevada; Application

April 17, 1981.

Notice is hereby given that pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Southwest Gas Corporation filed an application for a right-of-way to construct 0.530 miles of 4½ inch O.D. pipeline for the purpose of transporting natural gas across the following public lands:

Mount Diablo Meridian, Nevada

T. 32 N., R. 44 E.,
Sec. 12, S½SE¼;
Sec. 13, N½NE¼.

The proposed pipeline will reinforce and supplement natural gas service for northern Nevada.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the Chief, Division of Technical Services, Bureau of Land Management, 300 Booth Street, P.O. Box 12000, Room 3008, Federal Building, Reno, NV 89520.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 81-12373 Filed 4-23-81; 8:45 am]

BILLING CODE 4310-84-M

[W-73126 and W-73127]

Wyoming; Proposed Continuation of Withdrawal

April 16, 1981.

The following public lands were withdrawn for Naval Petroleum Reserve No. 3, Teapot Dome, by Executive Order of April 30, 1915, and Public Land Order 2364 of May 11, 1961. Pursuant to Section 204 of the Federal Land Policy and Management Act of October 21, 1976, 90 Stat. 2751; 43 U.S.C. 1714, the Department of Energy proposes to continue these withdrawals for 100 years:

Sixth Principal Meridian, Wyoming

Executive Order of April 30, 1915

T. 38 N., R. 78 W.,
Sec. 2, lots 3, 4, SW¼NE¼, S½NW¼, SW¼, and W½SE¼;
Sec. 3, All;
Sec. 4, lots 1, 2, 3, S½NE¼, N½SE¼, and SE¼SE¼;
Sec. 9, E½NE¼, and NE¼SE¼;
Sec. 10, All;
Sec. 11, W½NE¼, W½, and SE¼;
Sec. 14, All;
Sec. 15, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 22, NE¼, NE¼NW¼, and E½SE¼;
Sec. 23, All;
Sec. 26, NW¼NE¼, and N½NW¼.
T. 39 N., R. 78 W.,
Sec. 16, NE¼SW¼, S½SW¼, and SW¼SE¼;
Sec. 20, E½NE¼, and SE¼;
Sec. 21, All;
Sec. 22, SW¼NW¼, and SW¼;
Sec. 27, W½NE¼, W½, and SE¼;
Sec. 28, All;
Sec. 29, E½, E½NW¼, and N½SW¼;
Sec. 32, N½NE¼, and SE¼NE¼;
Sec. 33, N½, N½SW¼, SE¼SW¼, and SE¼;
Sec. 34, All;
Sec. 35, SW¼NW¼, W½SW¼, and SE¼SW¼.

Public Land Order 2364 of May 11, 1961

T. 38 N., R. 78 W.,
Sec. 9, SW¼NE¼, NW¼SE¼, and S½SE¼.

The area described contains 9,481.40 acres in Natrona County, Wyoming.

Comments, suggestions, or objections to this proposed withdrawal continuation must be submitted in writing to the undersigned authorized officer of the Bureau of Land Management, on or before June 1, 1981.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned before June 1, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the **Federal Register** giving the time and place of such hearing. Public hearings are scheduled and conducted in accordance with BLM Manual, Section 2351.16B.

The authorized officer of the Bureau of Land Management will make necessary investigations to determine the existing and potential demands for the land and its resources and review the withdrawal rejustification to insure

that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated. He will also prepare a report for consideration by the Secretary of the Interior, the President, and Congress, who will determine whether or not the withdrawal will be continued and, if so, for how long. The final determination on the continuation of the withdrawal will be published in the Federal Register. The existing withdrawal will continue until such final determination is made.

All communications in connection with this proposed withdrawal continuation should be sent to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.

William S. Gilmer,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-12307 Filed 4-23-81; 8:45 am]

BILLING CODE 4310-84-M

Washington; Public Land in Walla Walla County Washington, Realty Action-Sale; Correction

In FR Doc. 81-7649 appearing at page 16338 in the Federal Register of Thursday, March 12, 1981, the following changes should be made:

1. On page 16338, the following should be added at the end of column three, paragraph four: "Bidders should be aware that under the present county zoning ordinance, Lot 5 is less than the minimum size required for development."

2. On page 16339, the last sentence of the sixth paragraph in column one is corrected to read: "The successful bidder will be required to pay one-fifth the full bid price immediately at the close of sale and the remainder within 30 days."

3. On page 16339, the first paragraph of column two is corrected to read: "For a period of 30 days from the date of this notice, interested parties may submit comments to the State Director, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon 97208. 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."

James F. Fisher,

Acting District Manager.

[FR Doc. 81-12201 Filed 4-23-81; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Intention To Negotiate Concession Contract

Pursuant to the provisions of Section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on May 26, 1981, the Department of the Interior, through the Regional Director, Rocky Mountain Region, National Park Service, proposes to negotiate a concession contract with the Mesa Verde Company, authorizing it to continue to provide lodging, food, merchandise and service station facilities and services for the public at Mesa Verde National Park, Colorado, for a period of twenty (20) years from October 1, 1981, through September 30, 2001.

An assessment of the environmental impact of this proposed action has been made and it has been determined that it will not significantly affect the quality of the environment, and that it is not a major Federal action having a significant impact on the environment under the National Environmental Policy Act of 1969, (42 U.S.C. 4321 *et seq.*). The environmental assessment and finding of no significant impact may be reviewed at the following location: National Park Service, Rocky Mountain Regional Office, Concessions Management Division, 655 Parfet Street, Denver, Colorado 80225.

The foregoing concessioner has performed its obligations to the satisfaction of the Secretary under an existing contract which expires by limitation of time on October 31, 1983, and therefore, pursuant to the Act of October 9, 1965, as cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. This provision in effect, grants the Mesa Verde Company, as the present satisfactory concessioner, the right to meet the terms of responsive proposals for the proposed new contract and a preference in the award of the contract, if, thereafter, the proposal of the Mesa Verde Company is substantially equal to others received. In the event a responsive proposal superior to that of the Mesa Verde Company (as determined by the Secretary) is submitted, the Mesa Verde Company, will be given the opportunity to meet the terms and conditions of the superior proposal the Secretary considers desirable, and, if it does so, the new contract will be negotiated with the Mesa Verde Company. It is the intention of the National Park Service to supersede and cancel the existing contract as security for a substantial construction and improvement program. The Secretary will consider and evaluate all proposals received as a result of this notice.

Any proposal, including that of the existing concessioner, must be post marked or hand delivered on or before May 26, 1981 to be considered and evaluated. Interested parties should contact the Regional Director, Rocky Mountain Region, 655 Parfet Street, Denver, Colorado 80225, for information as to the requirements of the proposed contract.

James B. Thompson,

Acting Regional Director, Rocky Mountain Region.

April 17, 1981.

[FR Doc. 81-12376 Filed 4-23-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 311]

Motor Carriers; Expedited Procedures for Recovery of Fuel Costs

Decided: April 21, 1981.

In recent decisions, a 19.0-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figure set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 18.5-percent. Accordingly, we are authorizing that the surcharge for this traffic be reduced to 18.5-percent. All owner-operators are to receive compensation at this level.

No change is authorized on the 3.2-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not using owner-operators, the 2.1-percent surcharge for United Parcel Service, or the 6.9-percent surcharge for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commission or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m. April 24, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

April 20, 1981.

Appendix.—Fuel Surcharge

Base date and price per gallon (including tax)

January 1, 1979 ..... 63.5

Date of current price measurement and price per gallon (including tax)

April 20, 1981 ..... 133.1

	Transportation performed by—			
	Owner operator [1]	Other [2]	Bus carrier	UPS
	(1)	(2)	(3)	(4)
Average percent: fuel expenses (including taxes) of total revenue	16.9	2.9	6.3	3.3
Percent surcharge developed	18.5	3.2	6.9	[4] 2.9
Percent surcharge allowed	18.5	3.2	6.9	[4] 2.1

[1] Apply to all truckload rated traffic.
[2] Including less-than-truckload traffic.
[3] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).
[4] The developed surcharge is reduced 0.8 percent to reflect fuel-related increases already included in UPS rates.

[FR Doc. 81-12427 Filed 4-23-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; 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 principle office. Ball Corporation, 345 South High Street, Muncie, Indiana 47302.

2. Wholly-owned subsidiaries which will participate in the operations and their respective principal offices:

(A) Ball Glass Container, Inc., 345 South High Street, Muncie, Indiana 47302; State of Incorporation: Delaware.

(B) Ball Packaging Products, Inc., 1509 South Macedonia Avenue, Muncie, Indiana 47302; State of Incorporation: Indiana.

1. Parent corporation: Beatrice Foods Co., Two North LaSalle St., Chicago, IL 60602.

2. List of wholly-owned subsidiaries and addresses of their principal place of business.

List of Domestic Subsidiaries of Beatrice Foods Co.

Accurate Threaded Fasteners, 3550 West Pratt Avenue, Chicago, IL 60645
Allison Manufacturing Co., 350 Fifth Avenue, New York, NY 10001
Aunt Nellie's Foods, Inc., P.O. Box 67, Clyman, WI. 53016
Bloomfield Industries, 4546 West 47th St., Chicago, IL 60632
Brookside Enterprises, Inc., 9900 Guasti Road, Guasti, CA 91743
Brown-Miller Co., P.O. Box 23603 (70183), 5635 Powell Street, Harahan, Louisiana 70123
Buxton, Incorporated, P.O. Box 1650, 265 Main St.—Agawam, Springfield, Massachusetts 01001
Cal-Compack Foods, Inc., P.O. Box 265, 4906 West First Street, Santa Ana, California 92702
Certified Transportation Co., 2068 Lapham Dr., P.O. Box 845, Modesto, CA 95353
D. L. Clark Company, 503 Martindale Street, Pittsburgh, PA 15212
Community Creamery, P.O. Box 8057, 420 Nora Street, Missoula, Montana 59807
County Line Cheese Company, Route 2, Auburn, Indiana 46706
Culligan International Company, One Culligan Parkway, Northbrook, IL. 60062
Cycle Parts Trading Company, 9362 West Grand Ave., Franklin Park, IL. 60131
Dahlgren & Company, P.O. Box 609, 1220 Sunflower Street, Crookston, MN. 56716
The Dannon Company, 22-11 38th Ave., Long Island City, New York 11101
Day-Timers, P.O. Box 67, East Texas, PA. 18046
Peter Eckrich and Sons, Inc., P.O. Box 388, Ft. Wayne, IN. 46801
Fiberite Corporation, 501 West Third St., Winona, MN. 55987
Fiberite West Coast Corporation, 645 N. Cypress, Orange, CA. 92666
Fisher Nut Company, P.O. Box 3434 (55165), 2327 Wycliff St., Saint Paul, MN. 55114
James J. Gallery, Inc., 555 Pleasant St., Watertown, MA. 02172
John Hancock Furniture Manufacturing Co., 1645 Tidelands Ave., National City, CA. 92050
Harman Automotive, Inc., P.O. Box 329, Bolivar, TN. 38008
Kelley Manufacturing Co., South Industrial Park, P.O. Drawer 1467, Tifton, GA. 31794
E. W. Kneip, Inc., P.O. Box 161, Forest Park, IL. 60130
KSS Transportation Corp., c/o Webcraft, P.O. Box 185, Route 1 and Adams Station, North Brunswick, NJ 08902
LaChoy Food Products, P.O. Box 220, 901 Stryker Street, Archbold, OH 43502
Market Forge, 35 Garvey Street, Everett, Massachusetts 02149
Martha White Foods, Inc., P.O. Box 58, Room 900, 110 21st Ave. So., Nashville, TN 37202
Meadow Gold Products Corp., 40 Franklin Avenue, Brooklyn, NY 11205
Minnesota Valley Engineering, 407 7th Street N.W., New Prague, MN 56071
Molub-Alloy Export Ltd., 206 N. Va. St., Reno, Nevada 89501
Mother's Cookie Co., P.O. Box 16159, 2287 Ralph Avenue, Louisville, Kentucky 40216
Northeast Cold Storage Corp., 165 Read St., Portland, Maine 04104
Nubro Corporation, P.O. Box 3950, 620 Slaton Road, Lubbock, Texas 79404
Nunn Manufacturing Company, P.O. Box 1856, Amarillo, Texas 79105
Poultry Foods Industries, Inc., P.O. Box C, Russellville, AR 72801
Quincy Market Cold Storage and Warehouse Co., 555 Pleasant St., Watertown, MA 02172
St. John's, Inc., 130 Gunn St., Cadillac, MI 49601
Samsonite Corporation, 11200 East 45th Avenue, Denver, CO 80239
Sanna, Inc., Grand Teton Plaza, Madison, WI 53705
John Sexton & Co., P.O. Box JS (60690), 222 South Riverside Plaza, Chicago, IL 60606
Louis Sherry Ice Cream Co., 40 Franklin Ave., Brooklyn, NY 11205
Skyline Dairy, Inc., 1300 Two Mile Drive, Kalispell, MT 59901
Solar Rest, Inc., 11200 East 45th Ave., Denver, CO 80239
Taylor Freezer, Blackhawk Boulevard, Rockton, IL 61072
Tindle Mills, Inc., M.P.O. Box 733, 701 East Chestnut, Springfield, MO 65801
Waterloo Industries, Inc., 300 Ansborough Avenue, Waterloo, Iowa 50704
Zero Transport, Inc., P.O. Box 22666, Tampa, FL 33622

Culligan International Company Subsidiaries

CWC, Inc., 2047 U.S. Highway 22 (West), Union, NJ 07083
Culligan Dayton, Inc., P.O. Box 2326, Kattering Branch, Dayton, Ohio 45429
Culligan Desplaines Valley Water Conditioning, Inc., 1111 East Washington St., Joliet, IL 60433
Culligan Dutchess-Putman Water Conditioning, Inc., 860 Route 9 South, Wappingers Falls, NY 12590
Culligan Peninsula Industrial Water Conditioning Company, P.O. Box 547 (1785 Russell Ave.), Santa Clara, CA 95052

Culligan Soft Water Service of Santa Barbara, Inc., 1026 Santa Barbara St., Santa Barbara, CA 93101
Culligan Soft Water Service of Whittier, Inc., 12221 East Hadley, Whittier, CA 90601
Culligan Water Conditioning, Inc., 350 W. Sunset Drive, Waukesha, WI 53186
Culligan Water Conditioning, Inc., 7801 Menaul Blvd., Albuquerque, New Mexico 87110
Culligan Water Conditioning of Battle Creek, Inc., 465 Dickman Road, Battle Creek, MI 49015
Culligan Water Conditioning of Beaver, Inc., 1021 24th Street, Beaver Falls, PA 15010
Culligan Water Conditioning of Butler, Inc., 300 New Castle St., Butler, PA 16001
Culligan Water Conditioning of Glendale, Inc., P.O. Box 126, Glendale, AZ 85311
Culligan Water Conditioning of Greater Detroit, Inc., 5510 Cooley Lake Road, Pontiac, MI 48054
Culligan Water Conditioning of Greater Pittsburgh, Inc., 4941 Cambells Run Road, Pittsburgh, PA 15205
Culligan Water Conditioning of Houston, Inc., 12235 Robin Blvd., Houston, TX 77045
Culligan Water Conditioning of the Inland Empire, P.O. Box 5016, Riverside, CA 92517
Culligan Water Conditioning of Jacksonville, Inc., 615 Dellwood Ave., Jacksonville, FL. 32204
Culligan Water Conditioning of Los Gatos, 611 University Ave., Los Gatos, CA 95030
Culligan Water Conditioning of Orange County, 1911 S. Manchester Ave., Anaheim, CA. 92802
Culligan Water Conditioning of Robbinsdale, Inc., 4012 W. Broadway, Robbinsdale, MN. 55422
Culligan Water Conditioning of Sauk Centre, Inc., 315 Pine St., Sauk Centre, MN. 56378
Culligan Water Conditioning of South Bend, Inc., 2218 S. Main St. South Bend, IN. 46613
Culligan Water Conditioning of Tidewater, Inc., P.O. Box 647, Hertford, N.C. 27944
Culligan Water Conditioning of Tippecanoe County, Inc., 3450 Kassuth St., Lafayette, IN. 47905
Culligan Water Conditioning of Torrance, 20730 Earl St., Torrance, CA. 90503
Culligan Water Conditioning, Inc., 524 South Main St., West Bend, WI. 53095
Everpure, Inc., 660 N. Blackhawk Drive, Westmont, IL. 60559
Greater Chicago Culligan Water Conditioning, Inc., 6619 Lincoln Ave., Lincolnwood, IL, 60645
Greater Kansas Culligan Water Conditioning, Inc., 2805 W. 47th St., Shawnee Mission, Ks. 66205
Indiana Soft Water Service, Inc., 3335 N. Keystone, Indianapolis, IN. 46218
St. Louis Soft Water Service, Inc., 10947 Manchester Road, St. Louis, MO. 63122
Soft Water Service, Inc., 270 West Palatine Road, Wheeling, IL. 60090.

(1) Parent corporation and address of principal office: Carl Buddig & Company, 11914 South Peoria Street, Chicago, Illinois 60643.

(2) Wholly-owned subsidiaries which will participate in the operations and address of their respective principal offices:

Carl Buddig Transportation Company, 11914 South Peoria Street, Chicago, Illinois 60643
Smokie Product, Inc., N. 16910 Center Street, Jackson, Wisconsin 53037
Thielmann Old Wisconsin Sausage Co., Inc., 2100 South 17th, Sheboygan, Wisconsin 53081

State of Illinois, County of Cook, ss.

1. Parent corporation and principal office address: Custom Alloy Corporation, Route 513, Califon, NJ 07830.

2. Wholly-owned subsidiaries which will participate in the operations:

(a) Penn Manufacturing Corporation (Delaware corporation), 380 West Chestnut Street, Washington, PA 15301.

(b) Custom Oilfield Products Corporation (Delaware corporation).

(c) Hunterdon Transport, Incorporated (Delaware corporation), Route 513, Califon, NJ 07830.

1. Parent corporation: general Wholesale Company, 710 Ashby St., NW., Atlanta, GA 30318.

2. Wholly-owned subsidiaries:

(i) General Wholesale Beer Company, Atlanta, Ga. 30318.

(ii) Valley Distribution Company, LaGrange, Ga. 30240.

(iii) Shurway Distributing Company, Atlanta, Ga. 30318.

(iv) Suburban Brokerage Company,, Atlanta, Ga. 30318.

(v) Wright Hotel Supply Corporation, Atlanta, Ga. 30318.

1. Parent corporation and address of principal office: G. Heileman Brewing Company, Inc., 100 Harborview Plaza, LaCrosse, Wisconsin 54601.

2. Wholly-owned subsidiaries which will participate in the operations and states of incorporation:

(a) Heileman Baking Company, Inc., a Wisconsin corporation.

(b) Dick Brothers Bakery (Subsidiary of Heileman Baking Co., Inc.), a Wisconsin corporation.

(c) Our Own Bakery, Inc. (Subsidiary of Heileman Baking Co., Inc.), a Michigan corporation.

(d) Machine Products Company, Inc. (Subsidiary of G. Heileman Brewing Co., Inc.), a Wisconsin corporation.

(e) Nesco Signs Corporation (Subsidiary of G. Heileman Brewing Co., Inc.), a Wisconsin corporation.

(f) Rainier Brewing Company (Subsidiary of G. Heileman Brewing Co., Inc.), a Washington corporation.

(g) Carling National Breweries (Subsidiary of G. Heileman Brewing Co., Inc.), a Virginia corporation.

1. Parent corporation and address of principal office: Interpace Corporation, 260 Cherry Hill Road, Parsippany, New Jersey 07054.

2. Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices:

(a) Allied Thermal Corporation, 215 Warren Street, New Britain, Connecticut 06050.

(b) Allied Thermal Corporation, 500 East Eighth Street, Holland, Michigan 49423.

(c) J. P. Ward Foundries, Inc., 115 Gulick Street, Blossburg, Pennsylvania 16912.

1. Prassel Transports, Inc., 4545 North McRaven Road, Jackson, Mississippi 39204.

2. (i) Prassel Lumber Company, Inc., Mississippi.

(ii) Prassel Trading Company, Inc., Mississippi.

(iii) Prassel Furniture & Boxwood, Inc., Mississippi.

1. Parent corporation: Towlift, Inc., 1395 Valley Belt Road, Cleveland, OH 44131.

2. Wholly-owned subsidiary: Towlift of Michigan, Inc., 1151 Allen Drive, Troy, MI 48084.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-12432 Filed 4-23-81; 8:45 am]
BILLING CODE 7035-01-M

[Ex Parte No. MC-43]

Motor Carriers; Lease and Interchange of Vehicles by Motor Carriers

Decided: April 13, 1981.

Maislin Transport, Ltd., (MC-108006), Maislin Transport of Delaware, Inc., (MC-60580), Gateway Transportation Co., Inc., (MC-80430) and Quinn Freight Lines, Inc. (MC-4941) (commonly controlled), have filed a petition for waiver of Section 1057.12, Subpart B of the Lease and Interchange of Vehicles Regulations (49 CFR 1057).

Findings

1. Petitioners are commonly controlled and jointly administer a common safety program.

2. Petitioners have acceptable fitness records.

3. Greater efficiency and economy would result from the waiver.

It is ordered:

1. The petition of Maislin Transport, Ltd., Maislin Transport of Delaware, Inc., Gateway Transportation Co., and Quinn Freight Lines, Inc., for waiver of Section 1057.12 of Subpart B, is granted with respect to equipment leased between them, provided petitioners or their authorized represenatives agree in writing that control and responsibility for operating the equipment shall be that of the lessee from the time the lessee acquires use of the equipment, until possession is returned to lessor or the equipment is interchanged with another authorized carrier, and that a copy of the agreement is carried on the vehicle while in lessee's possession, and, further provided that petitioners remain under common control.

2. The waiver granted in this decision does not affect the application of the leasing regulations in a lease between an owner-operator and the lessor carrier.

By the Motor Carrier Leasing Board, Board Members, Joel E. Burns, Robert S. Turkington, and John H. O'Brien.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-12433 Filed 4-23-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; 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 or 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: April 16, 1981.

By the Commission, Review Board Number 3, Members, Krock, Joyce, and Dowell.

MC-F-14606F, filed March 26, 1981. ALTER COMPANY (Alter) (2333 Rockingham Road, Davenport, IA 52808)—CONTINUANCE IN CONTROL—ALTER BARGE LINE, INC. (Alter Barge) (2333 Rockingham Road, Davenport, IA 52808). Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Alter, a non-carrier, seeks authority to continue in control upon the institution by Alter Barge of operations, in interstate or foreign commerce, as a water carrier. By the same application, Bernard Goldstein, President and Chairman of the Board of Alter, seeks authority to acquire control of said rights and property through the transaction. Bernard Goldstein owns 86.77% of the capital stock of Alter Trucking and Terminal Corporation, an authorized motor carrier pursuant to Certificate No. MC-126045 and sub-numbers thereunder, and Permit No. MC-133880 and sub-numbers thereunder. Condition: Alter Company, a non-carrier, shall be considered a carrier within the meaning of 49 U.S.C. 11348 and is subjected to the requirements of 49 U.S.C. 11302 for those issuances of securities and assumptions of obligations which may relate to or affect the activities of its carrier subsidiaries. Regarding the reporting requirements of 49 U.S.C. 11145, Alter Company need only file such special reports as the Commission may from time to time require. Alter Company is not made subject to the accounting requirements of 49 U.S.C. 11142.

Note.—Alter Barge has filed as a directly related application its initial water carrier application. This application, docketed No. W-1332 is published in this same **Federal Register** issue.

MC-F-14612F, filed April 1, 1981. Applicants: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205, and WHEELING PIPE LINE, INC., 301 N. Washington, El Dorado, AR 71730. Representatives: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205, and Tom Harper, Sr., P.O. Box 43, Fort Smith, AR 72902. Authority sought by Miller Transporters, Inc. to purchase all operating rights in MC-111170 and subs thereunder and certain property from Wheeling Pipe Line, Inc. Approval is also sought for the control thereof by R. L., J. A., H. D., Jr., S. F. and D. M. Miller through their control of Miller Transporters, Inc. Said certificates authorize the transportation of various commodities in bulk, in tank vehicles, generally (i) between described areas of

AR, MS, LA and TX; (ii) from Memphis, TN, to AR; and (iii) from described areas of AR, LA, MS and TX to points in numerous states. A directly related public convenience and necessity application has been filed by Miller in MC-107002 (Sub-No. 587), published in another section of this **Federal Register** issue. (Hearing site: El Dorado, AR.)

Note.—The above description of certificates does not purport to be a complete description of all certificates.

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 become unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice by effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Dated: April 16, 1981.

By the Commission, Review Board Number 3, Members Krock, Joyce, and Dowell.

W-1332, filed March 26, 1981. Applicant: ALTER BARGE LINE, INC., 2333 Rockingham Road, Davenport, IA 52808. Representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. To operate as a common carrier by water, in interstate or foreign commerce, transporting *general commodities*, between all points and ports on the Mississippi, Illinois, Ohio, Missouri, Tennessee, Arkansas, and Cumberland Rivers, and the Intracoastal Canal, and their tributaries.

Note.—This application is directly related to MC-F-14606F, published in this same **Federal Register** issue.

MC 107002 (Sub-587), filed April 1, 1981. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205. Transporting (1) *commodities in bulk* (except pulpmill liquids), between points in AR: Caddo, De Soto, Bossier, Webster, Claiborne, Lincoln, Union, Morehouse, West Carroll, Madison, Richland, Ouachita, Jackson, Bienville, Red River, Natchitoches, Winn, Caldwell, Franklin, Tensas, Catahoula, Concordia, La Salle, East Baton Rouge, and West Baton Rouge Parishes, LA; Panola, Rusk, Cherokee, Smith, Wood, Shelby, Gregg, Harrison, Marion, Camp, Morris, Titus, Nacogdoches, Upshur, Bowie, and Cass Counties, TX, on the one hand, and, on the other, points in U.S.; and (2) *pulpmill liquids* between points in AL, AR, LA, MS, and TX, on the other, points in the U.S. (Hearing site: El Dorado, AR.)

Note.—This gateway elimination application is directly related to an application in No. MC-F-14612 published in another section of this **Federal Register** issue. The territorial request in part (2) above has been modified to reflect the actual scope of the underlying authorities being tacked.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-12428 Filed 4-23-81; 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 simpifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days

from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shippper "under contract".

Volume No. OPY–3–049

Decided: April 20, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams.

MC 2095 (Sub-36), filed April 10, 1981. Applicant: KEIM TRANSPORTATION, INC., P.O. Box 226, Sabetha, KS 66534. 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 points in the U.S., under continuing contract(s) with, Ralston-Purina Co., of St Louis, MO.

MC 14045 (Sub-1), filed April 9, 1981. Applicant: LOS ANGELES-YUMA FREIGHT LINES, INC., P.O. Box 4849, Kofa Station, Yuma, AZ 85364. Representative: Mel P. Brooker, Jr., 110 South Columbus St., Alexandria, VA 22313, (703) 836–6115. Transporting *pulp, paper and related products,* between points in Yuma County, AZ, on the one hand, and, on the other, points in CA, NM, NV, TX, and UT.

MC 115554 (Sub-39), filed April 13, 1981. Applicant: HEARTLAND EXPRESS, INC. OF IOWA, P.O. Box 89B, R. R. #6, Iowa City, IA 52240. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. Transporting (1) *machinery,* and (2) *transportation equipment,* between the facilities of McGraw-Edison Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 116544 (Sub-250), filed April 14, 1981. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 1703 Embarcadero Rd., Palo Alto, CA 94303. Representative: Richard G. Lougee, P.O. Box 10061, Palto Alto, CA 94303, (415) 856–0117. Transporting *metal products* between the facilities of Magma Copper Co., a subsidiary of Newmont Mining Corporation, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 117165 (Sub-63), filed April 9, 1981. Applicant: ST. LOUIS FREIGHT LINES, INC., 1111 U.S. Highway 20 West, Michigan City, IN 46360. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309, (515) 245–4300. Transporting (1) *lumber and wood products,* and (2) *building materials,* between points in Effingham County, IL, Crawford and Wexford Counties, MI, and Winnebago County, WI, 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 117765 (Sub-316), filed April 13, 1981. Applicant: HAHN TRUCKLINE, INC., 1100 S. MacArthur, P.O. box 75218, Okalahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant), (405) 943–8533. Transporting *Mercer commodities,* between the facilities of Halliburton Services, a Division of Halliburton Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 117765 (Sub-317), filed April 13, 1981. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant), (405) 943–8533. Transporting *charcoal and charcoal briquets,* between points in Dent County, MO, on the one hand, and, on the other, points in the U.S.

MC 127115 (Sub-26), filed April 13, 1981. Applicant: MILLERS TRANSPORT, INC., 510 W. 4th N., Hyrum, UT 84319. Representative: Bruce W. Shand, 311 S. State St., Suite 280, Salt Lake City, UT 84111, (801) 531–1300. Transporting *iron and steel articles,* between points in Box Elder County, UT, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NV, MN, OR, WA, UT, and WY.

MC 134645 (Sub-43), filed April 10, 1981. Applicant: LAKE STATE TRANSPORT, INC., P.O. Box 944, St. Cloud, NM 56301. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, NM 55118, (612) 457–6889. Transporting *rubber and plastic articles,* between Chicago, IL, and points in Barnstable County, MA and Lawrence County, OH, on the one hand, and, on the other, points in MN.

MC 134645 (Sub-44), filed April 13, 1981. Applicant: LAKE STATE TRANSPORT, INC., P.O. Box 944, St. Cloud, NM 56301. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *such commodities* as are dealt in or used by mail order houses, between points in Stearns County, MN, on the one hand, and, on the other, points in the U.S.

MC 135605 (Sub-18), filed April 1, 1981. Applicant: WILKINSON TRANSPORT, INC., P.O. Box 25, Barton, AR 72312. Representative: Billy Wilkinson (same address as applicant), (800) 643–9110. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with FMS, Inc., of Washington, D.C.

MC 140025 (Sub-6), filed April 8, 1981. Applicant: L & T INC. 2650 West Beaver St., Jacksonville, FL 32205. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 632–2300. Transporting *general commodities* (except classes A and B explosives), between points in Duval, Clay, St. Johns and Nassau Counties, FL, on the one hand, and, on the other, points in KY, LA, MO, NY, OH, TX, and WV.

MC 140334 (Sub-9), filed April 13, 1981. Applicant: AM-CAN TRANSPORT SERVICE, INC., P.O. Box 859, Anderson, SC 29621. Representative: John T. Wirth, 717 17th St., Suite 2600, Denver, CO 80202, (303) 892–6700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Dunlop Tire & Rubber Corporation, of Westminster, SC.

MC 143565 (Sub-2), filed April 13, 1981. Applicant: HIGHWAY TRANSPORTATION COMPANY, a corporation, Route 2 Freedom Park, Hermon, ME 04401. Representative: Durward L. Humphrey (same address as applicant), (207) 848–3314. Transporting *pulp, paper and related products,* between points in the U.S., under continuing contract(s) with Lincoln Pulp and Paper Co., Inc., of Lincoln, ME.

MC 145655 (Sub-7), filed April 6, 1981. Applicant: TYSON FOODS, INC., P.O. Drawer E, Springdale, AR 72764. Representative: Michael H. Mashburn, P.O. Box 869, Springdale, AR 72764, (501) 751–5222. Transporting *empty insulated containers,* between points in Harris County, TX, on the one hand, and, on the other, points in AL, AR, GA, IL, IN, KS, KY, LA, MS, MO, OH, OK, and TN.

MC 145904 (Sub-36), filed April 6, 1981. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Suite 307, Edina, MN 55424, (612) 927–8855. Transporting *food and related products*, between Kansas City and St. Louis, MO, and Toledo, OH, on the one hand, and, on the other, points in IL, IN, IA, KS, MN, MI, NE, OH, OK, SD, and WI.

MC 151704, filed April 8, 1981. Applicant: T & C TRANSPORTATION CO., INC., 4615 Cypress St., North Little Rock, AR 72116. Representative: James H. Cordell, (same address as applicant) (501) 375–5444. Transporting *floor coverings and related products*, between points in the U.S. under continuing contract(s) with William R. Moore, Inc., of Little Rock, AR.

MC 151934, filed April 8, 1981. Applicant: KING'S EXPRESS, INC., Rural Route 2, St. Joseph, MN 56374. Representative: Stanley C. Olsen, Jr., Suite 307, 5200 Willson Road, Minneapolis, MN 55424, (612) 927–8855. Transporting *food and related products*, (1) between points in Todd, Stearns, Benton and Sherburne Counties, MN, on the one hand, and, on the other, points in the U.S., and (2) between points in WI, on the one hand, and, on the other, points in the U.S.

MC 152544 (Sub-8), filed April 10, 1981. Applicant: CYPRESS TRUCK LINES, INC., 1746 East Adams St., Jacksonville, FL 32202. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202, (904) 632–2300. Transporting (1) *building materials*, between Chicago, IL, New York, NY, and points in Dade County, FL, Fulton County, GA, Hennepin County, MN, and Fairfax County, VA, on the one hand, and, on the other, points in the U.S.; and (2) *general commodities* (except classes A and B explosives), between the facilities of Cleaners Hanger Co., at (a) Baltimore, MD, (b) points in Duval County, FL, (c) Washington County, TX, (d) Cuyahoga and Stark Counties, OH, (e) Oakland County, MI, (f) Alameda County, CA, and (g) Etowah County, AL, on the one hand, and, on the other, points in the U.S.

MC 153384 (Sub-1), filed April 9, 1981. Applicant: JOHN C. WARD, Rt. 4, Box 331, Newberg, OR 97132. Representative: John C. Ward, (same address as applicant), (503) 538–5884. Transporting *foundry and steel mill supplies*, between points in Cuyahoga, and Lorain Counties, OH, Salt Lake and Utah Counties, UT, Los Angeles, San Bernardino, Orange, Alameda, San Mateo, Santa Clara, and San Francisco Counties, CA, Multnomah, Clackmas, Washington, and Benton Counties, OR, and King, Pierce, and Snohomish Counties, WA.

MC 153885 (Sub-2), filed April 6, 1981. Applicant: THE GREAT AMERICAN TRUCKING COMPANY, INC., 21 Northlake Drive, Peachtree City, GA 30269. Representative: David L. Capps, P.O. Box 924, Douglasville, GA 30133, (404) 949–7756. Transporting *general commodities* (except classes A and B explosives), between points in Clayton, Cobb, DeKalb, Fayette, Fulton, and Gwinnett Counties, GA, on the one hand, and, on the other, those points in the U.S. in and east of AR, IA, MN, MO, and TX.

MC 154455, filed March 2, 1981, previously published in the **Federal Register** issue of March 24, 1981. Applicant: AUTUMN AGE WANDERERS, LTD., 546 92nd St., Brooklyn, NY 11209. Representative: Sidney J. Leshin, 575 Madison Ave., New York, NY 10022, (212) 759–3700. As a *broker*, at New York, NY, in arranging for the transportation of *passenger and their baggage*, beginning and ending at New York, NY, and points in Westchester and Nassau Counties, NY, and extending to points in the U.S.

Note.—This republication corrects the territory.

MC 155005 (Sub-1), filed April 10, 1981. Applicant: TRAMMELL CROW DISTRIBUTION CORPORATION, 1720 Hayden Rd., Carrollton, TX 75006. Representative: Michael H. Lennox, 531 North Portland, Oklahoma City, OK 73147, (405) 943–2722. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Target Stores, Division of Dayton Hudson Corporation, of Fridley, MN 55432.

MC 155054, filed March 31, 1981. Applicant: JOHN D. & DIANE L. AGENBROAD, d.b.a. AGENBROAD & SONS, 64011 Old Bend Redmond Highway, Bend, OR 97701. Representative: (same as above), (503) 389–5574. Transporting *metal and building materials*, between points in Deschutes County, OR, on the one hand, and, on the other, points in AZ, CA, CO, ID, NV, NM, UT, WA, WY, and TX.

MC 155084 (Sub-1), filed April 8, 1981. Applicant: TIMBERLINE TRANSPORT, INC., R.D. #2, Box 146–B, Tarentum, PA 15084. Representative: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219. Transporting *such commodities* as are dealt in by wholesale and retail lumber, hardware, and building supply companies, between points in Allegheny, Beaver, Butler, Cameron, Mercer, Venango, Washington and Westmoreland Counties, PA, on the one hand, and, on the other, points in GA, NJ, NC, SC, and the ports of entry on the International boundary line between the United States and Canada at Niagara Falls, NY.

MC 155215, filed April 9, 1981. Applicant: LISCO, INC., 677N–175W, Valparaiso, IN 46383. Representative: Joel H. Steiner, 39 South LaSalle, Suite 600, Chicago, IL 60603, (312) 236–9375. Transporting *metal products*, between Chicago, IL, and Detroit MI, on the one hand, and, on the other, points in IL, IN, MI, OH, PA, KY, and TN.

MC 155234, filed April 19, 1981. Applicant: STOW TRANSPORT, INC., 3275 Kent Rd., Stow, OH 44224. Representative: Donald E. Watson, P.O. Box 6245, Akron, OH 44312, (216) 724–5581. Transporting *general commodities* (except classes A and B explosives), between the facilities of Matco Tool Company and Cleveland Cotton Products, and their affiliated companies, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-12435 Filed 4-23-81; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. 66]

Motor Carriers; Restriction Removals; Decision-Notice

Decided: April 21, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed

authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alspaugh, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 2202 (Sub-668)X, filed April 16, 1981. Applicant: ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Boulevard, Akron, OH 44310. Representative: William O. Turney, Suite 1010, 7101 Wisconsin Ave., Washington, D.C. 20014. Applicant seeks to remove restrictions in its Sub-No. 571F certificate to broaden its territorial authority by authorizing service at all intermediate points between Rock Island, IL, and Memphis, TN.

MC 56213 (Sub-17)X, filed April 6, 1981. Applicant: RICHARD L. KINARD, INC., 1100 West Locust Street, York PA 17404. Representative: Jeremy Kahn, 1511 K Street, N.W., Suite 733 Investment Building, Washington, D.C. 20005. Applicant seeks to remove restrictions in its Sub-Nos. 13, 14, and 15 certificates to (1)(a) broaden the commodity descriptions to "food and related products" from malt beverages, empty malt beverage containers and snack foods in Sub-No. 13; (b) "chemicals and related products" from coal tar and dyes; "pulp, paper and related products" from pulpboard boxes; and "metal products" from component parts for track-type tractors, and materials and supplies used in the manufacture of component parts in Sub-No. 14; (c) remove all restrictions from its general commodity authority "except classes A and B explosives, "in Sub-No. 15; (2) replace authority to serve named points with county-wide authority: Reading and York, PA, for Berks and York Counties, PA in Sub-No. 14; facilities at or near Kankakee, IL to Kankakee County, IL, in Sub-No. 15; and (3) authorize radial authority in place of one-way authority; between specified points located in the midwest and eastern parts of the U.S. in Sub-Nos. 13, 14, and 15.

MC 61955 (Sub-31)X, filed March 24, 1981. Applicant: CETO, INCORPORATED, 701 North Sterling, Sugar Creek, MO 64054. Representative: Frank W. Taylor, Jr., 1221 Baltimore Ave., Suite 600, Kansas City, MO 64105. Applicant seeks to remove restrictions in its lead and Sub Nos. 10, 11, 13, 14, 17, 19, 22, 25F, 26F, 28F and 30F certificates to (1) broaden the commodity description from (a) in the lead, fencing, construction steel, angles, bars, joints, nails, similar iron and steel articles, and such iron and steel articles as are used on construction projects to "building materials, lumber and wood products, and metal products" page 1; commodities the transportation of which because of size or weight require the use of special equipment, and related articles and supplies when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment to "commodities, the transportation of which because of size or weight, require the use of special equipment and related articles and supplies", page 2; construction equipment, materials and supplies to "machinery and building materials", page 2; self-propelled vehicles each weighing 15,000 pounds or more to "vehicles", page 2; general commodities, with exceptions to "general commodities (except classes A and B explosives)", page 2; and building materials and tanks to "building materials and machinery", page 2; and (b) cement, lime, limestone products, dry fertilizer, dry fertilizer materials, fly ash, sand and gravel, and fertilizer ingredients, in bulk, to "commodities in bulk" in Sub-Nos. 10, 11, 13, 14, 17, 19, 22, 25F, 26F, 28F and 30F; (2) remove from the commodity descriptions the "in tank trailers" restriction in Sub-No. 10; (3) eliminate the facilities limitations on restrictions in Sub-Nos. 10, 13, 14, 22, 25F, 26F and 30F; (4) expand city-wide to county-wide authority from (a) Clinton to Henry County, MO and La Cygne to Linn County, KS in Sub-No. 14; (b) Muncie and Edwardsville to Wyandotte County, KS in Sub-No. 19; (c) Springfield to Greene County, MO, in Sub-Nos. 17 and 22; (d) Brunswick to Chariton County, MO in Sub-No. 25F; (e) Woodson to Pulaski County, AR, in Sub-No. 26F; and (f) Iathan to Barton County, MO, in Sub-No. 30F; (5) change one-way authority to radial authority between (a) Kansas City, MO, and points in in NE; Kansas City, MO, and points in Johnson and Wyandotte Counties, KS, within 25 miles of Kansas City, MO, in the lead, page 2; (b) Kansas City, MO and points in KS, IA and NE in Sub-No. 10; (c) Henry County, MO and points in KS, OK, and AR in Sub-No. 11; (d) Kansas City, MO, and Kansas City, KS and points in IA, KS, NE, and OK in Sub-No. 13; (e) Kansas City, MO and Linn County, KS and points in AR, IL, IA, KS, MO, NE, and OK in Sub-No. 14; (f) Greene County, MO and points in AR, KS, and OK in Sub-No. 17; (g) Wyandotte County, KS and points in MO in Sub-No. 19; (h) Greene County, MO and points in IL in Sub-No. 22; (i) Chariton County, MO and points in AR, IL (except East St. Louis and points in its commercial zone), IN, IA, KS, NE, OK, and TN in Sub-No. 25F; (j) Kansas City, MO and Pulaski County, AR and points in Grand and Jefferson Counties, AR in Sub-No. 26F; (k) a part of KS, and, points in OK and AR in Sub-No. 28F; and (l) Barton County, MO and points in IA and NE in Sub-No. 30F; and (6) remove the restrictions against transportation of aerospace craft, products, and ground support equipment in the lead, page 2.

MC 69597 (Sub-1)X, filed April 6, 1981. Applicant: A. JAMES BONNER, INC., Swaledale, IA 50477. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Applicant seeks to remove restrictions in its lead MC-148097F permit to (1) broaden the commodity description to "chemicals and related products," from air entraining agents, in bulk, and (2) authorize service between points in the U.S., under continuing contract(s) with a named shipper.

MC 84687 (Sub-5)X, filed April 13, 1981. Applicant: VETERANS TRUCK LINES, INC., P.O. Box 218, Bristol, WI 53104. Representative: Steven L. Weiman, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions from its Sub-Nos. 2 and 4 certificates to (1) broaden the commodity description in Sub-No. 2, from fresh and frozen meats, meat products, meat by-products, poultry and dairy products, frozen fish, fresh packed pickles, salad dressings, and foodstuffs to "food and related products;" in Sub-No. 4 from foodstuffs (except in bulk) with a restriction against canned goods from the named counties in WI, to Chicago, IL to "food and related products"; (2) provide two-way service in place of one-way service in Sub-No. 2 between specified points in IL and WI; (3) replace city-wide authority with county-wide authority in Sub-No. 2 from Ft. Atkinson, WI, to Jefferson County, WI; (4) remove a restriction which requires vehicles equipped with mechanical refrigeration in Sub 4; and (5) delete the "originating at and destined to" restriction in each certificate.

Note.—Applicant's authority to tack will be governed by 49 CFR 1042.

MC 85970 (Sub-53)X, filed April 3, 1981. Applicant: SARTAIN TRUCK LINE, INC., P.O. Box 1298, Dyersburg, TN 38024. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Applicant seeks to remove restrictions from its

Sub-Nos. 11, 12, 15F, 18F, 19F, 23F, 24F, 29F, 31F, 32F, 33F, 34F, 39F, 42F, 43F, 44F, 45F certificates to (1) broaden the commodity descriptions from carpet cushion, rubber compound, molded rubber products and products relating thereto to "rubber and plastic products" in Sub-No. 12; such commodities as are dealt in or used by manufacturers or distributors of rubber and rubber products to "rubber and plastic products" in Sub-No. 15F; lighting fixtures and parts to "machinery or equipment and asscciated supplies" in Sub-No. 19F; fireplaces, barbeques, grills and ventilators to "metal products" in Sub-No. 23F; plastic articles to "rubber and plastic products" in Sub-No. 24F; such commodities as are dealt in and used by manufacturers of plastic and plastic products to "rubber and plastic products" in Sub-No. 29F; from power transmission machinery, metal castings, iron and steel to "metal products and machinery or equipment" in Sub-No. 31F; from fiberboard to "pulp, paper and related products" in Sub-No. 33F; from plastic articles (other than expanded) to "rubber and plastic products in Sub-No. 34F; from salt and salt products to "food and related products" in Sub-No. 44F; from plastic articles, chemicals, and rubber compounds to "rubber and plastic products and chemicals and related products" in Sub-No. 45F; (2) replace specific point or named facilities authority with city or county-wide authority as follows: In Sub-No. 11 facilities in Dyer County, TN with Dyer County, TN; in Sub-No. 12. Dyersburg with Dyer County, TN; in Sub-No. 15F, facilities at Union City with Obion County, TN; in Sub-No. 18F, facilities at Dresden with Weakley County, TN; in Sub-No. 19F facilities at Martin with Weakley County, TN; in Sub-No. 23F facilities at Union City with Obion County, TN; in Sub-No. 24F facilities at Halls with Lauderdale County, TN; in Sub-No. 29F facilities at Tiptonville with Lake County, TN; in Sub-No. 31F Chambersburg with Franklin County, PA and Trenton with Gibson County, TN; in Sub-No. 32F facilities at Covington with Tipton County, TN; in Sub-No. 33F, facilities at Covington with Lauderdale County, TN; in Sub-No. 34F facilities at Kenton with Gibson and Obion Counties, TN and Bryan with Williams County, OH; (3) remove the "AK, HI and TN" exceptions in Sub-Nos. 11, 12, 18F, 19F, 29F, 31F, 32F, 33F, and 34F; (4) eliminate the "except in bulk" and "except commodities which because of size or weight require the use of special equipment" restrictions wherever they appear in each of the above numbered authorities; (5) expand its one-way authority to radial authority between Dyer County, TN, and, points in the U.S. in Sub-No. 11; between Lauderdale County, TN, and, points in IL in Sub-No. 24F; between Jessup, MD and, Nashville, TN in Sub-No. 43F; between Lake and Wayne Counties, OH, and, points in TN in Sub-No. 44F; (6) remove the "originating at and/or destined to" restriction in Sub-Nos. 11, and 12.

MC 89684 (Sub-119)X, filed April 14, 1981. Applicant: WYCOFF COMPANY, INCORPORATED, P.O. Box 366, Salt Lake City, UT 84110. Representative: Peter A. Greene, Suite 700, 1920 N Street, N.W., Washington, DC 20036. Applicant seeks to remove restrictions in its Sub-No. 116F certificate to (1) eliminate all exceptions to general commodities authority except classes A and B explosives; (2) eliminate the restriction against the transportation of articles or packages weighing in excess of 100 pounds; and (3) eliminate the restriction limiting the right to interline traffic at Reno, NV, and Denver, CO.

MC 94635 (Sub-12)X, filed April 14, 1981. Applicant: INTERSTATE SAND & GRAVEL TRANSPORTATION, INC., 717 Elmer Street, Vineland, NJ 08360. Representative: Terrence D. Jones, 2033 K Street, N.W., Washington, D.C. 20006. Applicant seeks to remove restrictions in its Sub-Nos. 2, 4, 5, 7F, 8F, and 10F permits to (1) broaden the commodity descriptions from (a) sand, gravel, quartzite, zerconium silicate, graphite, talc, granite, feldspar, quartz, perlite clay, bentonite, coke, soapstone, silicate flour, and nephaline syanite (except liquid commodities) to "ores and minerals, clay, concrete, glass or stone products, coal and coal products, and commodities in bulk" in Sub-No. 2; and (b) crushed stone, slag, sand, gravel, stone, and clay, to "ores and minerals, clay, concrete, glass or stone products, and commodities in bulk" in Sub-Nos. 4, 5, 7F and 8F; (2) remove the in bulk restrictions in Sub-No. 8F; (3) broaden the territorial description to between points in the US, under continuing contract(s) with a named shipper in each permit; and (4) remove the "originating at or destined to" restriction, and eliminate the facilities limitations in Sub-No. 8F and 10F.

MC 96622 (Sub-6)X, filed April 3, 1981. Applicant: PEERLESS TRUCKING COMPANY, 5833 South Malt Avenue, City of Commerce, CA 90040. Representative: Robert Fuller, 13215 E. Penn St., Suite 310, Whittier, CA 90602. Applicant seeks to remove restrictions in its Sub-No. 5F certificate to (1) "general commodities (except classes A and B explosives)" from general commodities (with usual exceptions), and, (2) remove the facilities restriction and authorize radial authority to replace existing one-way service between Los Angeles, CA, and, points in 30 CA counties.

MC 108341 (Sub-206)X, filed April 9, 1981. Applicant: MOSS TRUCKING COMPANY, INC., P.O. Box 26125, Charlotte, NC 28213. Representative: Jack F. Counts (same address). Applicant seeks to remove restrictions in its Sub-No. 34, certificate and Sub-Nos. E15, E16, E17, E18, E19, E20, E21, E22, E23, and E24 letter-notices to (1) broaden the commodity descriptions from source, special nuclear, and by-product materials radioactive materials, related radioactive equipment, component parts and associated materials to "metal products; machinery; hazardous materials: chemicals and related products; ores and minerals: clay, concrete, glass or stone products; and waste or scrap materials not identified by industry producing" in all of the above authorities; (2) remove the restriction to the transportation of commodities which because of size or weight require the use of special equipment in all the above letter-notices and (3) remove the AK and HI exception in Sub-No. 34.

MC 111231 (Sub-363)X, filed April 13, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Ave., Springdale, AR 72764. Representative: James H. Berry (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 304F, 308F, 312F, 319F, 322F, 328F, and 332 certificates to (1) broaden its commodity descriptions (a) in Sub-No. 304F, from asphalt, building materials, and insulation materials (except commodities in bulk), and materials and supplies used in the installation thereof, (except commodities in bulk), to "building materials, and materials, equipment and supplies used in the installation of such commodities", (b) in Sub-Nos. 308F, 319F, and 328F, from plastic pipe, fittings, gaskets, sealers, accessories for plastic pipe, and materials, equipment, and supplies used in the manufacture and distribution thereof, to "rubber and plastic products, and materials, equipment and supplies used in the installation of such commodities", (c) in Sub-No. 322F, from clay and clay products, to "clay, concrete, glass or stone products", and (d) in Sub-No. 332, from iron and steel articles, to "metal products"; (2) replace facilities and cities with county-wide authority (a) in Sub-Nos. 308F and 319F, facilities at or near Litchfield, IL, with Montgomery County, IL, and (b) in Sub-No. 312F, facilities at or near Cleveland,

Liverpool, Shelby, Strongsville and Willard, OH, Indianola, MS, and Westfield, MA, with Cleveland, OH, Medina, Richland, Cuyahoga and Huron Counties, OH, Sunflower County, MS, and Hampden County, MA and (3) remove the AK and HI exception in Sub-Nos. 312F and 319F.

MC 113974 (Sub-77)X, filed March 31, 1981. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO, 211 Washington Avenue, Dracosburg, PA 15034. Representative: James D. Porterfield, 211 Washington Avenue, Dravosburg, PA 15034. Applicant seeks to remove restrictions in its lead and Sub-Nos. 7, 9, 21, 23, 24, 25, 28, 30, 31, 34, 35, 36, 37, 40, 45, 47, 49, 51, 53F, 54F, 55F, 56F, 57F, 58F, 63F, 64F, 65F, 67F, 69F and 73F, certificates and its E-2, E-6, E-7, E-8, E-9, E-10, E-11, E-11, E-12, E-13, E-14, E-15, E-17, E-18, E-19, E-20, E-22, E-23, E-24, E-25, E-26, E-28, E-29, E-31, E-33, E-34, E-35, E-36, E-37, E-39, E-41, E-42, and E-43 letter-notices to (1) broaden the commodity description from (a), gypsum and gypsum products, asphalt and composition boards, urethane and urethane products, insulating materials to "building materials" in Sub-Nos. 30, 63F, in E-9 and E-15, (b) pre-cut log buildings to "buildings" in Sub-Nos. 64F and 70F, (c) asphalt paving materials to "construction materials" in Sub-No. 47, (d) paint to "chemicals and related products" in the lead certificate and E-17, (e) granite, marble, talc and talc products, limestone, and play sand to "clay, concrete, glass or stone products" in the lead certificate, Sub-Nos. 67F and 73F and E-20, (f) power plant equipment and transformers to "electrical products" in Sub-No. 9 and E-12, E-34 and E-43, (g) used store, office, factory supplies, and fixtures, used heating and plumbing equipment, office furniture to "furniture and fixtures" in Sub-Nos. 9 and 35, (h) groceries; batteries to "food and related products and electrical machinery and equipment" in the lead certificate, (i) "containers" from empty malt-beverage containers in Sub-No. 23(g) general commodities (with exceptions) to "general commodities (except classes A and B explosives)" in the lead certificate, Sub-Nos. 23, 25 and E-11, E-29, E-36, and E-39, (k) logs and lumber, timbers, used lumber, such commodities as are used in the construction of pre-cut log buildings, lumber, composition roofing products to "lumber and wood products" in the lead certificate, Sub-Nos. 9, 63F, 64F, 70F, and E-12, E-15, E-34 and E-43, (l) used machinery and saw mill machinery to "machinery" in Sub-Nos. 9 and 65F and E-13, (m) malt beverages to "food and related products" in Sub-No. 23, (n) metal pigs, used metals, steel mill products, iron and steel articles, structural steel, wire and cable, poles, boilers, stacks and tanks, used metals, iron, steel and steel products, sheet metal products, pipe and pipe fittings, building metalwork, iron and steel pipe and fittings, valves, hydrants, iron and steel castings and forging to "metal products" in the lead certificate, Sub-Nos. 7, 9, 21, 24, 28, 34, 36, 37, 40, 51, 53F, 54F, 55F, 56F, and E-2, E-10, E-12, E-22, E-23, E-28, E-31, E-33, E-34, E-35, E-37 and E-43, (o) scrap paper and waste paper to "pulp, paper and related products" in the lead certificate and Sub-Nos. 9 and 47, and (p) scrap metal, waste material, rags, wool sweepings to "waste or scrap materials not identified by industry producing" in the lead certificate and Sub-No. 9; (2) authorize radial authority in place of existing one-way service in the lead certificate, in Sub-Nos. 7, 9, 23 irregular route portion, 24, 28, 30, 31, 34, 36, 37, 40, 45, 47,49, 51, 53F, 54F, 55F, 56F, 57F, 63F, 64F, 65F, 67F, and 70F and E-9, E-11, E-15, E-17, E-18, E-20, E-22, E-23, E-28, E-29, E-31, E-33, E-36, E-41, and E-42; (3) eliminate restrictions against service to AK and HI in Sub-Nos. 65F and 69F; (4) delete the "originating at and/or destined to," restrictions in Sub-Nos. 24, 28, 30, 31, 34, 36, 37, 47, 49, 51, 53F, 55F, 57F and 58F; (5) remove the exceptions of in bulk, in tank vehicles, those requiring special equipment or other similar restrictions in the lead certificate, Sub-Nos. 7, 9, 23, 30, 31, 34, 35, 36, 37, 40, 45, 47, 49, 51, 56F, 57F, and 58F and E-2, E-9, E-10, E-11, E-12, E-15, E-18, E-20, E-22, E-23, E-24, E-28, E-29, E-31, E-34, E-35, E-36, E-37, E-39, E-41, E-42, and E-43; (6) replace specific point authority with county-wide authority: Essex and Norfolk Counties for Rockport and Quincy, MA; Fairfield, Hartford, New Haven and New London Counties for Bridgeport, Hartford, New London and Devon, CT; Middlesex and Suffolk Counties for Somerville and Chelsea, MA; Middlesex County for Perth Amboy, NJ; Beaver County for Aliquippa, PA; Broome County for Binghamton, Endicott and Johnson city, NY; Cayuga County for Auburn, NY; Chemung County for Elmira, NY; Cortland County for Cortland, NY; Monroe County for Rochester, NY; Oneida County for Rome and Utica; NY; Onondaga County for Syracuse, NY; Ontario County for Geneva, NY; Oswego County for Oswego, NY; Otsego County for Oneonta, NY; Schenectady County for Schenectady, NY; Tompkins County for Ithaca, NY in the lead certificates; Essex and Middlesex Counties for Lawrence and North Andover, MA, in Sub-No. 9; Luzerne County for Wilkes-Barre, PA, in Sub-No. 23; Lake County for North Madison, OH, in Sub-No. 25; Bergen and Middlesex Counties for Edgewater and Carteret, NJ, Luzerene and Northumberland Counties for Pittston and Sunbury, PA, in Sub-No. 30; Marshall County for Glendale, WV; Beaver County for Ambridge, PA; Allegheny County for New Kensington, PA; Trumbull County for Niles, OH, in Sub-No. 31; Bucks County for Lower Southhamptom, PA, in Sub-No. 37; Westchester County for Buchanan, NY, in Sub-No. 45; Allegheny County for Heidelberg, PA, in Sub-No. 49; Peoria County for Peoria, IL, in Sub-No. 51; Beaver County for Aliquippa, PA, in Sub-No. 53F; Brooke and Marshall Counties for Beech Bottom, Benwood, Follansbee, WV; Belmont, Jefferson and Mahoning Counties for Canfield, Martin's Ferry, Mingo Junction and Yorkville, OH, in Sub-No. 55F; Lorain County for Elyria, OH, in Sub-No. 54F; Merrimack County for Concord, NH in Sub-No. 65F; Penobscot County for Bangor, ME, in Sub-No. 64F; Bucks County for Quakertown, PA, in Sub-No. 58F; Rutland and Windsor Counties for Florence and Chester, VT, in Sub-No. 67F; Essex and Middlesex Counties for Lawrence and North Andover, MA, in E-6, E-8, and E-19; Essex and Norfolk Counties for Rockport and Quincy, MA in E-20; and (7) remove facilities limitations wherever they appear in each of the above certificates and E-letter notices.

MC 115818 (Sub-15)X, filed April 16, 1081. Applicant: WESTBURY TRANSPORT, INC., 93-59 183rd Street, Jamaica, NY 11423. Representative: Roy A. Jacobs, 550 Mamaroneck Avenue, Harrison, NY 10528. Applicant seeks to remove restrictions in its Sub-Nos. 13 and 14F permits to broaden the territorial description in both to between points in the U.S. under continuing contract(s) with named shippers.

MC 115651 (Sub-101)X, filed April 15, 1081. Applicant: KENEY TRANSPORTATION, INC., 7222 Cunningham Road, Rockford, IL 61102. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, D.C. 20001. Applicant seeks to remove restrictions in its Sub-No. 34 certificate to (1) broaden its commodity description from fertilizer and fertilizer ingredients, to "commodities in bulk" (2) replace facilities at or near East Dubuque, IL with Dubuque IA; and (3) change one-way to radial authority between Dubuque, IA, and points in IN, IA, KS, MN, MO, NE, OH, SD, and WI.

MC 117427 (Sub-83)X, filed April 10, 1081. Applicant: G. G. PARSONS TRUCKING, INC., P.O. Box 1085, North Wilkesboro, NC 28659. Representative: Dean N. Wolfe, 4 Professional Drive, Suite 145, Gaithersburg, MD 20760. Applicant seeks to remove restrictions in its lead and Sub-Nos. 17, 22, 39, 59, 65, 71, 76, 77 and 80F certificates to (1) broaden the commodity descriptions from (a) dehydrated or sun-cured alfalfa meal and pellets, empty containers for such pellets, feed ingredients (animal and poultry), hardwood flooring, lumber, and fishmeal to "food and related products, farm products, shipping containers, carriers or devices, returned empty, and lumber and wood products" in the lead; (b) animal and poultry feed ingredients to "food and related products" in Sub-No. 17; (c) lumber, dehydrated and sun-cured alfalfa meal and pellets to "lumber and wood products, food and related products, and farm products" in Sub-No. 22; (d) dehydrated and sun-cured alfalfa meal and pellets to "food and related products and farm products" in Sub-No. 39; (e) asbestos cement pipe and accessories to "clay, concrete, glass or stone products" in Sub-No. 59; (f) pipe (other than iron and steel) to "clay, concrete, glass or stone products and metal products" in Sub-No. 65; and (g) new furniture, crated, new furniture and furniture to "furniture and fixtures" in Sub-Nos. 71, 76, 77, and 80F; (2) remove the restrictions "except in bulk, in tank vehicles" in Sub-No. 17; "except plywood and veneer" in the lead (page 2) and Sub-No. 22; and "except in tank vehicles" in the lead (page 2) and Sub-No. 39; (3) expand city to county-wide authority from (a) President Island to Memphis, TN; Decatur, Portland, and Hebron to Adams, Jay, and Porter Counties, IN; Gibson City and Springfield to Ford and Sangamon Counties, IL; Marion to Marion County, OH; Beaufort and Morehead City to Carteret County, NC; and Southport to Brunswick County, NC in the lead; (b) Buffalo to Niagara and Erie Counties, NY in Sub-No. 22; (c) Rootstown Township and Ravenna to Portage County, OH, in Sub-Nos. 59 and 65; (d) North Wildesboro to Wilkes County, NC, in Sub-Nos. 71 and 77; and (e) Lincolnton to Lincoln County, NC, in Sub-No. 76; (4) change one-way to radial authority between points located throughout the U.S.; (5) remove the "originating at and destined to" restrictions in Sub-Nos. 71, 76, and 77; and (6) eliminate the facilities limitations in Sub-Nos. 65, 71, 76, and 77.

MC 119871 (Sub-1)X, filed April 15, 1981. Applicant: EDWARD F. MADEIRA, INC., 514 Island Street, Hamburg, PA 19526. Representative: William F. King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Applicant seeks to remove restrictions in its lead certificate to (1) replace Hamburg, PA with authority to serve Berks County, PA; (2) broaden the commodity description from plow parts, and articles used or useful in the manufacture of plow parts to "machinery, and, materials, equipment, and supplies used in the manufacturer, sale, and distribution of machinery;" and (3) change its one-way authority to radial authority between Berks County, PA, and points in AL, AR, DE, GA, IL, IN, KY, MD, MI, MO, NJ, NY, NC, OH, SC, TN, VA, WV, and DC.

MC 121454 (Sub-7)X, filed April 13, 1981. Applicant: WALSH MESSENGER SERVICE, INC., 43rd Street, Garden City Park, NY 11040. Representative: Eugene M. Malkin, Suite 1832, Two World Trade Center, New York, NY 10048. Applicant seeks to remove restrictions in its Sub-No. 5F certificate to (1) broaden the commodity description from general commodities, (with exceptions) to "general commodities (except classes A and B explosives)" and (2) eliminate restriction against transportation of packages or articles weighing in the aggregate more than 500 pounds from one consignor to one consignee on any one day.

MC 128095 (Sub-43)X, filed March 23, 1981, previously noticed in the **Federal Register** of April 7, 1981, republished as corrected this issue. Applicant: IBCO TRUCK LINE, INC., P.O. Box 1402, Tupelo, MS 38801. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3,6, 8, 11, 13, 14, 16, 18F, 22F, 25F, 26F, 28F, 32F, 33F, 36F, 37F, 38F, and 40F certificates to (1) broaden the commodity description to (a) "furniture and fixtures" from: new furniture in the lead and Sub-Nos. 14, 18F, 22F, 25F, 32F, and 38F; urethane and urethane products in Sub-Nos. 3, 6, and 11; synthetic foam rubber in Sub-No. 8; metalic spring assemblies and fixtures for davenports or sofas in Sub-No. 13; foam padding in Sub-Nos. 16, 28F, and 33F; cellulose padding in Sub-Nos. 33F and 40F; polyethylene foam, grassett bags, padded bags, macreated pads, sleeve pads and cellulose wadding in Sub-No. 36F; and, kitchen and bathroom cabinets, vanities and accessories for installation in Sub-No. 37F; and (b) "household goods" from household appliances in Sub-No. 26F; (2) remove the "except commodities in bulk" restriction in Sub-Nos. 6, 11, and 26F, and the "except AK and HI" restriction in Sub-No. 13. Applicant also seeks to (1) replace authority to serve specified plantsites at name points and authority to serve some specified cities with county-wide authority: Cornelius with Mecklenburg County, NC, and New Albany, Shannon and Tupelo with Union and Lee Counties, MS in Sub-No. 3; Iowa city with Johnson County, IA, in Sub-No. 6; Forth Smith, AR, and Memphis, TN, in Sub-No. 8; Tupelo with Lee County, MS, in Sub-Nos. 8 and 13; Wurtland with Greenup County, KY, in Sub-Nos. 16 and 28F; Chicago, IL, in Sub-No. 18F; Selma with Dallas County, AL, Swanton with Fulton County, OH, and Nichlos with Marion County, SC, in Sub-No. 22F; Hickory and High Point with Catawba and Guilford Counties, NC in Sub-No. 25F; facilities at Louisville and Louisville, KY; Halls with Lauderdale County, TN, and Henderson with Rusk County, TX, and Sub-No. 33F; Pontotoc with Pontotoc County, MS, in Sub-No. 36F; McKinney with Collin County, TX; Peru with Miami County, IN, in Sub-NO. 38F; and Cloquet with Carlton County, MN, in Sub-No. 40F; and (2) change its one-way authorities to radial authorities between named points throughout the U.S. in the above certificate. The purpose of this republication is to indicate that a facility limitation in Louisville, KY is being removed from Sub-No. 26F.

MC 129325 (Sub-10)X, filed February 24, 1981, previously noticed in the **Federal Register** of April 15, 1981, republished as corrected this issue. Applicant: DIAZ MOTOR FREIGHT, INC., P.O. Box 8266, New Orleans, LA 70122. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Applicant seeks to remove restrictions in its lead and Sub-Nos. 3, 4, 6, and 9 certificates to (1) broaden the commodity descriptions to (a) "metal products" from iron and steel articles in the lead and Sub-No. 4 and steel reinforcing bars and wire rods in Sub-No. 9; (b) "rubber & plastic products" from plastic pipe in Sub-No. 3; and (c) "food and related products and chemicals and related products" from vegetable oils, in containers, in Sub-No. 6; (2) replace plantsites with city-wide or county-wide authority: St. Rose, LA with St. Charles Parish, LA in Sub-No. 6 and Beaumont, TX in Sub-No. 9, (3) change the one-way authorities to radial authorities between: New Orleans, LA, and, points in AR, AL, GA, LA, MS, TN, and in described parts of TX and FL in the lead; Houston, TX and points in the U.S. in Sub-No. 3; New Orleans, LA and points in a described part of FL in Sub-No. 4; St. Charles Parish, LA and New

Orleans, LA in Sub-No. 6; and Beaumont, TX and New Orleans, LA in Sub-No. 9, (4) eliminate the exception of AK, HI, and TX in Sub-No. 3, (5) remove the restriction limiting service to the transportation of traffic having an immediately subsequent movement by water in Sub-No. 6, and (6) replace existing authority to serve New Orleans, LA with authority to serve St. Bernard, Plaquemines, Jefferson, Orleans, St. Charles, and St. Tammany Parishes LA; and Hancock County, MS. The purpose of this republication is to include the territorial broadening in part (6).

MC 138144 (Sub-63)X, filed February 20, 1981, previously noticed in the Federal Register of March 11, 1981, republished as corrected in this issue. Applicant: FRED OLSON CO., INC., 6022 West State Street, Milwaukee, WI 53213. Representative: William D. Brejcha, 10 South LaSalle St., Suite 1600, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-Nos. 27F, 30F and 48F certificates (1) to broaden the commodity description (a) in Sub 30F from face brick and glazed structural facing tile to "clay, concrete, glass or stone products;" and (b) in Sub 27F from lumber, lumber products, wood and wood products, and in Sub 48F from railroad ties, timbers, poles, pilings, and lumber to "building materials, and lumber and wood products;" (2) replace radial authority in the Sub 27F, 30F and 48F Certificates where only one-way authority exists; (3) to substitute named counties for named cities: in the Sub 27F, Buchanan County, MO for St. Joseph, MO; and, in the Sub 48F, Madison and Williamson Counties, IL for Madison and Cambria, IL, Marion, Monroe, Pike and Vigo Counties, IN for Indianapolis, Bloomington, Winslow and Terre Haute, IN; and Jefferson and Graves Counties, KY for Louisville and Mayfield, KY (4) to remove restrictions against service from Sulphur Springs, MI and 3 MT Counties to points in 9 of the destination states, Sub 27F; (5) to remove an "originating at or destined to" restriction in the Sub 30F. The purpose of this republication is to reflect the commodity broadenings in part (1) requested by applicant.

MC 142935 (Sub-21)X, filed April 8, 1981. Applicant: PLASTIC EXPRESS, 2301 Francis Street, Ontario, CA 91761. Representative: Richard C. Celio, 2300 Camino Del Sol, Fullerton, CA 92633. Applicant seeks to remove restrictions in its Sub-Nos. 1, 4F, 5F, 18F, and 19F certificates to (1) broaden the commodity descriptions to "chemicals and related products, and rubber and plastic products" from resin and plastic pellets in Sub-No. 4F and plastic pellets in Sub-No. 19F; (2) eliminate the "except lumber" restriction in Sub-No. 1 and commodities in bulk restrictions in Sub-No. 1 and 5F; (3) replace cities with county-wide authority; Big Springs with Howard County, TX, in Sub-No. 4F; Dallas with Dallas and Tarrant Counties, TX, in Sub-Nos. 1 and 18F; and Denver with Douglas, Arapahoe, and Adams Counties, CO, in Sub-Nos. 5F and 18F; and (4) change its one-way authorities to radial authorities between points in the western part of the U.S.

MC 142998 (Sub-16)X, filed April 3, 1981. Applicant: LAUGHLIN LINES, INC., Suite 205, 2527 North Carson St., Carson City, NV 89701. Representative: Harley E. Laughlin (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 1F, 2F, 4F, 5F, 6F, 7F, 8F, and 10F certificates (1) To broaden the commodity descriptions in Sub-Nos. 1, 2, and 7 to "food and related products" from frozen foods, and foodstuffs; and in Sub-Nos. 4, 5, 6, 8, and 10 remove all restrictions in the general commodities authority "except classes A and B explosives," and in Sub-No. 1 remove the "except in bulk" restriction; (2) remove restrictions limiting service to transportation of traffic originating at or destined to the named facilities in each certificate, (3) remove exceptions excluding service in HI in Sub-Nos. 4, 5, 6, 8, and 10, and HI and WI in Sub-No. 1, and (4) authorize radial service in lieu of existing one-way service in Sub-Nos. 1, 2, and 7, and broaden the facilities and city points to county-wide authorizations, as follows: Sub-No. 1, between points inu Portage County, WI (facilities near Plover, WI), and points in the U.S. (except six States); Sub-No. 2, between points in Malheur County, OR (facilities near Ontario, OR) and Cassia County, ID (Burley, ID), and points in four States; Sub-No. 4, between points in Lyon County, NV (facilities at Longshot, NV), and points in the U.S.; Sub-No. 5, between points in Lane County, OR (facilities near Jasper, OR), and points in the U.S.; Sub-No. 6, between points in Lake County, IN (facilities near Lowell, IN), and points in the U.S.; Sub-No. 7, between points in Monterey County, CA (facilities near Salinas, CA), and points in 11 States; Sub-No. 8, between points in Yuma County, AZ (facilities near Yuma, AZ), and points in the U.S.; and Sub-No. 10, between points in Warren County, IA (facilities in Warren County, IA), and points in the U.S.

MC 146886 (Sub-6)X, filed April 15, 1981. Applicant: CONLAN TRUCK LINES, INC., 6160 South 116th Street, Hales Corners, WI 53130. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Applicant seeks to remove restrictions in its Sub-Nos. 3F and 4F certificates to (1) broaden the commodity description from health care products, beauty products, personal care products, home cleaning products, laundry care products, home care products, beauty care toiletry products, stainless steel cookware, cutlery and food supplements to "such commodities as are dealt in by distributors of household products" in each certificate; (2) remove the "except commodities in bulk" restriction in Sub-No. 4F; (3) eliminate the facilities limitation in each certificate; (4) expand city-wide to county-wide authority from Ada to Kent County, MI, Aberdeen to Brown County, SD, and Des Moines to Polk County, IA, in Sub-No. 4F; (5) change one-way to radial authority between (a) Chicago, IL, and, points in MN, ND, SD, WI (with exceptions), and the Upper Peninsula of MI; and Minneapolis, MN, and, points in MN, ND, and SD in Sub-No. 3F; and (b) Kent County, MI, and, points in ND and SD; Brown County, SD, and, points in ND and SD; Polk County, IA, and, points in WI, MN, and the Upper Peninsula of MI; Milwaukee, WI, and, points in WI and the Upper Peninsula of MI; and Minneapolis, MN, and, points in MN and WI in Sub-No. 4F; and (6) remove the restriction to traffic having a prior movement in interstate commerce from Chicago, IL in Sub-No. 3F.

MC 147978 (Sub-5)X, filed April 13, 1981. Applicant: SYSTEM REEFER SERVICE, INC., 4614 Lincoln Ave., Cypress, CA 90630. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) remove all exceptions to its general commodities authority (except Classes A & B explosives); (2) remove the restriction "in vehicles equipped with mechanical refrigeration"; and (3) broaden the authority from a facility at Baltimore, MD, to city-wide authority.

MC 149308 (Sub-12)X, filed March 27, 1981, previously noticed in the Federal Register of April 13, 1981, republished as corrected in this issue. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., P.O. Box P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., 3426 N. Washington, Blvd., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its Sub-Nos. 1F, 3F, 4F and 5F certificates to (1) remove the "in bulk" restriction in Sub-Nos. 3F, 4F and 5F, (2) change its one-way authority to radial authority and replace cities and facilities with city or county-wide authority: Louisville, KY

(for facilities at or near Louisville, KY) in Sub-Nos. 1F, 3F, 4F and 5F, and Richmond, VA, Rockingham and Chesterfield Counties, VA (for facilities at or near Richmond, Grottoes and Bellwood, VA), in Sub-No. 5F and (3) remove AK and HI exceptions in Sub-No. 1F. The purpose of this republication is to include the territorial expansion from the plantsite facility at or near Louisville, KY to Louisville, KY in Sub-No. 1F which was originally omitted.

MC 151037 (Sub-2)X, filed March 25, 1981, previously noted in the Federal Register of April 6, 1981, republished as corrected this issue. Applicant: ROAD RAIL TRANSPORT, LTD., Suite 201, 4250 Perimeter Park South, Atlanta, GA 30341. Representative: Charles Ephraim, 406 World Center, Bldg., 918—16th Street, NW, Washington, DC 20006. Applicant seeks to remove restrictions in its Sub-No. 1F certificate to (1) broaden the commodity description from general commodities (with exceptions) to "general commodities (except Classes A and B explosives)"; (2) delete the restriction against service to AK to HI; and (3) remove the restriction to transportation of traffic originating at or destined to points in eleven named states. The purpose of this republication is to indicate removal of the "originating at or destined to" restriction noted in item (3).

[FR Doc. 81-12434 Filed 4-23-81; 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 251 of the Commission's Rules of Practices, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we fine, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-126

Decided April 16, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor. (Chandler not participating).

MC 21720 (Sub-6), filed April 3, 1981. Applicant: PANTHER VALLEY CARRIERS, INC., RD #3, Box 187-A, Tamaqua, PA 18252. Representative: John C. Fudesco, Suite 960, 1333 New Hampshire Ave., NW., Washington, DC 20036 (202) 659-5157. 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 117820 (Sub-43), filed April 2, 1981. Applicant: W. H. FROH, INC., 57760 Main Blvd., New Haven, MI 48048. Representative: Robert D. Schuler, 100 West Long Lake Rd., Suite 102, Bloomfield Hills, MI 48013 (313) 645-9600. Transporting (1) for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., (2) *used household goods* for the account of the U.S. Government incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S., and (3) as a *broker* of general commodities (except household goods), between points in the U.S.

MC 150630 (Sub-1), filed April 6, 1981. Applicant: BLUE ANCHOR ENVIRONMENTAL CORP., P.O. Box 746, Marlton, NJ 08053. Representative: Michael R. Werner, PO Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. *As a broker of general commodities* (except household goods), between points in the U.S.

MC 155111, filed April 6, 1981. Applicant: RESOURCE TECHNOLOGY SERVICES, INC., 6 Berkeley Rd., Devon, PA 19333. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfild, NJ 07006. As a *broker* of *general commodities* (except household goods), between points in the U.S.

MC 155130, filed April 6, 1981. Applicant: B & D TRANSPORT, INC., 11621 Kanis Rd., Little Rock, AR 72211. Representative: Larry Brown (same address as applicant), (501) 225-3688. Transporting *general commodities*, between Mintz, NC, Primrose and Luthersville, GA, Cardwell, Arbyard and Hornersville, MO, McHenery, ND, Narcisso, Russellville and Roaring Springs, TX, Raymond, Oakley, Adams and Myles, MS, Winfield, Riverdale, and Belle Plaine, KS, and Snyder and Hamburg, AR, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor carrier for abandoned rail carrier service.

Volume No. OP1–128

Decided: April 17, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor. (Chandler not participating).

MC 136390 (Sub-4), filed April 13, 1981. Applicant: JOHN B. RUSLING, Box 225, Stephen, MN 56757. Representative: Arthur A. Drenckhahn, 423 N. Main, Warren, MN 56762, (218) 745–4321. 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–2–050

Decided: April 20, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 136202 (Sub-3), filed April 6, 1981. Applicant: REBEL VAN LINES, INC., 2150 So. Alameda, Compton, CA 90221. Representative: Robert J. Gallagher, Esq., 1000 Connecticut Ave., NW., Suite 1200, Washington DC 20036, (202) 463–6044. Transporting, for or 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 144513 (Sub-18F), filed April 9, 1981. Applicant: CONDOR CONTRACT CARRIERS, INC., 656 Wooster St., Lodi, OH 44254. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-12355 Filed 4-23-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539. 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 1100.247(B). 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.

Amendements to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient interest in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1–129

Decided: April 17, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor (Chandler not participating).

MC 153001 (Sub-1), filed January 26, 1981. Applicant: HISKO TRUCKING CO., INC., 100 Lister Ave., Newark, NJ 07105. Representative: Lawrence Hisko (same address as applicant) (201) 465–9165. Transporting *waste chemicals* in bulk or in containers, between points in the U.S., under continuing contract(s) with SCA Chemical Services Co. of Newark, NJ 07107.

Volume No. OP2–059

Decided: April 3, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 150783 (Sub-4), filed January 13, 1981, published in the **Federal Register** issue of February 11, 1981, and republished, as corrected, this issue. Applicant: SCHEDULED TRUCKWAYS, INC., P.O. Box 757, Rogers, AR 72756. Representative: Ronnie Sleeth (same address as applicant) 501–636–1979. Transporting *such commodities* as are used by or dealt in by producers and distributors of rabbit meat and related products, between points in the U.S. The purpose of this republication is to correct the commodity description.

Volume No. OP5–88

Decided: April 16, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce and Dowell.

MC 145088 (Sub-7), filed January 27, 1981, previously noticed in the (republication) **Federal Register** issue of March 10, 1981. Applicant: S & T TRUCKLOAD, INC., 2527 N. E. 28th St, Fort Worth, TX 76106. Representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, TX. Transporting *such commodities* as are used by or dealt in manufacturers and distributors of electronic products, between points in Henderson County, TX, on the one hand, and, on the other, points in the U.S.

Note.—Purpose of republication is to modify the authority as above.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-12354 Filed 4-23-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings:

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPI–124

Decided April 14, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor.

MC 2990 (Sub-23), filed April 8, 1981. Applicant: BLUE ARROW, INC., 525 Burton St., S.W., Grand Rapids, MI 49507. Representative: George Willemstein (same address as applicant), (616) 241–1631. *Over regular routes,* transporting *general commodities* (except classes A and B explosives), (1) between Detroit and Muskegon, MI, over Interstate Hwy 96, (2) between Kalamazoo and Petoskey, MI, over U.S. Hwy 131, (3) between Battle Creek and Mackinaw City, MI, from Battle Creek over Interstate Hwy 69 to Lansing, then over U.S. Hwy 27 to junction Interstate Hwy 75, then over Interstate Hwy 75 to Mackinaw City, and return over the same route, (4) between Bay City and Alpena, MI, from Bay City over Interstate Hwy 75 to junction MI Hwy 61, then over MI Hwy 61 to Standish, MI, then over U.S. Hwy 23 to Alpena, and return over the same route, (5) between Bay City and Ludington, MI, over U.S. Hwy 10, (6) between Saginaw and Howard City, MI, over MI Hwy 46, (7) between Standish and Grayling, MI, over Interstate Hwy 75, (8) between Flint and Port Huron, MI, over MI Hwy 21, and (9) between junction U.S. Hwys 127 and 12 and Detroit, MI, over U.S. Hwy 12, serving all intermediate points in routes (1) through (9) above and serving points in the Lower Peninsula of MI as off-route points.

MC 75840 (Sub-157), filed March 26, 1981. Applicant: MALONE FREIGHT LINES, INC., P.O. Box 11103, 3400 Third Avenue South, Birmingham, AL 35222. Representative: Raymond Hamilton (same address as applicant), (205) 323–6721. Transporting *rubber and plastic products,* between the facilities of Robintech, Inc. in the U.S., on the one hand, and, on the other, points in the U.S.

MC 75840 (Sub-160), filed April 7, 1981. Applicant: MALONE FREIGHT LINES, INC., 3400 3rd Avenue South, Birmingham, AL 35202. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *general commodities* (except classes A and B explosives), between the facilities of Reynolds Metals Company, in the U.S., on the one hand, and, on the other, points in the U.S.

MC 143061 (Sub-11), filed April 4, 1981. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews (same address as applicant), (919) 623–9106. Transporting *rubber and plastic products, pulp, paper and related products, and containers,* between the facilities of Lily, Division of Owen-Illinois, in the U.S., 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 1, Room 6358.

MC 143280 (Sub-21), filed April 6, 1981. Applicant: SAFE TRANSPORTATION CO., a corporation, 6834 Washington Avenue South, Eden Prairie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. (612) 457–6889. Transporting *furniture and fixtures,* between points in Kent and Ottawa Counties, MI, Fulton County, GA, and Orange County, CA, on the one hand, and, on the other, points in the U.S.

MC 147851 (Sub-11), filed April 6, 1981. Applicant: KWESVA, INC., Route 10, Benson Valley Rd., Frankfort, KY 40601. Representative: Herbert D. Liebman, P.O. Box 478, Frankfort, KY 40602, 1–502–875–3493. Transporting *food and related products,* between points in Scott County, IN, on the one hand, and, on the other, points in IA, IL, IN, KS, KY, MO, and OH.

MC 152611, filed April 7, 1981. Applicant: DANIEL P. DUKES d.b.a. DAN DUKES TRUCKING, 6541 Sutter Ave., Carmichael, CA 95608. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650, (213) 863–8883. Transporting *lumber and wood products,* between points in the U.S., under continuing contract(s) with National Plywood Incorporated of Long Beach, CA.

MC 152621 (Sub-5), filed March 24, 1981. Applicant: RUSH TRANSPORT, INC., 172 Chestnut Street, Springfield, MA 01105. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *rubber and plastic products*, between the facilities of Chelsea Industries, Inc. in the U.S., 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 applications for common control to team 1, Room 6358.

MC 153650 (Sub-1), filed April 6, 1981. Applicant: MIKE MEADORS TRUCKING, P.O. Box 496, Alma, AR 72921. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701, (501) 521–8121. Transporting *food and related products*, between points in Grady County, OK, on the one hand, and, on the other, points in AR, AZ, CA, CO, ID, LA, MT, NM, NV, OR, TX, UT, WA and WY.

MC 155181, filed April 9, 1981. Applicant: TERRELL-JACKSON FARM SUPPLY CO., INC., 135 Greenbriar, Sikeston, MO 63801. Representative: A. J. Swanson, P.O. Box 1103, 226 North Phillips Ave., Sioux Falls, MO 57101, (605) 335–1777. Transporting (1) *ores and minerals*, between points in Union County, IL, on the one hand, and, on the other, points in Scott County, MO, and (2) *coal and coal products*, between points in Scott County, MO, on the one hand, and, on the other, points in Williamson and Saline Counties, IL.

Volume No. OPI–125

Decided: April 16, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor. (Chandler not participating.)

MC 44801 (Sub-21), filed April 9, 1981. Applicant: DICK HARRIS AND SON TRUCKING CO., INC., P.O. Box 10277, 4000 Harris Lane, Lynchburg, VA 24506. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048, (212) 466–0220. Transporting (1) *such commodities* as are dealt in or used by manufacturers and distributors of containers, (2) *clay, concrete, glass, or stone products*, (3) *packaging products*, and (4) *waste or scrap materials not identified by industry producing*, between those points in the U.S., in and east of MS, TN, KY, IL, and WI.

MC 57880 (Sub-26), filed April 6, 1981. Applicant: ASHTON TRUCKING CO., 1245 North Highway 285, P.O. Box 472, Monte Vista, CO 81144. Representative: Leslie R. Kehl, 1660 Lincoln St., 1600 Lincoln Center, Denver, CO 80264, (303) 861–4028. Transporting *general commodities* (except classes A and B explosives), between points in CO and ID, on the one hand, and, on the other, points in the U.S.

MC 65300 (Sub-2), filed April 6, 1981. Applicant: LUNA TRUCK LINE, INC., P.O. Box 203, Gainesville, MO 65655. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Over regular routes, transporting *general commodities* (except classes A and B explosives) (1) between Mountain Home, AR, and junction U.S. Hwys 62 and 65 at or near Bellefonte, AR, over U.S. Hwy 62, (2) between Harrison and Marshall, AR, over U.S. Hwy 65, and (3) between St. Louis and Gainesville, MO, from St. Louis, over Interstate Hwy 44 to junction U.S. Hwy 63 at or near Rolla, then over U.S. Hwy 63 to junction U.S. Hwy 160 at or near West Plains, then over U.S. Hwy 160 to Gainesville, return over the same route, serving all intermediate points.

MC 78080, filed April 6, 1981. Applicant: BICKLEY'S AUTO EXPRESS, INC., 1609 N. Delaware Ave., Philadelphia, PA 19125. Representative: Ira G. Megdal, 499 Cooper Landing Rd., Cherry Hill, NJ 08002, (609) 667–6000. Transporting *general commodities* (except classes A and B explosives), between Philadelphia, PA, on the one hand, and, on the other, points in Berks, Bucks, Carbon, Chester, Columbia, Delaware, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Montour, Northampton, Pike, Schuykill, Wayne, Wyoming and York Counties, PA, and Warren and Hunterdon Counties, NJ.

MC 95490 (Sub-54), filed April 9, 1981. Applicant: UNION CARTAGE COMPANY, INC., 37 Southwest Cutoff, Worcester, MA 01604. Representative: Edward J. Kiley, 1730 M St., N.W., Suite 501, Washington, DC. 20036, (202) 296–2900. Transporting *food and related products* between points in Montgomery County, NY, and points in VT.

MC 114211 (Sub-507), filed March 23, 1981. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, IA 50704. Representative: Adelor J. Warren (same address as applicant), (319) 233–6113. Transporting *metal articles*, between points in Washington County, OR, on the one hand, and, on the other, points in the U.S.

MC 127651 (Sub-69), filed April 2, 1981. Applicant: EVERETT G. ROEHL, INC., East 29th St., P.O. Box 7, Marshfield, WI 54449. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Kilander & Company, of Oconomowoc, WI.

MC 133841 (Sub-25), filed February 9, 1981, and previously noticed in FR issue of March 9, 1981. Applicant: DAN BARCLAY, INC., P.O. Box 426, 362 Main St., Lincoln Park, NJ 07035. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435–7140. Transporting *cables, reels, and machinery*, between the facilities used by Anaconda Wire & Cable Co. in the U.S., on the one hand, and, on the other, points in the U.S.

Note.—This republication clarifies the commodity description.

MC 134721 (Sub-8), filed April 3, 1981. Applicant: GEORGE M. DZIAK, d.b.a. DZIAK PRODUCE CO., P.O. Box 3494 TA, Spokane, WA 99220. Representative: Chandler L. van Orman, 1729 H Street, N.W., Washington, DC 20006, (202) 337–6500. Transporting *talc*, between points in MT, on the one hand, and, on the other, points in UT, OR, CA, WA, ID and NV.

MC 138000 (Sub-86), filed April 2, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740, (301) 869–2733. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of phonograph records and tapes, between those points in the U.S. in and east of MN, IA, KS, OK and TX.

MC 145791 (Sub-3), filed April 2, 1981. Applicant: J. B. MILLER ENTERPRISES, 405 Hansen Ave., Butler, PA 16001. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219, (412) 281–9494. Transporting (1) *such commodities* as are dealt in or used by home products manufacturers and distributors of cosmetics, toilet preparations and jewelry, and (2) *such commodities* as are distributed by hardware stores, between points in PA, OH, IN, IL, WV, MD, DE, NJ, NY, MA, VA, NC, SC, and CONDITION: Issuance of a certificate in this proceeding is subject to the coincidental cancellation at applicant's written request, of its permits in MC–145791, MC 145791 (Sub-No. 1), and MC–145791 (Sub-No. 2F).

MC 145970 (Sub-6), filed April 9, 1981. Applicant: SKILLETT & SONS, INC., Rush Center, KS 67575. Representative: Erle W. Francis, 719 Capitol Federal Bldg., Topeka, KS 66603 (913) 232–0601. Transporting *oil field machinery*, between points in the U.S., under continuing contract(s) with K.T.M. Products, Ltd., of Great Bend, KS.

MC 148751 (Sub-12), filed April 9, 1981. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638–1301. Transporting *metal products and machinery*, between points in Miami County, OH, on the one hand, and, on the other, points in the U.S.

MC 150080 (Sub-8), filed April 6, 1981. Applicant: CONTROLLED CARRIERS, INC., P.O. Box 367, Exton, PA 19341. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740, (301) 739–4860. Transporting *general commodities* (except classes A and B explosives), between the facilities used by W. W. Grainger, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151091, filed April 9, 1981. Applicant: MAKS WOOD PRODUCTS CO., INC., 29441 Enid Rd., P.O. Box 2940, Eugene, OR 97402. Representative: Kerry D. Montgomery, 400 Pacific Bldg., Portland, OR 97204, (503) 228–5275. Transporting (1) *ores and minerals*, (2) *clay, concrete, glass or stone products*, and (3) *building materials*, between points in OR, WA, CA, and NV.

MC 151380 (Sub-1), filed April 2, 1981. Applicant: RICLYN ENTERPRISES, INC., 4300 S.W. 6th St., Plantation, FL 33317. Representative: Richard Mendenhall (same address as applicant), (305) 791–5122. Transporting *general commodities* (except classes A and B explosives), in containers having a prior or subsequent movement by water, between ports of Miami, Port Everglades, and Palm Beach, FL, on the one hand, and, on the other, points in Broward, Dade, and Palm Beach counties, FL.

MC 152550 (Sub-1), filed March 30, 1981. Applicant: WICK'S AIR FREIGHT, INC., 17609 11th Ave., SE, Arlington, WA 98223. Representative: George H. Hart, 1100 IBM Bldg., Seattle, WA 98101, (206) 823–0579. Transporting *general commodities* (except classes A and B explosives), (1) between Portland, OR, Seattle and Tacoma WA, and ports of entry on the international boundary line between the United States and Canada at or near Blaine and Sumas, WA, and (2) between Portland, OR, Seattle and Tacoma WA, and ports of entry on the international boundary line between the United States and Canada at or near Blaine and Sumas, WA, on the one hand, and, on the other, points in Washington and Multnomah Counties, OR, and Whatcom, Skagit, Snohomish, King, Pierce, Thruston, Lewis, Cowlitz, and Clark counties, WA.

MC 152681 (Sub-1), filed April 7, 1981. Applicant: FRANK BATY, 2045 Tulare Way, Upland, CA 91786. Representative: Donald R. Hedrick, P.O. Box 88, Norwalk, CA 90650, (213) 863–8883. Transporting *food and related products*, between points in CA, on the one hand, and, on the other, points in MI and NY.

MC 153811 (Sub-4), filed March 31, 1981. Applicant: TRANSPORTATION SYSTEM OF AMERICA, INC., 3905 River Road, Pennsauken, NJ 08110. Representative: Richard M. Parnicky, 71 West Park Ave., Vineland, NJ 08360, (609) 691–700. Transporting *general commodities* (except classes A and B explosives), between points in Vanderburgh and Posey Counties, IN, and Green County, MO, on the one hand, and, on the other, points in the U.S.

MC 154490 (Sub-1), filed April 6, 1981. Applicant: SHARON L. DEAN AND KENNETH MARLAR, d.b.a. DEAN AND MARLAR CONTRACT CARRIERS, 2013 Shiloh Rd., Corinth, MS 38834. Representative: John Davidson, Box 1456, 111 Highway 72 West, Corinth, MS 38834, (601) 287–5452. Transporting *printed matter* between points in the U.S., under continuing contract(s) with Hall of Mississippi, Inc., of Corinth, MS.

MC 155110, filed April 6, 1981. Applicant: CUTRELL TRUCKING CO., a corporation, 701 North Dallas, Amarillo, TX 79120. Representative: Richard Hubbert, P.O. Box 10236, Lubbock, TX 79408, (808) 763–9555. Transporting *sand, gravel, and road building materials*, between points in TX, OK and KS.

MC 155130 (Sub-1), filed April 6, 1981. Applicant: B & D TRANSPORT, INC., 11621 Kanis Road, Little Rock, AR 72211. Representative: Larry Brown (same address as applicant), (501) 225–3688. Transporting *general commodities* (except classes A and B explosives), between points in Hancock and Breckenridge Counties, KY, on the one hand, and, on the other, points in the U.S.

MC 155170, filed April 8, 1981. Applicant: PEACH STATE TRUCK BROKERS, INC., P.O. Box 2937, Gainesville, GA 30503. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE., Atlanta, GA 30326. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Dutch Quality House of Gainesville, GA.

MC 155220, filed April 8, 1981. Applicant: ACKLEY TRUCK LINE, INC., 1400 Mill St., Brush, CO 80723. Representative: Elmer E. Defenbaugh (same address as applicant), (303) 842–4685. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) between Denver, CO, and Holyoke, CO, (a) over U.S. Hwy 6, and (b) from Denver, CO, over U.S. Hwy 85 to Greeley, CO, then over U.S. Hwy 34 to Wray, CO, then over U.S. Hwy 385 to Holyoke, CO, and return over the same route, serving all intermediate points and serving points in Washington County, CO, as off-route points in (a) and (b) above, and (2) between Denver, CO, and Wray, CO, from Denver, CO, over U.S. Hwy 36 to Idalia, CO, then over U.S. Hwy 385 to Wray, CO, and return over the same route, serving all intermediate points and serving points in Washington County, CO, as off-route points.

Volume No. OP1–127

Decided: April 17, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor. (Chandler not participating.)

MC 33970 (Sub-26), filed April 10, 1981. Applicant: GEORGE HILDEBRANDT, INC., Route 4, Hudson, NY 12534. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006, (201) 575–7700. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Premium Products Sales Corp., of Greenwich, CT.

MC 43421 (Sub-68), filed April 8, 1981. Applicant: DOHRN TRANSFER CO., 4016 Ninth St., P.O. Box 1237, Rock Island, IL 61201. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. Transporting *general commodities* (except classes A and B explosives), serving Decatur, IL, as an off-route point in connection with carrier's otherwise authorized regular-route operations.

MC 52460 (Sub-322), filed April 8, 1981. Applicant: ELLEX TRANSPORTATION, INC., P.O. box 9637, 1420 W. 35th St., Tulsa, OK 74107. Representative: Don E. Kruizinga (same address as applicant), (918) 446–4434. Transporting *such commodities* as are dealt in by wholesale, retail, and discount stores, between the facilities of Wal-Mart Stores, Inc., in AL, AR, CA, CO, FL, GA, IA, IL, KS, KY, MO, MS, NC, NE, OK, SC, TN, and TX, on the one hand, and, on the other, points in AL,

AR, CA, CO, FL, GA, IA, IL, KS, KY, MO, MS, NC, NE, OK, SC, TN, and TX.

MC 67450 (Sub-113), filed April 10, 1981. Applicant: PETERLIN CARTAGE CO., 9651 S. Ewing Ave., Chicago, IL 60617. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236–5944. Transporting *food and related products*, and *such commodities* as are dealt in by retail and wholesale grocery houses, between points in the U.S.

MC 114061 (Sub-21), filed April 10, 1981. Applicant: SICOMAC CARRIERS, INC., 1107 Goffle Rd., Hawthorne, NJ 07506. Representative: Jack Schiller, 345 Webster Ave., Brooklyn, NY 11230, (212) 436–4278. Transporting *commodities in bulk*, between points in the U.S., under continuing contract(s) with Emery Industries, Inc., of Cincinnati, OH.

MC 115331 (Sub-552), filed April 8, 1981. Applicant: TRUCK TRANSPORT INC., 11040 Manchester Road, St. Louis, MO 63122. Representative: J. R. Ferris (same address as applicant), (314) 965–2151. Transporting *general commodities* (except classes A and B explosives), between the facilities used by Monsanto Company and its subsidiaries in the U.S., on the one hand, and, on the other, points in the U.S.

MC 115931 (Sub-193), filed April 13, 1981. Applicant: BEE LINE TRANSPORTATION, INC., P.O. Box 3987, Missoula, MT 59806. Representative: Robert N. Maxwell, P.O. Box 2471, Fargo, ND 58108, (701) 237–4223. Transporting *lumber and wood products*, between points in Beltrami County, MN, on the one hand, and, on the other, points in the U.S.

MC 124170 (Sub-163), filed April 10, 1981. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Drive, Detroit, MI 48207. Representative: William J. Boyd, 2021 Midwest Road, Suite 205, Oak Brook, IL 60521, (312) 629–2900. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. under continuing contract(s) with Vidal Sassoon, Inc. of Chatsworth, CA and its subsidiaries.

MC 127651 (Sub-70), filed April 10, 1981. Applicant: EVERETT G. ROEHL, INC., East 29th St., P.O. Box 7, Marshfield, WI 54449. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705. Transporting *general commodities* (except classes A and B explosives), between points in Marathon County, WI, on the one hand, and, on the other, points in the U.S.

MC 135231 (Sub-59), filed April 10, 1981. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway 1 and 59 West, Thief River Falls, MN 56701. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *general commodities* (except classes A and B explosives), between the facilities of The Pillsbury Company and its subsidiaries in the U.S., on the one hand, and, on the other, points in the U.S.

MC 136771 (Sub-10), filed April 13, 1981. Applicant: HY-WAY TRANSIT, INC., Route 1, Cedar Grove, WI 53013. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705, (608) 238–3119. Transporting *petroleum, natural gas and their products*, between points in the U.S. under continuing contract(s) with Pennzoil Products Company, Division of Pennzoil Company, of Oil City, PA.

Note.—To the extent that any certificate issued in this proceeding authorizes the transportation of liquified petroleum gas, it shall expire 5 years from its date of issuance.

MC 138960 (Sub-20), filed April 14, 1981. Applicant: ROKO EXPRESS, INC., P.O. Box 169, 819 West Fifth Ave., Columbus, OH 43212. Representative: H. Barney Firestone, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263–1600. Transporting *general commodities* (except classes A and B explosives), between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 141620 (Sub-2), filed April 10, 1981. Applicant: VAN BUS DELIVERY CO., d.b.a. UNITED VAN BUS DELIVERY, 2601 32nd Ave. South, Minneapolis, MN 55406. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, (901) 767–5600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Paper, Calmenson & Company, of St. Paul, MN.

MC 143061 (Sub-12), filed April 13, 1981. Applicant: ELECTRIC TRANSPORT, INC., P.O. Box 528, Eden, NC 27288. Representative: Archie W. Andrews (same address as applicant), (919) 623–9106. Transporting (1) *food and related products* and (2) *fertilizer*, between points in the U.S., under continuing contract(s) with Wilson Enterprises, Inc., of Disputanta, VA.

MC 143280 (Sub-23), filed April 13, 1981. Applicant: SAFE TRANSPORTATION CO., a corporation, 6834 Washington Avenue South, Eden Prarie, MN 55344. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457–6889. Transporting *such commodities* as are dealt in by food business houses, drug stores, and department stores, between Kansas City, KS, on the one hand, and, on the other, points in MT, WY, CO, NM, TX, MO, NE, SD, ND, MN, WI, IA, IL, LA, AR, OK, and IN.

MC 146991 (Sub-7), filed April 16, 1981. Applicant: SILICA SAND TRANSPORT, INC., Box 208, Routes 47 and 71, Yorkville, IL 60560. Representative: Albert A. Andrin, 180 North La Salle St., Chicago, IL 60601, (312) 332–5106. Transporting *dry bulk commodities*, between points in the U.S.

MC 148380 (Sub-13), filed April 13, 1981. Applicant: CRESCO LINES, INC., 13900 S. Keeler Ave., Crestwood, IL 60444. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Alliance Shippers, Inc., of Willow Springs, IL.

MC 148760, filed April 10, 1981. Applicant: SCHIBER TRUCK CO., INC., Rand and Olive Sts., Hartford, IL 62048. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting (1) *petroleum, natural gas and their products*, and (2) *chemicals and related products*, between points in the U.S., under continuing contract(s) with (a) Joseph R. Reidy & Sons, Inc., and (b) Clayton Chemical Company, both of Clayton, MO.

MC 149360 (Sub-3), filed April 13, 1981. Applicant: L.B. TRANSPORT SERVICES, INC., 19114 Pioneer Blvd., Cerritos, CA 90701. Representative: Miles L. Kavaller, 315 So. Beverly Dr., Suite 315, Beverly Hills, CA 90212 (213) 277–2323. Transporting *building materials*, between points in the U.S., under continuing contract(s) with Johns-Manville Sales Corporation, of San Mateo, CA.

MC 149541 (Sub-1), filed April 14, 1981. Applicant: LEBARNOLD, INC., 625 South 5th Ave., P.O. Box 630, Lebanon, PA 17042. Representative: Francis W. McInerny, 1000 16th St., N.W., Suite 502, Washington, DC 20036 (202) 783–8131. Transporting *metal products*, between points in the U.S., under continuing contract(s) with Equipto, of Aurora, IL.

MC 150511 (Sub-1), filed April 14, 1981. Applicant: BETTER HOME DELIVERIES, INC., 3700 Park East Dr., Cleveland, OH 44122. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114 (216) 566–5639. Transporting *such commodities* as are dealt in or used by retail department stores, between points in the U.S., under continuing contracts with (1) Broadway-Southwest Division of Carter-Hawley-Hale Stores, Inc., of Mesa, AZ, and (2)

Scandinavian Design, Inc., of Natick, MA.

MC 150980 (Sub-2), filed April 13, 1981. Applicant: PATRICK DERRO d.b.a. DERRO CARTAGE COMPANY, 10701 South Keeler Ave., Oak Lawn, IL 60453. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603 (312) 782–8880. Transporting *general commodities* (except classes A and B explosives), between Chicago, IL, on the one hand, and, on the other, points in IL, IN, MI, OH, and WI.

MC 151191 (Sub-2), filed April 10, 1981. Applicant: ESPENSCHIED TRANSPORT CORP., 322 South 600 East, Centerville, UT 84014. Representative: Lee E. Lucero, 450 Capitol Life Center, Denver, CO 80203 (303) 861–8046. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Campbell Filter Co., of Salt Lake City, UT, (2) Filtrol Corporation of Los Angeles, CA, (3) Moore Business Forms, Inc., of Oakland, CA, (4) Spiegel, Inc., of Oak Brook, IL, and (5) Spokane Pres-To-Log Company, Inc., of Spokane, WA.

MC 153480 (Sub-1), filed April 13, 1981. Applicant: RICHARD P. WARD, d.b.a. WARD DISTRIBUTING COMPANY, P.O. Box 713, Alamosa, CO 81101. Representative: Jean Paul Jones, P.O. Box 1034, Alamosa, CO 81101 (303) 589–4677. Transporting *food and related products*, (1) between Memphis, TN, and points in CO, and (2) between points in Jefferson County, CO, on the one hand, and, on the other, points in TN, LA, and MS.

MC 153770, filed April 10, 1981. Applicant: GORDON NINE, d.b.a. NINE TRUCK LINE, 11100 Chickadee Dr., Boise, ID 83709. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (a) Chandler Corporation, (b) Hodge Lumber, Inc., (c) Pressure Treated Timber Company, and (d) Zieman Manufacturing Company, Inc., all of Boise, ID, and (e) Western Forest Products, of Meridian, ID.

MC 155021 (Sub-1), filed April 14, 1981. Applicant: ECONEXPRESS INCORPORATED, 618 West St., Wheaton, IL 60187. Representative: Norman A. Cooper, 145 W. Wisconsin Ave., Neenah, WI 54956 (414) 722–2848. Transporting *hazardous materials*, between points in the U.S., under continuing contract(s) with Econex Incorporated, of Wheaton, IL. Condition: To the extent that any certificate issued in this proceeding authorizes the transportation of liquefied petroleum gas, it shall expire 5 years from its date of issuance.

MC 155230 (Sub-1), filed April 13, 1981. Applicant: GINGER TRUCKING COMPANY, a corporation, Julip Route, Box 130–A, Williamsburg, KY 40769. Representative: William P. Jackson, Jr., 3436 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210, (703) 525–4050. Transporting *coal and coal products*, between points in Knox County, KY, on the one hand, and, on the other, points in AL, IN, NC, OH and TN.

MC 155231, filed April 9, 1981. Applicant: MAXAM TRUCKING, INC., R.D. #2, Interlaken, NY 14847. Representative: Herbert M. Canter, 305 Montgomery St., Syracuse, NY 13202 (315) 472–8845. Transporting *farm and construction machinery and equipment*, between those points in NY north of Rockland and Westchester Counties, on the one hand, and, on the other, Philadelphia, PA, and points in IA, IL, KS, and WI.

MC 155240, filed April 10, 1981. Applicant: WASTE AND RECYCLING SERVICES, INC., P.O. Box 796, Frankfort, KY 40602. Representative: Fred F. Bradley, P.O. Box 773, Frankfort, KY 40602 (502) 875–2285. Transporting *pulp, paper and related products, rubber and plastic products, and clay, concrete, glass or stone products*, between Huntington, WV, on the one hand, and, on the other, points in KY.

MC 155281 filed April 14, 1981. Applicant: MASSACHUSETTS PETROLEUM LINES, INC., 182 Alley Street, Lynn, MA 01905. Representative: James F. Martin, Jr., 8 W. Morse Road, Bellingham, MA (617) 966–2093. Transporting *petroleum, natural gas and their products*, between points in MA, RI, and New Haven County, CT, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, and NY.

Note.—To the extent that any certificate issued in this proceeding authorizes the transportation of liquified petroleum gas, it shall expire 5 years from its date of issuance.

Volume No. OPY–2–049

Decided April 15, 1981, by the Commission Review Board No. 1, Members Parker, Chandler and Taylor.

MC 74482 (Sub-2F), filed April 7, 1981. Applicant: ST. GERMAIN MOTOR TRANSPORTATION, INC., 607 Cumberland Hill Road, Woonsocket, RI 02895. Representative: Charles R. Reilly, 391 Davisville Road, North Kingstown, RI 02852 (401) 884–0969. Transporting *general commodities*, (except classes A and B explosives), between points in CT, ME, MA, NH, RI, and VT.

MC 77972 (Sub-42F), filed April 6, 1981. Applicant: MERCHANTS TRUCK LINE, INC., P.O. Box 908, New Albany, MS 38652. Representative: James R. Holt, P.O. Box 523, Collierville, TN 38017 (901) 853–7208. Transporting *general commodities* (except classes A and B explosives) between points in Clarke and Smith Counties, MS, on the one hand, and, on the other, points in the U.S.

Note.—Applicant intends to tack the authority sought with its existing regular route authority in Docket No. MC–77972 and subs thereto.

MC 153833 (Sub-1F), filed April 6, 1981. Applicant: POWELL-CHRISTENSEN, INC., d.b.a. GENERAL TRANSPORT CO., 501 East Main, Grandview, WA 98930. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98009 (206) 453–0312. Transporting *commodities in bulk*, between points in WA, on the one hand, and, on the other, points in OR.

Volume No. OPY–4–89

Decided: April 17, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher and Williams. (Williams not participating).

MC 95876 (Sub-397), filed April 8, 1981. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Ave. North, St. Cloud, MN 56301. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 S. 8th St., Minneapolis, MN 55402 (612) 333–1341. Transporting *machinery*, between points in Carroll County, GA, on the one hand, and, on the other points in the U.S.

MC 140036 (Sub-1), filed April 8, 1981. Applicant: WINTERS TRUCKING, INC., 4 Chase Ave., Avenel, NJ 07001. Representative: Dwight L. Koerber, Jr., P.O. Box 320, 110 N. 2nd St., Clearfield, PA 16830 (814) 765–9611. Transporting *general commodities* (except classes A and B explosives), betwen points in the U.S., under continuing contract(s) with Amerada Hess Corporation, of Woodbridge, NJ.

MC 147536 (Sub-33), filed April 9, 1981. Applicant: D. L. SITTON MOTOR LINES, INC., P.O. Box 1567, Joplin, MO 64801. Representative: David L. Sitton (same address as as applicant) (417) 782–2600. Transporting *paper and plastic products*, between the facilities of Lily Division of Owens-Illinois at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 150576 (Sub-3), filed April 8, 1981. Applicant: COASTAL TRANSPORT, INC., P.O. Box 1277, Goldsboro, NC 27530. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602 (919)

828–0731. Transporting *petroleum, natural gas and their products,* between points in NC, on the one hand, and, on the other, points in SC.

MC 155216, filed April 8, 1981. Applicant: UNITED WAREHOUSE OF LEOMINSTER, INC., 272 Nashua St., Leominster, MA 01423. Representative: Mary E. Kelly, 22 Stearns Ave., Medford, MA 02155 (617) 396–4090. Transporting *general commodities* (except classes A and B explosives), between points in MA, RI and CT, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, NJ and PA.

Volume No. OPY–4–90

Decided: April 17, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams (Williams not participating).

MC 26396 (Sub-397), filed April 7, 1981. Applicant: THE WAGGONERS TRUCKING, P.O. Box 31357, Billings, MT 59107. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *lumber or wood products,* between points in Beltrami County, MN, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, ID, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, MT, NE, NV, NM, ND, OH, OK, OR, PA, SD, TN, TX, UT, WA, WV, WI, and WY

MC 105566 (Sub-248), filed April 6, 1981. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. Box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, VA 22312, (703) 750–1112. Transporting *general commodities* (except classes A and B explosives), between points in Posey and Vanderburgh Counties, IN and Greene County, MO, on the one hand, and, on the other, points in the U.S.

MC 105566 (Sub-249), filed April 7, 1981. Applicant: SAM TANKSLEY TRUCKING, INC., P.O. box 1120, Cape Girardeau, MO 63701. Representative: William F. King, Suite 400, Overlook Bldg, 6121 Lincolnia Rd., Alexandria, VA 22312, (703) 750–1112. Transporting *chemicals and related products,* between points in East Baton Rouge Parish, LA, on the one hand, and, on the other, points in AZ, CA, CO, CT, ID, IL, IN, ME, MA, MI, MO, MT, NH, NJ, NY, OH, OR, PA, UT, WA, and WY.

MC 140016 (Sub-13), filed April 7, 1981. Applicant: TRANSPORTATION SERVICES, INC., 1320 E. Glendale Ave., Sparks, NV 89431. Representative: Robert G. Harrison, 4299 James Dr., Carson City, NV 89701, (702) 882–5649. Transporting *general commodities,* between those points in the U.S. in and west of WI, IL, MI, AR, and LA.

MC 149536 (Sub-1), filed April 7, 1981. Applicant: RODCO LEASING, INC., 380 Union St., West Springfield, MA 01089. Representative: James M. Burns, 1383 Main St., Suite 413, Springfield, MA 01103, (413) 781–8205. Transporting *chemicals and related products,* between points in CT and GA, on the one hand, and, on the other, points in the U.S.

MC 150196, filed April 7, 1981. Applicant: AUTO CITY, INC., Pier One Bremen St., East Boston, MA 02128. Representative: John A. Maiona, 294 Washington St., Boston, MA 02108, (617) 426–0089. Transporting *transportation equipment,* between Boston, on the one hand, and, on the other, points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 150746 (Sub-6), filed April 6, 1981. Applicant: DFC TRANSPORTATION COMPANY, 12007 Smith Dr., Huntley, IL 60142. Representative: Edward G. Bazelon, 39 So. LaSalle St., Chicago, IL 60603, (312) 236–9375. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Foam Packaging, Inc., of Little Rock, AR.

MC 152076, filed April 6, 1981. Applicant: BETTY A. DOUGHERTY, d.b.a. MIDWEST MEAT & PRODUCE, 115 W. Woodley St., Northfield, MN 55057. Representative: Stephen F. Grinnell, 1600 TCF Tower, 121 So. 8th St., Minneapolis, MN 55402, (612) 333–1341. Transporting *food and related products,* between points in the U.S., under continuing contract(s) with Sunstar Foods, Inc., of South St. Paul, MN.

MC 155166, filed April 6, 1981. Applicant: J. W. TRANSPORTATION COMPANY, INC., 124 Meadowlark Rd., Stratford, NJ 08084. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Philadelphia, PA 19107, (215) 735–3090. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Mercon Industries, Inc., of Blackwood, NJ.

MC 155186, filed April 8, 1981. Applicant: FREITAG ASSOCIATES, INC., 6917 Hartford Rd., Baltimore, MD 21234. Representative: Robert K. Goren, Suite 1025, 1875 Eye St. NW., Washington, DC 20006, (202) 463–6400. Transporting (1) *chemicals and related products,* between points in New Castle County, DE, Spokane County, WA, and Chicago, IL, on the one hand, and, on the other, Atlanta, GA, and (2) *clay, concrete, glass or stone products,* between points in Sandusky County, OH and Manistee County, MI, on the one hand, and, on the other, points in Fairfield County, CT, Garfield and Tulsa Counties, OK, Shawnee and Ford Counties, KS, Douglas and Lancaster Counties, NE, Black Hawk and Sioux Counties, IA, Ramsey and Blue Earth Counties, MN, Lake, Elkhart and Porter Counties, IN, Baltimore, MD, Jefferson, Berkeley and Cabell Counties, WV, New Castle County, DE, Burlington, Middlesex and Morris Counties, NJ, Schenectady, Steuben and Erie Counties, NY, and points in OH, MI, IL, PA and MO.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81–12353 Filed 4–23–81; 8:45 am]

BILLING CODE 7035–01–M

[Docket No. AB–6 (Sub-93F)]

Burlington Northern Inc.; Abandonment Between Vermont and Astoria, in Fulton County, Ill.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided April 20, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment Goshen,* 360 I.C.C. 91 (1979), the present and future public convenience and necessity permit the abandonment of the Burlington Northern Inc. of a line of railroad known as the Vermont to Astoria Line extending from railroad milepost 138.62 near Vermont to railroad milepost 133.02 at the end of the line near Astoria, a distance of 5.60 miles, in Fulton County, IL. A certificate of public convenience and necessity permitting abandonment was issued to the Burlington Northern Inc. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the Federal Register be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the

offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I § 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 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. 81-12430 Filed 4-23-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-43 (Sub-58F)]

Illinois Central Gulf Railroad Co.; Abandonment Near New Holland and Havana, in Logan and Mason Counties, Ill.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision of April 20, 1981, a finding, which is administratively final, was made by the Commission, stating that the public convenience and necessity permit the abandonment by the Illinois Central Gulf Railroad Company of a segment of branch line extending from milepost 74.5 near New Holland to milepost 101.03 at Havana, a distance of 26.53 miles, in Logan and Mason Counties, IL, subject to the conditions for the protection of employees discussed in *Oregon Short Line R. Co.—Abandonment Goshen*, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to the Illinois Central Gulf Railroad Company based on the above-described finding of abandonment, 15 days after publication of this notice, unless within 15 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice, and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 30 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made on the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued no later than 50 days after this notice is published. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 964-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Trantum was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-12429 Filed 4-23-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-182F]

Youngstown and Northern Railway Co.; Abandonment Between Mahoning and Trumbull Counties, Ohio; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided April 20, 1981, a finding, which is administratively final, was made by the Commission, Review Board Number 3, stating that, subject to the condition that applicant shall keep intact all of the right-of-way underlying the track, including all the bridges and culverts for a period of 120 days from the decided date of the certificate and decision to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way, the present and future public convenience and necessity permit the abandonment of and the discontinuance of service of the Youngstown and Northern Railway Company of its entire line of railroad, a distance of approximately 4.80 miles, located in Mahoning and Trumbull Counties, Youngstown, OH. A certificate of public convenience and necessity permitting abandonment was issued to the Youngstown and Northern Railway Company. Since no investigation was instituted, the requirement of § 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (§ 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on 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. 81-12431 Filed 4-23-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 388]

State Intrastate Rail Rate Authority

AGENCY: Interstate Commerce Commission.

ACTION: Notice of decision.

SUMMARY: The Commission has decided to certify provisionally 40 states to exercise jurisdiction over intrastate railroad rates under Section 214 of the Staggers Rail Act of 1980. The certifications will expire on June 29, 1981, unless the State files standards and procedures which confirm its intent to exercise its jurisdiction in

conformance with Federal standards. By August 28, 1981, the Commission will decide whether or not unconditionally to certify each of those States that has filed standards and procedures.

DATE: Each State must file its standards and procedures with the Commission on or before Monday, June 29, 1981. Railroads and other interested persons may file comments 20 days later.

EFFECTIVE DATE: This decision will be effective on April 29, 1981.

FOR FURTHER INFORMATION CONTACT: Richard B. Felder or Martin D. Zell, (202) 275–7693 or (202) 275–7138.

SUPPLEMENTARY INFORMATION:

Background

This proceeding was instituted to notify the States of how we intended to implement Section 214 of the Staggers Rail Act of 1980. Section 214 requires the States to apply to us for certification of their standards and procedures for railroad rate regulation in order for them to retain jurisdiction over intrastate railroad transportation.

The notice initiating this proceeding, 45 FR 74571 (11–10–80), stated our view that the certification procedure should be a simple one. We required the States to submit sufficient information to permit us to conclude that each intended to exercise its jurisdiction consistent with the law, and to do so in a timely fashion.

The Certification Requests

By the statutory deadline, January 29, 1981, 40 States filed for certification.[1] All expressed their intention to follow the standards and procedures of the Interstate Commerce Act, as amended by the Staggers Rail Act. Little or no information was offered to establish how the States planned to turn their intentions into standards and procedures which conform to Federal law. In fact, a number of requests for certification and comments filed by the railroads, suggested clear conflicts between State and Federal standards.

For example, Minnesota stated that tariff changes involving Minnesota intrastate commerce require approval of its Public Utilities Commission prior to publication. Only those changes which are noncontroversial may be approved without a hearing. Such standards do not meet the requirements of the Staggers Rail Act. 49 U.S.C. 10701a permits a rail carrier to establish any rate unless it is prohibited by law. On this record we are not prepared to certify unconditionally that Minnesota has standards and procedures which will permit it to exercise its jurisdiction in conformance with Federal Law.

Questions raised by a number of railroads about Florida, Colorado, Wisconsin, Mississippi and Louisiana are equally serious. These States, with the exception of Wisconsin, have by regulation established elaborate justification and notification requirements which must be followed before a rate is changed. Florida adopted new regulations concerning general rate increases despite the fact that these matters are no longer subject to its jurisdiction. 49 U.S.C. 11501(b)(6). Nevertheless, each of these States has filed for certification and expressed its intent to abide by Federal standards and procedures. We also note that Colorado and Wisconsin have taken steps to conform certain of their rate filing requirements to the Staggers Rail Act of 1980. Our stated reservations about Minnesota apply to these States as well.

Questions have also been raised concerning the ability of Wisconsin to conform its standards and procedures to Federal law under its existing statute. The Chicago and Northwestern Transportation Company is concerned that Wisconsin's broadly phrased regulatory statute cannot accommodate the narrower standards of the Federal statute. We do not agree. We believe that a State with a broadly phrased statute is in an excellent position to apply the narrower standards of the Federal statute. As long as the existing State law is broad enough to use the Federal standards without creating a conflict, and the State demonstrates its plan to do so, we are prepared to certify the State.

Finally, a petition was filed by Conrail on April 7, 1981 objecting to our certification procedures and bringing to our attention recent actions by Ohio and West Virginia which it believes are wholly inconsistent with Federal standards and procedures.

Conrail has described and documented actions taken by these States on March 31, 1981 which do not conform to Federal standards and procedures. Ohio and West Virginia suspended certain rates without determining whether Conrail has market dominance over the transportation service. The jurisdictional threshold for evaluating the reasonableness of rates was not mentioned. Other deficiencies are evident when the actions of these States are compared to Federal standards.

Conrail would have us deny certification to these States and assert jurisdiction under 49 U.S.C. 11501(b)(4)(B) and approve the rates filed by Conrail. Neither of these actions appears to be necessary at this time. Section 11501(b)(3)(B) approves a transition period during which the State procedures in effect at the time the new law was enacted are deemed certified until we decide whether or not to certify the State, see No. 37595, *Burlington Northern, et al.—Petition for Review* (not printed), decided January 28, 1981. Nevertheless, the actions taken by these States on the eve of our certification decision casts serious doubt on their January, 1981 certification requests.

Conditional Certification

Under Section 214 we have an affirmative obligation to certify a State authority once we determine that the standards and procedures submitted by the States are in accordance with Federal law. We have tried to keep the process as simple as possible. However, based on the present record, we cannot make the findings required by the law.

We find ourselves in partial agreement with the position taken by the Association of American Railroads in its comments of March 16, 1981. We do not seriously question whether the expressions of intent by the States are genuine. However, the statute requires something more. We need "sufficient information" to base the findings which we must make under the law. Extensions may also be granted if other extraordinary circumstances related to needed legislative changes can be demonstrated.

Under these circumstances, we have decided to certify conditionally each State which has expressed its intention to exercise jurisdiction consistent with the law, and to do so in a timely fashion. Each provisional certification will expire on June 29, 1981, unless prior to that date the State files standards and procedures which confirm its intention to exercise its jurisdiction in conformance with Federal standards. Failure to file standards and procedures by June 29, 1981 will be taken as an expression of intent not to exercise jurisdiction consistent with the law, and will result in the immediate loss of provisional certification.

The one exception to this requirement is for a State which needs a legislative change to bring its standards and procedures into compliance with Federal law. An extension of the provisional exception will be considered if the State's legislature has not had a

[1] The Southeastern Pennsylvania Transportation Authority filed a request to confirm its view that as a local public body providing rail mass transportation services under the exemption of 49 U.S.C. 10504 it need not seek certification. We agree with SEPTA.

scheduled session since October 15, 1980.

We also have decided to certify conditionally the States which we earlier identified as having defects in their standards and procedures. These defects are mainly in agency rules which can be changed easily. We believe it is better to proceed this way than to deny certification in the face of a State's declaration of intent to comply.

We have tried to assist the States in meeting their responsibilities under section 214. We recognize that there are transitional difficulties that are perhaps inherent in the changes required by the Staggers Act. Our Federal/State workshop on the Staggers Rail Act of 1980 was designed to answer some of the unanswered questions about the new law. Our staff is working with the National Association of Regulatory Utility Commissioners to distribute a handbook for the States on the new law. Through formal and informal contacts with the States we have attempted to explain and clarify the certification process.

We are prepared to certify those States which have enacted the Staggers Rail Act of 1980 as the law of their State. As we discussed earlier, certification is possible for States like Wisconsin which have broadly phrased statutes which can accommodate the narrower standards of the new law. State statutes which require rates to be just and reasonable can be read in conjunction with the market dominance requirement and jurisdictional threshold ratios of the Staggers Rail Act of 1980. A prohibition against unjustly discriminatory rates is clearly broad enough to accommodate the narrower standards of 49 U.S.C. 10741. Regardless of the method selected to comply with the standards of the Staggers Rail Act of 1980, all States must amend their procedures and timing requirements to conform with Federal law.

We will continue to make every effort to assist the States in meeting their responsibilities under the new law. We remain confident that those States which desire to be certified will perfect that status.

Each State listed below is certified conditionally as having standards and procedures (including timing requirements) which permit it to exercise jurisdiction over intrastate railroad transportation in accordance with Federal law. Each certification will become final and unconditional only if after examining the State's standards and procedures filed as required above, we decide that the proposal conforms to Federal law.

Alabama	New Hampshire
Arkansas	New Jersey
Colorado	New Mexico
Florida	New York
Georgia	North Carolina
Idaho	North Dakota
Illinois	Ohio
Indiana	Oklahoma
Iowa	Oregon
Kansas	Pennsylvania
Kentucky	Rhode Island
Louisiana	South Carolina
Maine	Tennessee
Maryland	Texas
Michigan	Utah
Minnesota	Virginia
Mississippi	Washington
Missouri	West Virginia
Montana	Wisconsin
Nebraska	Wyoming

The 10 States and the District of Columbia that did not seek certification have lost all jurisdiction to regulate intrastate rail transportation.[1]

This decision does not significantly affect either the quality of the human environment or the conservation of energy resources, nor does it have any significant effect on small entities.

Conclusions

Each of the States listed in this decision is provisionally certified as having standards and procedures (including timing requirements) that permit it to exercise jurisdiction over intrastate railroad transportation in accordance with Federal law.

Each provisional certification will exire on June 29, 1981, unless prior to that date the State files standards and procedures which confirm its intention to exercise its jurisdiction in conformance with Federal standards.

Each State seeking unconditional certification must file its standards and procedures with the Commission on or before June 29, 1981. Railroads and other interested persons may file comments up to 20 days later.

The Commission will decide by August 28, 1981, whether or not to certify unconditionally each of those States that has filed standards and procedures as required by this decision.

A copy of this decision will be served on the Governors, Public Service Commission and the Transportation Committees in the legislatures of each State. It will also be available for inspection in the Office of the Secretary, Interstate Commerce Commission.

(49 U.S.C. 10321 and 11501)

Dated: April 17, 1981.

By the Commission, Acting Chairman Alexis, Commissioners Gresham, Clapp, Trantum, and Gilliam. Commissioner Gresham concurred with a separate expression. Commissioner Trantum was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

Commissioner Gresham (Concurring)

Language within this decision would appear to provide an opportunity for the Commission to further extend the deadline for compliance with the Staggers Rail Act of 1980 beyond the 60-day limit set out above.

However, parties should be aware that only in the most compelling circumstances can the Commission respond to extension requests. It is clear that section 214 of the Staggers Act contained rigid statutory deadlines in order to accomplish State conformity within a very short, specific time. Indeed, as originally written, the House bill would have preempted completely State jurisdiction over intrastate rail rates. With that legislative background, the strict language of the statute seems to leave little room for administrative latitude. The Commission, through this decision, is at the furthest extent of that latitude.

[FR Doc. 81-12436 Filed 4-23-81; 8:45 am]

BILLING CODE 7035-01-M

[1] The States are Alaska, Arizona, California, Connecticut, Delaware, Hawaii, Massachusetts, Nevada, South Dakota, and Vermont.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Application; Ganes Chemicals, Inc.

Pursuant to § 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on January 12, 1981, Ganes Chemicals, Inc., Lessee of Siegfried Chemical, Inc., Industrial Park Road, Pennsville, New Jersey 08070, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic class of controlled substances listed below:

Drug	Schedule
Amobarbital (2125)	II.
Pentobarbital (2270)	II.
Secobarbital (2315)	II.

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Administrator, Drug Enforcement Administration, United States Department of Justice, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than May 26, 1981.

Dated: April 17, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-12359 Filed 4-23-81; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances; Registration; Wyeth Laboratories, Inc.

By Notice dated September 23, 1980, and published in the **Federal Register** on September 30, 1980; (45 FR 64762), Wyeth Laboratories, Inc., 611 E. Nield Street, West Chester, PA 19380, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Meperidine, a basic class of controlled substance listed in schedule II.

No comments or objections having been received and pursuant to Section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and Title 21, Code of Federal Regulations § 1301.54(e), the Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic class of controlled substance listed above is granted.

Dated: April 15, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-12360 Filed 4-23-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Labor Research Advisory Council Committees; Meetings and Agenda

The regular spring meetings of committees of the Labor Research Advisory Council will be held on May 19, 20, and 21 in Room S-4215 A&B, Frances Perkins Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The schedule and agenda of the meetings are as follows:

Tuesday, May 19

9:30 a.m.—Committee on Prices and Living Conditions

1. Programs of the Office of Prices and Living Conditions and budget proposals for fiscal years 1981 and 1982
2. Family budgets—status report and publication plans
3. Technical aspects involved in a special Consumer Price Index for the aged
4. Prospects for revision of the Consumer Price Index
5. Aspects of pricing techniques

Tuesday, May 19

1:30 p.m.—Committee on Wages and Industrial Relations

1. Review of work in progress
2. Budget decisions for fiscal years 1981 and 1982 and programs of the Office of Wages and Industrial Relations
3. BLS Office of Research and Evaluation—presentation on program evaluation
4. Program evaluation project of the Office of Wages and Industrial Relations

Wednesday, May 20

9:30 a.m.—Committee on Employment Structure and Analysis

1. Local area unemployment statistics—budget decisions and future directions
2. National Commission on Employment and Unemployment Statistics—recommendations and status of implementation
3. Census population controls for Current Population Survey
4. Job vacancy pilot test results
5. Status of proposals for Standard Industrial Classification revisions
6. Current Population Survey earnings data—developments and uses

Wednesday, May 20

1:30 p.m.—Committee on Foreign Labor and Trade

1. Future of the trade monitoring system
2. Other programs of international comparisons

Thursday, May 21

9:30 a.m.—Committee on Productivity, Technology and Economic Growth

1. Comparison of BLS and other research procedures for developing multifactor productivity measures
2. Developmental work on state and local government productivity measures
3. Revisions of 1990 macro projections
4. 1990 industry projections
5. Replacement of BLS macro model

Thursday, May 21

1:30 p.m.—Committee on Occupational Safety and Health Statistics

1. Occupational Health and Safety Statistics programs and proposed budgetary effects
2. Future of the Supplementary Data System program
3. Discussion of survey of injuries relating to servicing equipment
4. The use of BLS data for evaluating injury experience of establishments
5. Recommendations for conducting the study of the recordkeeping burden
6. Problems of the collection of occupational illness data

The meetings are open. It is suggested that persons planning to attend as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council on (Area Code 202) 523-1247.

Signed at Washington, D.C. this 15th day of April 1981.

Janet L. Norwood,

Commissioner of Labor Statistics.

[FR Doc. 81-12423 Filed 4-23-81; 8:45 am]

BILLING CODE 4510-24-M

Mine Safety and Health Administration

[Docket No. M-81-15-M]

ASARCO, Inc.; Petition for Modification of Application of Mandatory Safety Standard

ASARCO, Inc., P.O. Box 440, Wallace, Idaho 83873 has filed a petition to modify the application of 30 CFR 57.11-37 (ladderways; requirements) to its Coeur Mine located in Shoshone County, Idaho. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the standard that requires a minimum ladderway opening of 24 inches by 24 inches measured from the face of the ladder.

2. Petitioner states that the standard cannot be met in several raises at the mine due to physical size restrictions; enlargement of future raises would significantly increase ground control problems in the highly stressed rock encountered at the mine. In addition, petitioner states that enlargement would result in a substantial diminution of health and safety to miners in the raises.

3. Existing raises are subjected to ground squeeze necessitating constant repair; larger raises would expose repair crews and stope miners to more hazards.

4. For the above reasons, petitioner requests a modification of the present standard to allow a ladderway opening 18 inches by 20 inches.

5. Petitioner states that this proposed modification will provide the same measure of protection to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office

of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 26, 1981. Copies of the petition are available for inspection at that address.

Dated: April 17, 1981.

Frank A. White,

Office of Standards, Regulations and Variances.

[FR Doc. 81-12407 Filed 4-23-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-79-C]

Consolidation Coal Co.; Petition for Modification of Application of Mandatory Safety Standard

Consolidation Coal Company, Consol Plaza, Pittsburgh, Pennsylvania 15241 has filed a petiton to modify the application of 30 CFR 77.216-3 (water, sediment, or slurry impoundments and impounding structures; inspection requirements; correction of hazards; program requirements) to the following locations:

a. Blacksville Nos. 1 and 2 Fresh Water;
b. Blacksville No. 1 Slurry;
c. Sears AMD;
d. Dogwood Lakes AMD;
e. Loar AMD;
f. Flaggy Meadows AMD;
g. Fetty AMD;
h. Humphrey No. 7 Slurry;
i. Bowlby Mills AMD; and
j. Eddy AMD, all located in Monongalia County, West Virginia and to its:
a. Williams No. 98 Slurry;
b. Nolan Run Slurry; and
c. Main North Holding Pond, all located in Harrison County, West Virginia.

The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that water, sediment or slurry impoundments be examined by a qualified person once every seven days for appearances of structural weakness and other hazardous conditions.

2. The petitioner's impoundment inspection program has been in effect for several years and during periods of excessive rainfall; no hazardous conditions have occurred in which a failure was considered imminent.

3. During periods of heavy rainfall, spillways have functioned properly with no damages to the impoundments structures.

4. All impoundments are located in a downstream direction of areas where miners would be working or required to work.

5. Results of independent engineering studies indicate that all impoundments meet or exceed required safety factors.

6. As an alternate method to performing weekly examinations, petitioner proposes that:

a. All impoundments will be examined at intervals not exceeding 30 days by a qualified person for appearances of structural weaknesses and other hazardous conditions;

b. In the event of the issuance of a flood watch announced by the National Weather Service, the impoundments will be immediately inspected for any signs of weakness, instability or damages incurred;

c. All other applicable provisions of 30 CFR and of the plan as approved by the District Manager will be followed at all times;

d. Yearly reports will continue to be filed with the District Manager;

e. Water level indicators (depth gauges) will be installed at all impoundments and changes in same would be monitored and recorded.

7. Petitioner states that the proposed alternate method will at all times provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 26, 1981. Copies of the petition are available for inspection at that address.

Dated: April 16, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-12408 Filed 4-23-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-69-C]

Saginaw Mining Co.; Petition for Modification of Application of Mandatory Safety Standard

Saginaw Mining Company, P.O. Box 275, St. Clairsville, Ohio 43950 has filed a petition to modify the application of 30 CFR 75.305 (weekly examinations for hazardous conditions) to its Saginaw Mine located in Belmont County, Ohio. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that intake and return aircourses be examined on a weekly basis in their entirety.

2. Excessively high humidity has caused numerous roof falls and excessive deterioration of the mine roof in specified intake and return airways.

3. These roof falls have made examinations of these airways extremely hazardous.

4. As an alternate method, petitioner proposes to establish and maintain specified air checkpoints to test for air velocity and volume as well as test for methane to assure that the ventilating current contains less than one percent of methane.

5. Petitioner states that the proposed alternate method will provide the same degree of safety to the miners affected as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 26, 1981. Copies of the petition are available for inspection at that address.

Dated: April 17, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-12409 Filed 4-23-81; 8:45 am]

BILLING CODE 4510-43-M

[Docket No. M-81-100-C]

United States Steel Corp.; Petition for Modification of Application of Mandatory Safety Standard

United States Steel Corporation, 600 Grant Street, Pittsburgh, Pennsylvania 15230, has filed a petition to modify the application of 30 CFR 75.1700 (barriers around oil and gas wells) to its No. 50 Mine located in Wyoming County, West Virginia. The petition is filed under section 101(c) of the Federal Mine Safety and Health Act of 1977.

A summary of the petitioner's statements follows:

1. The petition concerns the requirement that barriers be established and maintained around oil and gas wells penetrating coal beds.

2. As an alternative to establishing and maintaining barriers, petitioner proposes to:

(a) Plug the affected wells using a technique developed by the U.S. Bureau of Mines, U.S. Department of Energy, and the coal industry which involves the placing of plugs in the wellbore below the base of the coalbed which will prevent any natural gas from entering the mine after the well is mined through;

(b) Perform various tests and surveys to determine the location of the wellbore in the coalbed;

(c) Plug the wells back to the base of the coalbed using an expandable cement and fly-ash-gel water slurry;

(d) Mine through and remove that segment of the plug existing between the mine pavement and the roof;

(e) Instruct all personnel in the affected areas to proceed with caution when mining into and through the well support pillar, with diligent efforts made at all times to assure a gas-free atmosphere in the affected areas. The petitioner will cooperate with MSHA in sampling for gas immediately before, during and after mining through the well;

(f) Make methane examinations by qualified personnel using approved methane detection equipment at least once during each shift during development and/or retreat mining and record results on a fireboss dateboard placed in the area.

4. Petitioner states that the proposed alternative method will guarantee at all times the miners no less than the same measure of protection as that afforded by the standard.

Request for Comments

Persons interested in this petition may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, Room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before May 26, 1981. Copies of the petition are available for inspection at that address.

Dated: April 17, 1981.

Frank A. White,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 81-12410 Filed 4-23-81; 8:45 am]

BILLING CODE 4510-43-M

Occupational Safety and Health Administration

Federal Advisory Council on Occupational Safety and Health; Meeting

Notice is hereby given that the Federal Advisory Council on Occupational Safety and Health, established under Section 1-5 of Executive Order 12196 of February 26, 1980 (Volume 45, No. 40), will meet on May 18, 1981 starting at 10:00 AM in Rooms N5437 A, B, C, D, of the Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW, Washington, D.C. The meeting will be open to the public.

The agenda provides for:

I. Call to Order
II. Approval of Minutes of February 3, 1981
III. Announcements
IV. Overview of Tennessee Valley Authority's Safety and Health Program
V. Discussion of FACOSH's proposed Policy, Goals and Objectives
VI. Committee Reports and Recommendations
  A. Conference Committee
  B. Office of Personnel Management 018—Job standard
  C. Special Comments on:
  1. Core text material for OSH Poster.
  2. Comments on Interagency Task Group's Report on Medical Records.
  D. Standing Committee on Occupational Noise
VII. New Business
VIII. Adjournment.

The Council welcomes written data, views or comments concerning safety and health programs for Federal employees, including comments on the agenda items. All such submissions received by close of business May 13, 1981, will be provided to the members of the Council and included in the record of the meeting.

The Council will consider oral presentations relating to agenda items. Persons wishing to orally address the Council at the meeting should submit a written request to be heard by close of business May 13, 1981. The request must include the name and address of the person wishing to appear, the capacity in which appearance will be made, a short summary of the intended presentation and estimate of the amount of time needed.

All communications regarding this Advisory Council should be addressed to Richard P. Wilson, Acting Director, Office of Federal Agency Programs, Department of Labor, OSHA, Bicentennial Building, 600 E Street, N.W., Suite 500, Washington, D.C. 20210, telephone (202)376-3005.

Signed at Washington, D.C. this 17th day of April 1981.

Thorne G. Auchter,

Assistant Secretary.

[FR Doc. 81-12420 Filed 4-23-81; 8:45 am]

BILLING CODE 4510-26-M

Utah State Standards; Approval

1. *Background.* Part 1953 of title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under the delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with Section 18 (c) of the Act and 29 CFR Part 1902. On January 10, 1973, notice was published in the **Federal Register** (38 FR 1178) of the approval of the Utah Plan and the adoption of Subpart E to Part 1952 containing the decision.

The Utah Plan provides for the adoption of Federal Standards as State Standards by:

1. Advisory Committee recommendation.

2. Publication in newspapers of general/major circulation with a 30-day waiting period for public comment and hearing(s).

3. Commission order adopting the standards and designating an effective date.

4. Providing certified copies of Rules and Regulations or Standards to the Office of the State Archivist.

Section 1952.113 of Section E sets forth the State's schedule for adoption of Federal Standards. By letter dated February 18, 1981 from Ronald L. Joseph, Administrator, Utah Occupational Safety and Health Division, to Curtis A. Foster, Regional Administrator, and incorporated as part of the Plan, the State submitted rules and regulations concerning 29 CFR 1926.500, Guarding of Low-Pitched-Roof Perimeters During the Performance of Built-Up Roofing Work, 45 FR 75625, Friday, November 14, 1980.

These standards which are contained in the Utah Occupational Safety and Health Rules and Regulations for Construction, were promulgated per the requirements of Utah Code annotated 1953, Title 63-46-1, and in addition,

published in newspapers of general/major circulation throughout the State. No public comment was received and no hearings held.

The Standards for 29 CFR 1926.500, Guarding of Low-Pitched-Roof Perimeters During the Performance of Built-Up Roofing Work, were adopted by the Industrial Commission of Utah, Archives File Number 4586 on December 22, 1980, effective on January 2, 1981 pursuant to Title 35–9–6 Utah Code annotated 1953.

2. *Decision.* The State submission having been reviewed in comparison with the Federal Standards, it has been determined that the State Standards are identical to the Federal Standards and accordingly should be approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Room 1554, Federal Office Building, 1961 Stout Street, Denver, Colorado, 80294; Utah State Industrial Commission, UOSHA Offices at 448 South 400 East, Salt Lake City, Utah, 84111; and the Office of State Programs, Occupational Safety and Health Administration, Room N3613, 3rd & Constitution Ave., NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Utah State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The Standards were adopted in accordance with the procedural requirements of State law which permitted public comments, and further public participation would be repetitious.

This decision is effective April 24, 1981.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Denver, Colorado, this 2nd day of March 1981.

Curtis A. Foster,

Regional Administrator.

[FR Doc. 81–12421 Filed 4–23–81; 8:45 am]

BILLING CODE 4510–26–M

Utah State Standards; Approval

1. *Background.* Part 1953 of title 29, Code of Federal Regulations, prescribes procedures under Section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under the delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with Section 18(c) of the Act and 29 CFR Part 1902. On January 10, 1973, notice was published in the **Federal Register** (38 FR 1178) of the approval of the Utah Plan and the adoption of Subpart E to Part 1952 containing the decision.

The Utah plan provides for the adoption of State standards which are at least as effective as those which presently or will, in the future, be promulgated under Section 6 of the Occupational Safety and Health Act of 1970. Change D–1, Definition of "Special Services", Utah Occupational Safety and Health Rules and Regulations, Oil, Gas, Geothermal and Related Services Standards were promulgated per the requirements of Utah Code annotated 1953, Title 63–46–1.

The Change D–1 to the Rules and Regulations for Oil, Gas, Geothermal and Related Services Standards, were adopted by the Industrial Commission of Utah, Archives File Number 4587 on December 23, 1980, effective on January 2, 1981, pursuant to Title 35–9–6 Utah Code annotated 1953.

2. *Decision.* As a State-initiated change, pursuant to Subpart E of Part 1953, the standard has been reviewed in the context of the whole plan and has been determined to have no adverse impact on the "at least as effective as" status of the State program.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Room 1554, Federal Office Building, 1961 Stout Street, Denver, Colorado, 80294; Utah State Industrial Commission, UOSHA Offices at 448 South 400 East, Salt Lake City, Utah, 84111; U.S. Department of Labor, Occupational Safety and Health Administration, 200 Constitution Ave., NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Utah State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reason:

The Standards were adopted in accordance with the procedural requirements of State law which permitted public comments, and further public participation would be repetitious.

This decision is effective April 24, 1981.

(Sec. 18, Pub. L. 91–596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at Denver, Colorado this 6th day of March 1981.

Curtis A. Foster,

Regional Administrator.

[FR Doc. 81–12422 Filed 4–23–81; 8:45 am]

BILLING CODE 4510–26–M

Office of Pension and Welfare Benefit Programs

[Application No. D–2209]

Proposed Exemption for Certain Transactions Involving Bart Hackley Accountancy Corporation Employees Pension Trust, Located in Encino, Calif.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt: (1) the proposed sale of a parcel of real property (the Property) by the Bart Hackley Accountancy Corporation Employees Pension Trust (the Plan) to Bart Hackley, a party in interest to the Trust; and (2) the past loans of money to the Plan by Bart Hackley and by Bart Hackley Accountancy Corporation (the Employer), also a party in interest to the Trust.

DATES: Written comments and requests for a public hearing must be received by the Department on or before June 5, 1981.

EFFECTIVE DATES: The exemption, if granted, will be effective September 22, 1980 for the loans and on the date the exemption grant is published in the **Federal Register** for the sale of the Property.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-2209. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mr. Robert N. Sandler of the Department, telephone (202) 523-8195. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a defined benefit pension plan with two participants, Mr. Hackley and his secretary, Annette Landau. The Plan trustees are Mr. Hackley and Ms. Landau. The Plan had total assets of approximately $336,000 as of June 30, 1980.

2. On April 1, 1979, the Plan purchased the Property, a tract of land in Fort Pierce, Florida, a coastal community about fifty miles north of Palm Beach. The Property is described as "Tract C, Coastal Cove, Unit One, less approximately 169 feet on the west end of tract, allowing north boundary along canal to be 500 feet." The Plan purchased the Property for $167,500 from Loretta Stafford, Kenneth L. Jackson and Frances N. Mootz, all parties unrelated to the Employer, the Plan and Mr. Hackley. As of June 30, 1980, additional Plan expenditures relating to the Property were $16,425 for a total of $183,925. The $16,425 in additional Plan expenditures was for the following items: $227 in property tax; $13,987 in interest; $1,526 for engineering and surveying; and $685 for miscellaneous expenses.

3. The intent of the trustees when they purchased the Property was to cause the Plan to build condominiums on the Property and sell them to the general public. The trustees stress that there was no intent at the time of purchase to sell the Property back to Mr. Hackley or the Employer at some future time. Approximately eighteen months after purchasing the Property, the trustees learned for the first time that the Plan would have to pay federal income tax on the unrelated business taxable income (UBTI) derived from the sale of condominiums. The trustees believe that the payment of federal income tax on the Plan's UBTI reduces the Property's investment potential.

4. The Property's investment potential is further jeopardized by high interest rates and an unexpected water supply problem that arose after the Plan purchased the Property. In addition, the Property has produced no income nor has it been otherwise utilized since the Plan purchased it. Therefore, the trustees propose to sell the Property to Mr. Hackley pursuant to the following sequence of events.

5. First, the trustees would resign and appoint an independent fiduciary, City National Bank, Beverly Hills, California (the Bank), to serve as Plan trustee. The Bank would then offer the Property for sale on the open market for a period of not less than one month. The property was appraised by an independent appraiser, Indian River Appraisers, Inc., which determined the fair market value to be $175,000 as of December 24, 1980. At the end of the offering period, the Bank would inform Mr. Hackley of the then current appraised value and the highest bid price for the Property. Within ten days thereafter, Mr. Hackley may offer to purchase the Property for a cash purchase price which would be the greater of: (a) the highest bid; (b) the current appraised value; or (c) the cost of the Property to the Plan including the $167,500 purchase price and all Plan expenditures relating to the Property from the time of purchase to the time of sale.

6. The Bank would then have thirty days to accept or reject Mr. Hackley's offer. The Bank would use its best professional judgment in determining whether to sell the Property and would be free to refuse to sell the Property if it concluded that the Plan would be best served by continued retention of the Property. The Employer would pay all of the costs incurred by the Plan in connection with the above-described transactions, irrespective of whether the Property is sold to Mr. Hackley.

7. An exemption is also requested for several interest-free loans made to the Plan by Mr. Hackley and the Employer. The loans were made for the specific purpose of enabling the Plan to meet its obligations under notes it entered into to purchase the Property and other properties. The loans are evidenced by promissory notes dated September 22, 1980, which are payable on demand. As of September 22, 1980, the loans from Mr. Hackley totaled $31,721.45 and the loans from the Employer totaled $22,586.

8. If the Property is sold to Mr. Hackley, the Plan will pay its debt to him by crediting the amount owed, without interest, against the purchase price. The amount owed to the Employer will be repaid at the Bank's discretion, as quickly as can be done without causing the Plan financial difficulties.

9. In summary, the applicant represents that:

(a) the proposed sale of the Property satisfies the statutory criteria of 408(a) due to the following:

(1) an independent fiduciary, the Bank, would have the sole responsibility of deciding whether the Plan would sell or retain the Property and whether the Property would be sold to Mr. Hackley or to an unrelated party;

(2) the cash purchase price would be the higher of: (a) the highest bid resulting from the Property's placement on the open market; (b) the then current appraised value; or (c) the cost of the Property to the Plan including the $167,500 purchase price and all plan expenditures relating to the Property from the time of purchase to the time of sale;

(3) the sale proceeds would be utilized for investments that the Plan trustees feel would be more advantageous to the Plan then the Property;

(4) the sale would be in the Plan's interests because high interest rates and

an unexpected water supply problem have jeopardized the investment potential of the Property; and

(5) the sale would be in the Plan's interests because the Property has produced no income for the Plan.

(b) the past loans satisfy the statutory criteria of section 408(a) due to the following:

(1) the loans were interest-free; and

(2) the loans enabled the Plan to meet its mortgage loan obligations.

Notice to Interested Persons

Notice of the proposed exemption will be given to all interested persons including the participants and beneficiaries of the Plan within ten days of its publication in the **Federal Register**. The notice will contain a copy of the **Federal Register**. Notice of Proposed Exemption and will inform each recipient of his right to comment on or request a hearing regarding the proposed exemption. The notice will be sent by first class mail to all interested persons.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a) (1) (B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c) (1) (A) through (E) of the Code shall not apply: (1) to the sale of the Property to Bart Hackley for a cash purchase price which would be the greater of: (a) the highest bid; (b) the current appraised value; or (c) the cost of the Property to the Plan including the $167,500 purchase price and all Plan expenditures from the time of purchase to the time of sale, provided that the purchase price is not less than the fair market value of the Property on the date of sale; and (2) effective September 22, 1980, to the past interest-free loans to the Plan by Mr. Hackley and by the Employer totaling, respectively, $31,721.45 and $22,586.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transactions that are the subject of the exemption.

Signed at Washington, D.C., this 17th day of April 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-12387 Filed 4-23-81; 8:45 am]

BILLING CODE 4510-29-M

[Prohibited Transaction Exemption 81-25; Exemption Application No. D-411]

Exemption From the Prohibitions for Certain Transactions Involving the Jim W. Miller Construction Company, Inc., Employees' Profit Sharing Plan and Trust Located in St. Cloud, Minn.

AGENCY: Department of Labor.

ACTION: Grant of Individual Exemption.

SUMMARY: This temporary exemption permits the sales of real property by the Jim W. Miller Construction Company, Inc. Employees' Profit Sharing Plan and Trust (the Plan) to the Jim W. Miller Construction Company, Inc. (the Employer).

TEMPORARY NATURE OF EXEMPTION: This exemption is temporary in nature and will expire five years after the date of grant. At the end of the five-year period, the applicant may apply for further exemptive relief, at which time the Department will review the transactions which have taken place and decide whether or not to extend the exemption.

FOR FURTHER INFORMATION CONTACT: Ms. Linda Hamilton of the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216. (202) 523–7462. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On February 10, 1981, notice was published in the **Federal Register** (46 FR 11730) of the pendency before the Department of Labor (the Department) of a proposal to grant an exemption from the restrictions of section 406(a) and 406(b) (1) and (2) of the Employee Retirement Income Security Act of 1974 (the Act) and from the sanctions resulting from the application of section 4975 of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code, for transactions described in an application filed on behalf of the Plan. The notice set forth a summary of facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at

the Department in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Department. In addition the notice stated that any interested person might submit a written request that a public hearing be held relating to this exemption. The applicant has represented that it has complied with the requirements of the notice to interested persons as set forth in the notice of pendency. No public comments and no requests for a hearing were received by the Department.

This application was filed with both the Department and the Internal Revenue Service. However, the notice of pendency was issued and the exemption is being granted solely by the Department because, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type proposed to the Secretary of Labor.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his or her duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code and the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations:

(a) The exemption is administratively feasible;

(b) It is in the interests of the Plan and of its participants and beneficiaries; and

(c) It is protective of the rights of the participants and beneficiaries of the Plan.

Accordingly the restrictions of section 406(a) and 406(b)(1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply from the date of the granting of this exemption until five years thereafter, to the cash sales by the Plan to the Employer of real property currently held by the Plan, located in the St. Cloud, Minnesota area, for amounts not less than fair market value at the time of the sales.

The availability of this exemption is subject to the express condition that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to this exemption.

Signed at Washington, D.C., this 17th day of April, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-12388 Filed 4-23-81; 8:45 am]
BILLING CODE 4510-29-M

[Application No. D-2420]

Proposed Exemption for Certain Transactions Involving the Supra Products, Inc., Employees Profit Sharing Retirement Trust Located in Salem, Oreg.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed sale of certain real property by the Supra Products, Inc. Employees Profit Sharing Retirement Trust (the Plan) to Iral and Gwen Barrett (the Barretts), parties in interest with respect to the Plan. The proposed exemption, if granted would affect the Barretts, participants and beneficiaries of the Plan and other persons participating in the transaction.

DATES: Written comments and requests for a public hearing must be received by the Department on or before June 5, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application No. D-2420. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW, Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Richard Small of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Barretts, the trustees of the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issued solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons

are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan with approximately 68 participants. As of October 31, 1980, the Plan had assets of $1,238,739. The Plan is sponsored by Supra Products, Inc. (Supra) which is wholly owned by the Barretts who also serve as officers and directors of Supra.

2. In 1969, the Plan purchased from parties unrelated to the Plan a three and one-third acre parcel of real property on Pringle Road in Salem, Oregon (the Pringle Road Property) for $25,000. In 1972 the Plan purchased from a party unrelated to the Plan three lots on 12th Place in Salem, Oregon: lots 2726, 2736 and 2746 for $30,500. In June 1974 the Plan purchased for $20,500 from a party unrelated to the Plan, lot 2696, which is a fourth lot on 12th Place in Salem, Oregon.

3. In October, 1975 (the 1975 Sale) the Plan sold the Pringle Road Property for $76,500 cash to a partnership (the Partnership) in which the Barretts owned a 50 percent interest. In 1976 (the 1976 Exchange), the Plan exchanged with the Barretts the rear portion of lots 2696, 2726, 2746 and all of lot 2736 for $4,500 cash and the front portion of lot 2686 on 12th Place.

4. The Plan presently owns the front portion of the following lots on 12th Place (the 12th Place Lots): 2686, 2696, 2726 and 2746. The 12th Place lots are irregular parcels of real estate located adjacent to the facilities of the Employer. The applicants represent that due to the location of the 12th Place Lots and the fact that portions of the properties are already improved as parking lots, the only potential purchaser to whom the 12th Place Lots would have substantial value is the Barretts.

5. On July 25, 1980, the Department granted an exemption (45 FR 49717) which exempted the 1975 sale. The Department denied a request by the applicants for an exemption for the 1976 Exchange. The applicants represent that appropriate corrective action has been taken with regard to the 1976 Exchange and that the necessary excise tax has been paid with regard to such correction. The applicants further represent that the Internal Revenue Service has accepted such corrective action and payment of excise tax.

6. The applicants are requesting an exemption to allow the Plan to sell the 12th Place Lots to the Employer for a cash price of $128,750. No real estate commissions will be charged. An independent appraisal submitted by David J. Lau, who is located in Salem, Oregon, represents that the fair market value of the 12th Place Lots as of March 4, 1981 was $128,750. The First National Bank of Oregon (the Bank) has been appointed as a fiduciary to the Plan for the proposed transaction. Before the Plan may enter into the proposed transaction, the Bank will investigate the situation, review the files and appraisal, visit the 12th Place Lots, certify that the proposed transaction will be in the best interests of the Plan and certify that the terms and conditions of the proposed transaction are at least equal to those which the Plan would receive from an unrelated party.

7. The applicants represent that the sale of the 12th Place Lots satisfies the criteria of section 408(a) of the Act as follows: (1) the trustees of the Plan represent that the transaction will be in the best interests of the Plan; (2) an independent party must approve the terms and conditions of transaction and certify that it will be in the best interests of the Plan; (3) the price of the sale was determined by an independent appraisal; (4) the sale will be a one-time transaction for cash; and (5) no real estate commissions will be charged.

Notice of Interested Persons

Within ten days after its publication in the **Federal Register** a copy of the notice of pendency with a statement advising interested persons of their right to comment or request a hearing will be posted at the place in the company plant where employee notices are found. Notice will be given to all other interested persons by mail.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the cash sale of the 12th Place Lots by the Plan to Supra for $128,750 provided that this amount is at least the fair market value of the 12th Place Lots at the time of sale.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to

be consummated pursuant to the exemption.

Signed at Washington, D.C., this 17th day of April, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-12389 Filed 4-23-81; 8:45 am]

BILLING CODE 4510-29-M

[Application Nos. D-2317 and D-2318]

Proposed Exemption for Certain Transactions Involving the Teamsters Local 639-Employers Pension Trust and the Teamsters Local 639-Employers Health Trust Located in Washington, D.C.

AGENCY: Department of Labor.

ACTION: Notice of proposed exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act). The proposed exemption would exempt the proposed lease of office space by the Teamsters Local 639-Employers Pension Trust (the Pension Trust) to the Teamsters Local 639-Employers Health Trust (the Health Trust). The proposed exemption, if granted, would affect the Pension Trust, the Health Trust, and any other persons participating in the proposed transaction.

DATES: Written comments and requests for a public hearing must be received by the Department of Labor on or before June 18, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, Attention: Application Nos. D-2317 and D-2318. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue, NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT: Mrs. Miriam Freund, of the Department of Labor, telephone (202) 523-8671. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(b)(2) of the Act. The proposed exemption was requested in an application filed on behalf of the Pension Trust and the Health Trust, pursuant to section 408(a) of the Act and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Pension Trust and the Health Trust are multiemployer, jointly trusteed employee benefit plans. There are approximately 6,100 participants in the Pension Trust and approximately 5,900 participants in the Health Trust. The majority of the participants in the Pension Trust also participate in the Health Trust. The Board of Trustees of the Pension Trust and the Health Trust is comprised of eight trustees: four management representatives and four labor representatives. The respective Boards of Trustees of the Pension Trust and the Health Trust do not meet jointly or concurrently. However, the same individuals serve as trustees of both the Pension Trust and the Health Trust.

2. The Pension Trust currently shares, and since its inception in 1956 has shared, office facilities with the Health Trust. The trustees of the Pension Trust and the Health Trust need to obtain adequate, convenient and reasonably priced office facilities and to make them accessible to participants and beneficiaries. Presently, the Pension Trust and the Health Trust administrative offices are located in temporarily subleased office space in downtown Washington, D.C., on a month-to-month basis, at a rental rate of $11.80 per square foot, which is subject to increase upon 30 days notice. It is anticipated that the rental rate will increase prior to June 1, 1981. The current office space is not sufficient to accommodate the Pension Trust's and the Health Trust's present or future needs. The present location is inconveniently located to a substantial majority of the Pension Trust and Health Trust participants who occasionally must visit the office. Should the Pension Trust and the Health Trust attempt to acquire additional space in downtown Washington, D.C., it is anticipated that the rental cost would likely be two times that of the proposed lease.

3. The Pension Trust, using its trust funds allocated to investments, has acquired improved real estate in Washington, D.C. which it intends to occupy in part for its own use and lease in part at fair market rental value to the Health Trust. The real estate in question (the Property) is located at 3130 Ames Place, N.E. It is represented that this location is more convenient to a substantial majority of the participants and beneficiaries and that the Property will include adequate space and parking and will provide better service to the participants and beneficiaries. Title to the Property was transferred to the trustees of the Pension Trust on January 15, 1981, pursuant to a contract of sale dated September 17, 1980. The Property was acquired from Stanley S. Ledford and Mary Louise Ledford. Mr. Ledford is a principal with the Ledford Construction Company, which previously occupied the property. It is represented that Stanley B. Ledford, Mary Louise Ledford, and Ledford Construction Company are not parties in interest with respect to the Pension Trust or the Health Trust. The cost to the Pension Trust to acquire the Property was $430,780. As of October 1980, the Pension Trust's total assets amounted to $44,699,577. Accordingly, the Pension Trust's cost to acquire the Property represents less than one percent of the Pension Trust's total assets.

4. The Health Trust engaged Isabelle Gatewood, M.A.I., S.R.P.A., an independent appraiser, to prepare an estimate of fair market rental value. According to the appraisal report dated October 31, 1980, the Property has an area of 45,600 square feet on which is situated a building estimated to be about 15 years old, consisting of a one-story masonry structure with a two-story section on the north end, and originally containing about 2,300 square feet of office space with an additional 3,300 square feet of semi-finished space and garage area. The building is being renovated and is expected to be ready for occupancy on June 1, 1981. After renovation, the building will have all finished space. Ms. Gatewood states that assuming completion of the renovation, if the landlord pays utilities and cleaning, the fair annual rent should be $11.50 per square foot of gross building area per year. The appraisal prepared on behalf of the Health Trust assumes that the lease would require that any escalation in real estate taxes, utility costs, or insurance above those of the base year would be absorbed by the tenant, and that the lease would provide for a periodic adjustment in the rental rate based on a percentage of any change in the Consumer Price Index for the year.

Another appraisal, dated October 29, 1980, by Judith Reynolds, M.A.I., an independent appraiser, who was engaged on behalf of the Pension Trust, estimates the fair rental value of the Property to be $11.00 per square foot per year, assuming completion of the renovation. Based on this rental rate, Ms. Reynolds projects a return of 7.4 percent on the total investment in the Property, which she characterizes as low compared with other non-real estate investment opportunities, but notes that investors are generally purchasing properties today with the expectation that continued inflation will compensate for low initial returns. The appraisal prepared on behalf of the Pension Trust assumes that the lease will provide for an adjustment at the end of each year in an amount equal to the change in the Consumer Price Index during the year and that the amount of such adjustment shall not exceed 5% during any one lease year. In addition, the appraisal assumes that the lease will provide that the tenant reimburse the landlord on a pro rata basis for any increase in real estate taxes.

5. The proposed lease agreement provides that the Health Trust will lease from the Pension Trust 4,750 square feet of rentable area in the building and gives the Health Trust, together with members of the public, the right to use the common public areas of the building and unlimited use of the adjacent parking facilities. No parties other than the Pension Trust and the Health Trust will occupy the building. The term of the lease will be five years, but the Health Trust has the option to extend the lease for an additional five years. The Health Trust is obligated to maintain and make any necessary repairs to its leased (inside) premises, and the Pension Trust is obligated to maintain and make any necessary repairs to the entire building and exterior areas, including the parking lot. The Pension Trust will furnish air conditioning, heat, electricity, water, and various specified janitorial services.

6. The Health Trust will pay rent at the initial rate of $11.30 per square foot per year during the first year of the five-year term and will pay an amount equal to the fair market rental value at the beginning of the next five years if the Health Trust opts to extend the lease. Every year after the first year the annual rent will be increased by an amount equal to one-half of the percentage change during the preceding year in the Consumer Price Index for Urban Wage Earners and Clerical Workers, 1967 Base Year, All Items, District of Columbia Area, as published by the Bureau of Labor Statistics of the Department. In no event will the rental rate be less than that payable during the preceding year. In addition, the Health Trust will reimburse the Pension Trust, on a pro rata (space occupied) basis for any increase in the amount of real estate taxes, using fiscal year 1982 as the base year.

The Health Trust's pro rata share of such increases has been determined to be 85 percent. If the Health Trust does not pay rent when due, it will be obligated to pay a late charge of five percent of the amount of the delinquent payment plus interest at an annual rate two percent higher than the "Prime rate" then charged by Riggs National Bank, of Washington, D.C. The Pension Trust will have a lien upon and a perfected security interest in all personal property of the Health Trust located on the Property as security for the payment of all rent and the performance of all other obligations of the Health Trust required by the proposed lease.

7. Shannon and Luchs Co. (the Realtor) has inspected the Property and has expressed the opinion that the $11.30 per square foot rental rate is equitable, both to the Pension Trust and the Health Trust, and that the proposed lease agreement is appropriate for the Pension Trust and in the best interests of the Pension Trust's participants and beneficiaries. The Realtor states that it is totally independent of and unaffiliated with the Pension Trust and the Health Trust and has agreed to administer the terms of the lease agreement, functioning within the strictest definition of a fiduciary with respect to the Pension Trust.

The lease as originally proposed included a yearly adjustment of one quarter of the percentage change in the Consumer Price Index. The adjustment was increased to one half the percentage change based upon the recommendation of the Realtor. In addition, the lease as originally proposed stated that the rental at the commencement of the option period be the rental otherwise in effect taking into account the Consumer Price Index adjustment factor and the pro rata adjustment for the increase in real estate taxes. At the recommendation of the Realtor, the rental at the commencement of the option period will be the fair rental value of the Property at the commencement of the option period.

Ms. Gatewood, who appraised the fair rental value for the Health Trust before the proposed lease was written, has expressed the opinion that the proposed lease as modified is appropriate for the Health Trust and in the best interests of its participants and beneficiaries.

8. In summary, the applicants represent that the proposed lease satisfies the statutory criteria contained in section 408(a) of the Act because (a) the location and facilities of the Property are superior to the present location and facilities of the Pension Trust and the Health Trust; (b) the rental rate is between the fair rental values estimated by two independent appraisers; (c) the rental rate will be adjusted annually to reflect increases in the Consumer Price Index and in real estate taxes attributable to the portion of the Property occupied by the Health Trust; (d) the Pension Trust will be leasing to a tenant believed to be reliable and unlikely to default on its rental and other leasehold obligations; (e) the lease will be administered on behalf of the Pension Trust by an independent fiduciary who believes that the rental rate and other lease terms are equitable to both the Pension Trust and the Health Trust; (f) an independent appraiser believes that the proposed lease is appropriate for the Health Trust and in the best interests of its participants and beneficiaries; and (g) the trustees believe that the proposed lease is in the best interests of both the Pension Trust and the Health Trust and their participants and beneficiaries.

Notice to Interested Persons

On or before May 14, 1981, the applicants will notify all interested persons of the pendency of this application for exemption. Interested persons include all employees or job applicants of employers who are obligated by collective bargaining agreements to make contributions to the Pension Trust or the Health Trust and such employers. The notice will contain a copy of the notice published in the **Federal Register** and will inform interested persons of their right to comment and/or request a hearing regarding the proposed exemption. The notice will be posted for 35 days in the union hall where participants, employees, and potential employees normally congregate and will be transmitted to all labor organization parties to collective bargaining agreements requiring contributions to the Pension Trust or the Health Trust and to all employers obligated to contribute to either Trust.

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act, including any

prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(a) and 406(b)(1) and (b)(3) of the Act;

(3) Before an exemption may be granted under section 408(a) of the Act, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(b)(2) of the Act shall not apply to the lease of office space by the Pension Trust to the Health Trust as described herein, provided the rental payments equal fair market rental value.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 20th day of April, 1981.

Morton Klevan,

Deputy Administrator, Pension and Welfare Benefit Programs, Labor-Management Services Administration U.S. Department of Labor.

[FR Doc. 81-12390 Filed 4-23-81; 8:45 am]

BILLING CODE 4510-29-M

[Application No. D-1947]

Proposed Exemption for Certain Transactions Involving the Watson Clinic Profit Sharing Plan Located in Lakeland, Fla.

AGENCY: Department of Labor.

ACTION: Notice of Proposed Exemption.

SUMMARY: This document contains a notice of pendency before the Department of Labor (the Department) of a proposed exemption from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and the internal Revenue Code of 1954 (the Code). The proposed exemption would exempt the proposed loan of money (the Loan) by the Watson Clinic Profit Sharing Plan (the Plan) to the Watson Clinic (the Employer), the sponsor of the Plan. The proposed exemption, if granted, would affect the participants and beneficiaries of the Plan, the Employer, the United Missiouri Bank, the trustee of the Plan (the Trustee), and all other persons participating in the transaction.

DATES: Written comments and requests for a public hearing must be received by the Department on or before June 5, 1981.

ADDRESS: All written comments and requests for a hearing (at least three copies) should be sent to the Office of Fiduciary Standards, Pension and Welfare Benefit Programs, Room C-4526, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, Attention: Application No. D-1947. The application for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-4677, 200 Constitution Avenue NW., Washington, D.C.20216.

FOR FURTHER INFORMATION CONTACT: Louis Campagna of the Department, telephone (202) 523-7352. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Department of an application for exemption from the restrictions of section 406(a), 406(b)(1) and 406(b)(2) of the Act and from the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code. The proposed exemption was requested in an application filed by the Employer and the Plan, pursuant to section 408(a) of the Act and section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975).

Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, this notice of pendency is issues solely by the Department.

Summary of Facts and Representations

The application contains representations with regard to the proposed exemption which are summarized below. Interested persons are referred to the application on file with the Department for the complete representations of the applicant.

1. The Plan is a profit sharing plan with approximately 300 participants. As of May 31, 1980, the Plan had total assets of approximately $8,500,000. The Employer is a partnership composed of 69 practicing physicians, 61 of which are partners (the Partners). The Employer is divided into two divisions. The Clinic Division handles all operations associated with the practice of medicine. The Real Estate Division accounts for the ownership of a medical clinic (the Clinic) and related real properties used by the Employer. The Trustee is directed by the Employer as to the investment of the assets of the Plan. However, with respect to the Loan, the Trustee will have complete discretion in all matters, including the decision to enter into the Loan.

2. The Employer and the Plan are requesting an exemption for the Loan of the lesser of $3,000,000 or 35% of the assets of the Plan to be used by the Employer to finance the expansion of the Clinic. The Employer presently has a construction loan commitment of up to $2,000,000 (the Bank Commitment) for the expansion project from the Peoples Bank of Lakeland, Florida (the Bank), which as of February 2, 1981, has not

been drawn against. The Bank was formerly the directed trustee of the Plan but is currently independent of the parties to the transaction. The Bank Commitment would have a floating interest rate of ½% over the prime rate set by the Bank and would be secured by an assigment of all the accounts receivable (the Receivables) of the Employer. The Bank has also represented that it would be willing to loan to the Employer $3,000,000 with a floating interest rate of ½% above the prime rate set by the Bank with a 15 year term secured by an assignment of the Receivables.

3. The Loan would have a floating interest rate of ¾% over the prime rate set by the Bank but in no event will the rate of interest be less than 10% per annum. The Loan would be for a term of 15 years with equal payments of principal and interest made monthly. The Loan will be secured by the Receivables of the Employer. The Receivables will have, at all times during the term of the Loan, a value in excess of 175 percent of the outstanding balance of the Loan. The Employer will reduce the outstanding balance of the Loan at any time, upon request of the Trustee, to satisfy this requirement. A security agreement and financing statement will be executed by the Employer and the Plan evidencing the Plan's interest in the Receivables. The Trustee, prior to the Loan's execution, will review the terms of the Loan; render a judgment as to its suitability as a Plan investment and throughout its duration, monitor the terms of the Loan. The Employer agrees to supply the Trustee, upon demand, a detailed listing of all Receivables and, if necessary, upon the direction of the Trustee, the Employer would notify all debtors involved to make their payments directly to the Trustee. The Receivables have normally been collected within 4 or 5 months from the date medical services are rendered by the Employer because a large portion of the Receivables represent insurance claims that require processing by insurance carriers. The applicant also represents that in the event of any default on the Loan, the Trustee would be in a position to step in and effectively take over Receivables collections which would be adequate to pay off the Loan principal within 60 days. The Receivables of the Employer, as of January 31, 1980, were $5,200,000.

4. In the event of a default on the Loan the Partners will commit, through their personal guarantees, each Partner's respective interest in all assets and resources of the Employer as well as their own personal resources to the extent of their allocated share of the Loan toward the repayment of the Loan. The applicant represents that each of the Partners of the Employer has a net worth of at least $200,000. A first mortgage (the Mortgage) between the Employer and Freedom Federal Savings and Loan Association of Tampa, Florida, an unrelated bank, with an outstanding balance, as of January 31, 1980, of $4,882,151 is secured by the Clinic. Fifty of the most senior Partners have also personally guaranteed the repayment in the event of default of the Employer on the Mortgage to the extent of the lesser of $100,000 for each Partner or that percentage of each Partner's interest in the Employer. However, the Clinic and related real properties owned by the Employer were appraised, as of January 31, 1980, by Levie D. Smith and Associates, an independent appraisal service in Lakeland Florida, at $7,779,000. As a result, the Employer has a net equity in all the real property it owns of approxiamtely $3,000,000. Added to this figure will be the new addition to the Clinic at cost of construction of approximately $2,500,000. In addition, the Employer represents that it also owns furniture, fixtures and medical equipment with a value, taking into account depreciation, of $1,500,000. The Partners represent the Employer will not further encumber the real properties, medical equipment, furniture or fixtures it owns without first paying off the Loan.

5. In summary, the applicant represent that the proposed transaction meets the statutory criteria for an exemption under 408(a) of the Act because (1) the Trustee will represent that the Loan would be in the best interest of the Plan; (2) the Trustee will determine, prior to the Loan's execution, whether the Loan should be entered into by the Plan; (3) the Trustee will monitor the terms of the Loan; (4) the Loan will have a high rate of interest with a floor of 10% per annum and will at all times be secured by the Receivables with a value of at least 175% of the declining balance of the Loan; (5) the Plan will have a first security interest in the Receivables; (6) the Partners of the Employer personally guarantee repayment of the Loan in the event of default, and represent they will not further encumber real properties, medical equipment, fixtures or furniture owned by the Employer during the term of the Loan; and (7) the Bank, an independent party, has stated that it would make a loan of the same principal amount to the Employer secured by the Receivables but at a lesser rate of interest.

Notice to Interested Persons

Notice of the proposed exemption will be furnished to all participants of the Plan by certified mail within 10 days after the notice of pendency is published in the **Federal Register.** Such notice will contain a copy of the notice of pendency as published in the **Federal Register** as well as a statement informing all such interested persons of their right to comment or request a hearing in regard to the proposed exemption.

General Information

The attention of interested persons is directed to the following: (1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary, or other party in interest or disqualified person from certain other provisions of the Act and the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The proposed exemption, if granted, will not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code;

(3) Before an exemption may be granted under section 408(a) of the Act and section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan; and

(4) The proposed exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is, in fact, a prohibited transaction.

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemption to the address above, within the time period set forth above. All comments will be made a part of the record. Comments and requests for a hearing should state the reasons for the writer's interest in the pending exemption. Comments received will be available for public inspection with the application for exemption at the address set forth above.

Proposed Exemption

Based on the facts and representations set forth in the application, the Department is considering granting the requested exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406(a), 406(b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code shall not apply to the Loan of the lesser of $3,000,000 or 35% of the assets of the Plan as described herein by the Plan to the Employer provided that the terms and conditions of the Loan are not less favorable to the Plan than those obtainable in a similar transaction with an unrelated party.

The proposed exemption, if granted, will be subject to the express conditions that the material facts and representations contained in the application are true and complete, and that the application accurately describes all material terms of the transaction to be consummated pursuant to the exemption.

Signed at Washington, D.C., this 17th day of April, 1981.

Ian D. Lanoff,

Administrator, Pension and Welfare Benefit Programs Labor-Management Services Administration, U.S. Department of Labor.

[FR Doc. 81-12391 Filed 4-23-81; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

[TA-W-12,159]

Concord Coal Corp.; Termination of Investigation

Pursuant to Section 221 of the Trade Act of 1974, an investigation was initiated on January 26, 1981, in response to a worker petition received on January 21, 1981, which was filed on behalf of workers at Concord Coal Co., Charleston, West Virginia.

A negative determination applicable to the petitioning group of workers was issued on April 7, 1981 (TA–W–11,506). No new information is evident which would result in a reversal of the Department's previous determination. Consequently further investigation in this case would serve no purpose; and the investigation has been terminated.

Signed in Washington, D.C. this 13th day of April 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-12416 Filed 4-23-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,444]

Ranco, Inc., Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely.

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separation, or threat thereof, and to the absolute decline in sales or production.

The investigation was initiated on October 27, 1980 in response to a petition which was filed on behalf of workers at the General Offices of Ranco, Incorporated, West Fifth Avenue, Columbus, Ohio. Workers at the West Fifth Avenue plant provide administrative and support services for the Ranco plants in North America and overseas.

The investigation revealed that criterion (3) has not been met.

The General Offices of Ranco, Incoprporated in Columbus, Ohio provide administrative and support sevices for not only the two Ohio plants of Ranco, but for Canadian, Mexican, all overseas operations, and limited support for the Teccor affiliate in Texas.

Increases in imports of controls by Ranco from non-domestic plants represented only a small proportion of domestic sales and an even smaller proportion of overall corporate sales.

Ranco, Incorporated world-wide sales increased in fiscal 1980 compared to fiscal 1979.

The employees of the General Offices in Columbus, Ohio contribute a significant portion of their efforts to administrative and support activities for the Ranco operations in Canada, Mexico and overseas, in addition to their support activity for the two Ranco plants in Ohio. Therefore increased company imports could not have contributed to declines in employment at the General Offices.

No jobs have been transferred overseas in Research and Development as alleged on the petition.

Conclusion

After careful review, I determine that all workers of Ranco, Incorporated, General Offices, West Fifth Avenue, Columbus, Ohio are denied eligibility to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 14th day of April 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-12417 Filed 4-23-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-11,099, 11,099A, and 11,099B]

Sandstone Manufacturing Company, Inc., et al.; Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor herein presents the results of an investigation regarding certification of eligibility to apply for worker adjustment assistance.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is determined in this case that all of the requirements have been met.

The investigation was initiated on

September 29, 1980 in response to a petition which was filed on behalf of workers at Sandstone Manufacturing Company, Incorporated, New York, New York (TA-W-11,099). The investigation was expanded to include Trail Manufacturing Company, Incorporated, Dunlap, Tennessee (TA-W-11,099A) and Rickman Manufacturing Company, Incorporated, Rickman, Tennessee (TA-W-11,099B). The workers produce women's and children's pants, skirts, and blouses.

U.S. imports of women's, misses', and children's skirts increased absolutely in 1979 compared to 1978 and in 1980 compared to 1979.

U.S. imports of women's, misses', and children's slacks and shorts and blouses and shirts increased in 1980 compared to 1979.

The Department of Commerce contacted some of the subject firm's customers. Surveyed customers decreased purchases from the subject firm and increased purchases of imported pants and skirts during the 12 months ending May 21, 1980 compared with the 12 months ending May 31, 1979.

Sandstone Manufacturing Company, Incorporated, New York, New York and its affiliated companies were certified eligible to apply for trade adjustment assistance by the Department of Commerce on September 12, 1980, (F-NY-1101).

Conclusion

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with women's and children's skirts and pants produced at Sandstone Manufacturing Company, Incorporated, New York, New York; Trail Manufacturing Company, Incorporated, Dunlap, Tennessee; and Rickman Manufacturing Company, Incorporated, Rickman, Tennessee contributed importantly to the decline in sales or production and to the total or partial separation of workers of those firms. In accordance with the provisions of the Act, I make the following certification:

All workers of Sandstone Manufacturing Company, Incorporated, New York, New York; Trail Manufacturing Company, Incorporated, Dunlap, Tennessee; and Rickman Manufacturing Company, Incorporated, Rickman, Tennessee who became totally or partially separated from employment on or after January 1, 1980 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of April 1981.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 81-12418 Filed 4-23-81; 8:45 am]

BILLING CODE 4510-28-M

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor herein presents summaries of determinations regarding eligibility to apply for worker adjustment assistance issued during the period April 13-17, 1981.

In order for an affirmative determination to be made and a certification of eligibility to apply for adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations

In each of the following cases it has been concluded that at least one of the above criteria has not been met.

TA-W-8297 & 8298; Starboard Industries, Inc., East Tawas, MI (Plant #1), and Tawas City, MI (Plant #2)

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9021; Wallace Murray Corp., Schwitzer Turbocharger Div., Indianapolis, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8313; Mattatuck Manufacturing Co., Waterbury, CT

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9420; Dayton Malleable, Inc., Columbia Division, Columbia, LA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of air conditioners and air conditioning parts of original equipment mobile vehicles are negligible.

TA-W-9421; Falls Stamping and Welding Co., Cuyahoga Falls, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9576; Palm Beach Co., Knoxville, TN

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of men's and boys tailored suits and men's and boys' dress coats and sportcoats did not increase as required for certification.

TA-W-9601; Sybron Corp., Medical Products Div., Liebel-Flarsheim Plant, Cincinnati, OH

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of urological tables are negligible. With respect to buckys, trays, and x-rays grids, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9685; Shakespeare Co., Kalamazoo, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9961; Ford Motor Co., Detroit Industrial Engine Plant, Detroit, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9991; Norton Laboratories, Inc., Lockport, NY

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,529; Willow Run Rubber and Lining Co., Inc., Farmington, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-11,025; Rockwell International Corp., Memphis, TN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-11,118; Shelton Industries, Cutler, CA

Investigation revealed that criterion (3) has not been met. Aggregate U.S. imports of

travel trailers, truck campers, and motor homes are negligible.

TA-W-11,345; Reynolds Metal Co., Aluminum Reduction Plant, Listerhill, AL

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-11,876; Purolator, Inc., Ringtown, PA

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9996; Harmon International Industries, Inc., Automotive Div., Bolivar, TN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9992; Pantasote, Inc., London, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9950; Wagner Electric Corp., Sevierville, TN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9519; C.M. Products Co., Inc., Dayton, OH

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9398; Gill and Williams Tooling, Inc., Grand Rapids, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9368; Commercial Shearing, Inc., Butler, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9365; Chippewa Tool and Die, Inc., Evart, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9124; Dearborn Stamping Co., subsidiary of Teer, Wickwire and Co., Dearborn, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9114; Master-Cast Co., Howell, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-11,905; Peninsular Steel Co., Warren, MI

Investigation revealed that workers do not produce an article as required for certification under Section 223 of the Trade Act of 1974.

TA-W-11,953; Peninsular Steel Co., Tonawanda, NY

Investigation revealed that workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-11,964; National Welding of Michigan, Inc., Lansing, MI

Investigation revealed that workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-12,029; Advance Plating of Michigan, Harper Woods, MI

Investigation revealed that workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-12,162; Southwestern Ohio Steel, Inc., Hamilton, OH

Investigation revealed that workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-11,865; Coral Gables Imported Motor Cars, d.b.a. Kalamazoo Chrysler-Plymouth, Inc., Kalamazoo, MI

Investigation revealed that workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-11,853; D. J. Glass & Associates, Indianapolis, IN

Investigation revealed that workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-11,630; Crescent Machine Co., Inc., Pontiac, MI

Investigation revealed that workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-11,423; Garden State Motors, Inc., Pennsauken, NJ

Investigation revealed that workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-11,273; Willens Michigan Corp., Detroit, MI

Investigation revealed that workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-11,270; Merry Oldsmobile GMC Trucks, Inc., Rochester, MI

Investigation revealed that workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-10,665; Dale Baker Oldsmobile, Inc., Grand Rapids, MI

Investigation revealed that workers do not produce an article as required for certification under Section 223 of the Act.

TA-W-10,303; Duffy Tool and Stamping, Inc., Muncie, IN

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-10,255; Selastomer Detroit, Inc., Farmington, MI

Investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-9170; C & P Coat Co., Hammonton, NJ

Investigation revealed that manufacturers for which the subject firm produced under contract increased their contracts with other domestic firms.

Affirmative Determinations

TA-W-8856; Nicholson Machine Products, Inc., Trenton, MI

A certification was issued covering all workers of the firm separated on or after June 30, 1979.

TA-W-11,099, 11,099A, & 11,099B; Sandstone Manufacturing Co., Inc., New York, NY, Trail Manufacturing Co., Inc., Dunlop, TN, and Rickman Mfg. Co., Inc., Rickman, TN

A certification was issued covering all workers of the firm separated on or after January 1, 1980.

TA-W-11,498 & 11,498A; AIE, Division of Vernitron Corp., Smithville, TN and Nashville, TN

A certification was issued covering all workers of the firm separated on or after January 1, 1980.

TA-W-9338; Pro Group, Inc., Chattanooga, TN

With respect to the production of iron golf clubs, a certification was issued applicable to all employees who become separated on or after April 27, 1980.

With respect to the production of wood golf clubs, the investitation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA-W-8358; Sunshine Contracting Corp. (formerly known as Sunshine Sportswear Corp.), Passaic, NJ

A certification was issued covering all workers of the firm separated on or after May 13, 1979.

TA-W-8047; Fox Point Sportswear, Inc., Port Washington, WI

A certification was issued covering all workers of the firm separated on or after May 9, 1979.

I hereby certify that the aforementioned determinations were issued during the period April 13–17, 1981. Copies of these determinations are available for inspection in Room S–5314, U.S. Department of Labor, 200 Constitution Ave., NW, Washington, D.C. 20210 during normal working hours or will be mailed to persons who write to the above address.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

Dated: April 21, 1981.

[FR Doc. 81–12419 Filed 4–23–81; 8:45 a.m.]

BILLING CODE 4510–28

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 4, 1981.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than May 4, 1981.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 20th day of April 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition number	Articles produced
Arrow Co., Div. of Cluett Peabody & Co., Inc. (ACTWU).	Troy, N.Y	4/9/81	3/31/81	TA–W–12,620	Men's shirts.
Cluett Peabody & Co., Inc. (ACTWU)	Troy, N.Y	4/9/81	3/31/81	TA–W–12,621	Men's shirts.
DuVid Sportswear (ILGWU)	Reading, Pa	4/13/81	4/6/81	TA–W–12,622	Ladies' blouses.
Elton Fashions (ILGWU)	Passaic, N.J	3/16/81	3/11/81	TA–W–12,623	Ladies' sportswear.
International Shoe Co. (ACTWU)	St. Clair, Missouri	4/13/81	4/3/81	TA–W–12,624	Soles, insoles, outsoles, boxtoes, & heels.
Linden Manufacturing Company (ILGWU)	Womelsdorf, Pa	4/13/81	4/6/81	TA–W–12,625	Ladies' blouses.
Redlem Manufacturing Company (ILGWU)	No. Bergen, N.J	3/9/81	2/27/81	TA–W–12,626	Ladies' coats.
Suzy Love Maternity, Ltd. (workers)	New York, New York	4/10/81	3/31/81	TA–W–12,627	Maternity pants.
T & C Coal Company Inc. (workers)	Cycone, West Va	4/9/81	4/7/81	TA–W–12,628	Metallurgical coal.
Apt Corporation (workers)	Cambridge, Mass	4/13/81	4/10/81	TA–W–12,629	Consumer hi-fi.
American Steel Foundries (USWA)	Alliance, Ohio	4/13/81	4/9/81	TA–W–12,630	Railroad freight-car components, side frames and couplers.
Anaconda Copper Co., Butte Operations (teamsters).	Butte, Montana	4/13/81	4/6/81	TA–W–12,631	Mining of copper ore.
Bird & Son (United Paperworkers)	Rumford, Rhode Island	4/16/81	4/14/81	TA–W–12,632	Insulating board.
Mirando Manufacturing Co., Inc. (company)	Elizabeth, N.J	4/15/81	4/10/81	TA–W–12,633	Men's and boy's outerwear.
Pacific Highland Cedar Products, Inc. (workers)	Hoquiam, Washington	4/16/81	4/13/81	TA–W–12,634	Cedar shakes and shingles.
V & E Dress Company (workers)	Brooklyn, New York	4/6/81	3/31/81	TA–W–12,635	Ladies' evening wear.
Whitley Products, Inc. (UAW)	Pierceton, Indiana	4/16/81	4/13/81	TA–W–12,636	Fabricated tubing.
Hope Manufactoring Company (ILGWU)	Scranton, Pa	4/16/81	4/9/81	TA–W–12,637	Girls and juniors coats and outer wear.

[FR Doc. 81–4–23–81; 8:45 am]

BILLING CODE 4510–28–M

MERIT SYSTEMS PROTECTION BOARD

Publication of Digest

AGENCY: Merit Systems Protection Board.

ACTION: Notice of publication of digest.

SUMMARY: The Merit Systems Protection Board announces the publication of its Digest. The Digest is a monthly publication containing summaries of Board orders and a list of other Board orders and issuances. It is available from the Superintendent of Documents on either a subscription or single issue basis. The price for a subscription is $13 per year; ($16.25 outside the United States). Single issues are also available at a price of $1.75 per issue; ($2.25 outside the United States). Subscription or purchase inquiries should be addressed to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Federal agencies may order bulk quantities of the Digest by riding the Board's printing requisitions at the Government Printing Office. Agencies should submit a Standard Form 1, open requisition, citing the title of the publication and noting whether they wish to ride for all issues or for specific monthly issues only.

FOR FURTHER INFORMATION CONTACT: Elizabeth Principe, Publications Division, Office of the Secretary, Merit Systems Protection Board, Room 220, 1717 H Street, NW., Washington, D.C. 20419, 202/653–7130.

Merit Systems Protection Board.

Ruth T. Prokop,

Chairwoman.

April 20, 1981.

[FR Doc. 81-12331 Filed 4-23-81; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 81-35]

NASA Advisory Council, Space Systems and Technology Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Systems and Technology Advisory Committee, Informal Advisory Subcommittee on Energy Technology.

DATE AND TIME: May 18, 1981, 8:30 a.m. to 4:30 p.m.; May 19, 1981, 8:30 a.m. to 3 p.m.

ADDRESS: NASA Headquarters, Room 625, 600 Independence Avenue, SW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Donald A. Beattie, National Aeronautics and Space Administration, Code RE-1, Washington, DC 20546 (202) 755-3127.

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Energy Technology was established to provide advice and recommendations on the overall objectives, approach, content, structure and balance of NASA energy technology efforts. The Subcommittee, chaired by Dr. Robert L. Hirsch, is comprised of six members. The meeting will be open to the public up to the seating capacity of the room (approximately 40 persons including the Subcommittee members and participants).

Type of meeting: Open

Agenda

May 18, 1981

8:30 a.m.—Introductory Remarks
9:15 a.m.—Evaluation of Ongoing Conservation and Fossil Energy Programs.
1 p.m.—Evaluation of Ongoing Solar Terrestrial Programs.
3 p.m.—Evaluation of Ongoing Space Utilization Programs.
4:30 p.m.—Adjourn

May 19, 1981

8:30 a.m.—Long Range Planning
3 p.m.—Adjourn

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

April 16, 1981.

[FR Doc. 81-12301 Filed 4-23-81 8:45 am]

BILLING CODE 7510-01-M

NATIONAL SCIENCE FOUNDATION

Committee on Equal Opportunities in Science and Technology; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Committee on Equal Opportunities in Science and Technology.
Place: Room 540, National Science Foundation, 1800 G Street, NW., Washington, D.C. 20550.
Date: Wednesday, May 27 and Thursday, May 28, 1981.
Time: 9:00 am to 3:30 pm, May 27; 9:00 am to Noon, May 28.
Type of meeting: Open.
Contact person: Ms. Margaret L. Windus, Special Assistant to the Director, National Science Foundation, Room 518, 1800 G Street, NW., Washington, D.C. 20550. Telephone: 202/357-9419.

Purpose of committee: To provide advice to the Foundation on policies and activities of the Foundation to encourage full participation of women, minorities and other groups currently underrepresented in scientific, engineering, professional and technical fields.

Summary minutes: May be obtained from the contact person at the above stated address.

Agenda:

Wednesday, May 27, 1981

9:00 a.m.—Welcoming Remarks, Dr. John B. Slaughter
9:30 a.m.—Opening Comments and Review of Agenda, Dr. Cora B. Marrett
9:45 a.m.—Overview of NSF Programs and Procedures, Dr. John B. Slaughter
10:30 a.m.—Coffee Break
10:45 a.m.—NSF Budget Process, Mr. James M. McCullough
11:15 a.m.—Review of Science and Technology Equal Opportunities Act and NSF Response, Dr. Donald N. Langenberg
12:00 Noon—Lunch
1:30 p.m.—Committee Charter and Role, Dr. Cora B. Marrett
2:00 p.m.—NSF Data Resources on Women and Minorities and Biennial Report on Equal Opportunities in Science and Technology, Dr. Charles E. Falk
2:45 p.m.—Data on NSF Staff Mr. Herbert Harrington, Jr.
3:30 p.m.—Adjournment

Thursday, May 28, 1981

9:00 a.m.—Opening Comments, Dr. Cora B. Marrett
9:15 a.m.—National Science Board Committee on Minorities and Women in Science, Dr. Eugene H. Cota-Robles
9:30 a.m.—Meetings of Subcommittee on Women and Subcommittee on Minorities
10:30 a.m.—Comments of Subcommittee on Women and Subcommittee on Minorities
11:30 a.m.—Plans for the Future, Dr. Cora B. Marrett
12:00 Noon—Adjournment

M. Rebecca Winkler,

Committee Management Coordinator.

April 21, 1981.

[FR Doc. 81-12356 Filed 4-23-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-255]

Consumers Power Co., Palisades Plant; Order for Modification of License

I

The Consumers Power Company (the licensee) holds Provisional Operating License No. DPR-20, which authorizes the licensee to operate the Palisades Plant (the facility) at power levels not in excess of 2530 megawatts (thermal) rated power. The facility, which is located at the licensee's site in Van Buren County, Michigan, is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RESS), WASH-1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initited by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping: e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 18, 1980, the licensee responded to our February letter. Based upon the review of this response as well as the review of previously docketed information for the facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Provisional Operating License No. DPR-20 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *It is hereby ordered that effective immediately*, Provisional Operating License No. DPR-20 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before May 19, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Judd L. Bacon, Esquire, Consumers Power Company, 212 West Michigan Avenue, Jackson, Michigan 49201, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interests is affected by this Order. *Any request for a hearing shall not stay the immediate effectiveness of this Order.*

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

*Attachments:

1. Safety Evaluation Report.

*Attachments are available in the Public Document Rooms.

2. Technical Evaluation Report.
3. Technical Specifications.

[FR Doc. 81-12437 Filed 4-23-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-219]

Jersey Central Power & Light Co. (Oyster Creek Nuclear Generating Station); Order for Modification of License

I

The Jersey Central Power & Light Company (the licensees) hold Provisional Operating License No. DPR-16, which authorizes the licensees to operate the Oyster Creek Nuclear Generating Station (the facility) at power levels not in excess of 1930 megawatts (thermal) rated power. The facility, which is located at the licensee's site in Ocean County, New Jersey is a Boiling Water Reactor (BWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes and overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurationss exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 17, 1980, the licensee responded to our February letter. Based upon the review of this response as well as the review of previously docketed information for the facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Provisional Operating License No. DPR-16 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *it is hereby ordered that effective immediately*, Provisional Operating License No. DPR-16 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination at to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before May 19, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to G. F. Trowbridge, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, N.W., Washington, D.C. 20036 attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. *Any request for a hearing shall not stay the immediate effectiveness of this Order.*

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of section III of this Order must be taken if check valves have not been tested within 12 months preceeding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes, apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981, Bethesda, Maryland.

*Attachments:

1. Safety Evaluation Report.
2. Technical Evaluation Report.
3. Technical Specifications.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 81-12438 Filed 4-23-81; 8:45 am]

BILLING CODE 7590-01-M

*Attachments are available in the Public Document Rooms.

[Docket No. 50-244]

Rochester Gas & Electric Corp., R. E. Ginna Nuclear Power Plant; Order for Modification of License

I

The Rochester Gas and Electric Corporation (the licensee) holds Provisional Operating License No. DPR-18, which authorizes the licensee to operate the R. E. Ginna Nuclear Power Plant (the facility) at power levels not in excess of 1520 megawatts (thermal) rated power. The facility, which is located at the licensee's site in Wayne County, New York is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant system (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 14, 1980, the licensee responded to our February letter. Based upon the review of this response as well as the review of previously docketed information for the facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by directy volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public

health, safety and interest require that this modification of Provisional Operating License No. DPR-18 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *it is hereby ordered that effective immediately*, Provisional Operating License No. DPR-18 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plans and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, precedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, than the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before May 19, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Harry H. Voigt, Esquire, LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue, N.W., Suite 1100, Washington, D.C. 20036, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. *Any request for a hearing shall not stay the immediate effectiveness of this order.*

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

*Attachments:

1. Safety Evaluation Report.
2. Technical Evaluation Report.
3. Technical Specifications.

[FR Doc. 81-10439 Filed 4-23-81; 8:45 am]

BILLING CODE 7590-01-M

*Attachments are available in the Public Document Rooms.

[Docket No. 50-206]

Southern California Edison Co. and San Diego Gas & Electric Co., San Onofre Nuclear Generating Station Unit No. 1; Order for Modification of License

I

The Southern California Edison Company and the San Diego Gas and Electric Company (the licensees) hold Provisional Operating License No. DPR-13, which authorizes Southern California Edison Company to operate the San Onofre Nuclear Generating Station Unit No. 1 (the facility) at power levels not in excess of 1347 megawatts (thermal) rated power. The facility, which is located at the licensee's site in San Diego County, California, is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure fo these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping: e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack intergrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if

plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 14, 1980, the licensee responded to our February letter. Based upon the review of this response as well as the review of previously docketed information for the facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Bessse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves msut be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Provisional Operating License No. DPR–13 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *it is hereby ordered that effective immediately*, Provisional Operating License No. DPR–13 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly inservice inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before May 19, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Charles R. Kocher, Assistant General Counsel, Southern California Edison Company, Post Office Box 800, Rosemead, California 91770, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. *Any request for a hearing shall not stay the immediate effectiveness of this order.*

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981, Bethesda, Maryland.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

*Attachments:

1. Safety Evaluation Report.
2. Technical Evaluation Report.
3. Technical Specifications.

[FR Doc. 81–12440 Filed 4–23–81; 8:45 am]

BILLING CODE 7590–01–M

*Attachments are available in the Public Document Rooms.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-17729; File No. SR-Amex-81-7]

Self-Regulatory Organizations; Proposed Rule Change by American Stock Exchange, Inc.; Relating to Amendment of Exchange Disciplinary Procedures

Comments requested on or before May 15, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 3, 1981, the American Stock Exchange filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

As set forth in Section II(A) below, the American Stock Exchange has proposed to amend Article V, section 1(b)(1) of its Constitution and Disciplinary Rules 1, 2, and 3 to implement a recommendation resulting from a review of the Exchange's disciplinary procedures by a Special Committee appointed by the Exchange's Board of Governors. The text of the proposed Constitutional and rule amendments will be available for inspection and copying in the Commission's Public Reference Room, 1100 L Street, NW., Washington, D.C., and at the American Stock Exchange, Inc., 86 Trinity Place, 12th Floor, New York, NY 10006.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

A Special Committee appointed by the Exchange's Board of Governors to review the Exchange's disciplinary procedures issued a report on September 18, 1980 with recommendations for changes in the Exchange's disciplinary process.[1] One recommendation concerns the availability of an adequate pool of qualified persons to serve on disciplinary panels.

Presently, a disciplinary panel must be chaired by an Exchange Official and Exchange Officials may not serve as panel hearing officers. The Committee recommended that the number of Exchange Officials be increased from 26 to 36 persons, and that one-third be authorized to serve both as panel chairmen and panel members.

The Board of Governors, however, felt that instead of increasing the number of Exchange Officials, an adequate number of persons to serve as chairmen can be assured by permitting hearing officers to qualify as chairmen in appropriate cases. Further, the Board determined that all exchange Officials should be authorized to serve as panel members, as well as panel chairmen. Amendments to Article V, Section 1(b)(1) of the Exchange Constitution and Disciplinary Rules 1, 2, and 3 are proposed to implement these changes.

The proposed Constitutional and rule amendments are consistent with Section 6(b) of the Exchange Act in general and further the objectives of Section 6(b)(7) of the Act in particular in that they are designed to assure the availability of an adequate pool of qualified persons to serve on Exchange disciplinary panels, thus contributing to the Exchange's capacity to enforce its rules in accordance with the statutory requirements of fair procedures.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange has determined that the proposed rule change will have no impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The proposed amendment has not yet been voted upon by the regular members of the Exchange. The Exchange has consented to an extension of the time period for Commission consideration of the proposed amendment, as specified in Section 19(b)(2) of the Act, until thirty-five days after it submits an amendment to this filing specifically notifying the Commission that the regular members of the Exchange have voted on and approved the Constitutional amendments. Within thirty-five days of the date of publication of notice of such amendment in the **Federal Register** or within such longer period (1) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should be submitted on or before May 15, 1981.

[1] Report of the Special Committee to Review Exchange Disciplinary Procedures, dated September 18, 1980.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

April 17, 1981.

[FR Doc. 81-12394 Filed 4-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17737; File No. SR-BSE-81-4]

Self-Regulatory Organizations; Proposed Change by; Boston Stock Exchange, Inc.; Amendment to the Short Sale Rule

Comments requested on or before May 15, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 16, 1981, the Boston Stock Exchange, Inc., filed with the Securities and Exchange Commission the proposed change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Boston Stock Exchange, Inc., proposes to amend Chapter II, Section 16 of the Rules relating to short selling by brokers and dealers. The amendment would eliminate a potential conflict between Rule 10a-1 under the Securities Exchange Act of 1934 and the firm quotation rule. The amendments to the rule would permit a broker-dealer, under certain specified circumstances, to effect short sales of a security equal to the price associated with that broker-dealer's most recent communicated offer for that security.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(A) *Self-Regulatory Organization's Statement of, and Statutory Basis for, the Proposed Rule Change.*

(a) Because of a possible conflict between Rules 10a-1 and 11Ac1-1, the amendment would permit a market maker to effect short sales of a security at a price equal to the price associated with the market maker's most recent offer for that security communicated pursuant to the quote rule, if the price associated with that offer, when communicated, was equal to or greater than the last sale for such security reported in the consolidated system.

(b) The proposed rule change is consistent with the provisions of Rule 10a-1 under the Securities Exchange Act of 1934, as amended on November 20, 1980, in that it would resolve any potential conflict between that rule and the firmness requirement of the quote rule, 240.11Ac1-1.

(B) *Self-Regulatory Organization's Statement on Burden on Competition.* No burden on competition is perceived by the proposed amendment. It would further the continuing development of a competitive national market system and would allow persons to comply more effectively with both the quote rule and the short sale rule.

(C) *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others.* Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed 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 change that are filed with the Commission, and all written communications relating to the proposed change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C.

Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before May 15, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

April 20, 1981.

[FR Doc. 81-12395 Filed 4-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 17736; File No. SR-NYSE-81-10]

Self-Regulatory Organizations; Proposed Rule Change by; New York Stock Exchange, Inc.

In the matter of deleting Rules 440I and 440J concerning reports on Forms 600 and 600-A, relating to charges on members' commission and odd lot transactions for business done on the Exchange, and adopting Form 600TC with the instructions thereto.

Comments are requested on or before May 15, 1981.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), notice is hereby given that on April 13, 1981, the New York Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The New York Stock Exchange, Inc. ("NYSE") recently proposed to amend Article X, Section 2 of the NYSE Constitution to provide its Board of Directors authority to fix and impose a charge upon members measured by the (1) number of, (2) value of, (3) number of shares, warrants, rights or bonds associated with, or (4) commission or net commissions on, transactions effected on the NYSE. In connection with this amendment, the Exchange now is proposing to revoke NYSE Rules 440I and 440J; requiring reports on members' commissions on business done, and on members' odd-lot transactions effected, on the Exchange. The proposed rule change also would revoke Forms 600 and 600-A and replace them with new Form 600TC, the instructive material accompanying which replaces, in part, the material in Rules 440I and 440J.

II. Self-Regulatory Organization Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization includes statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the place set forth in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization Statements of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed revocation of Rules 440I and 440J is a housekeeping change to conform members' commissions and odd lot transactions reporting requirements to Article X Section 2 of the NYSE Constitution. The Exchange has determined that Rules 440I and 440J and Forms 600 and 600–A are superfluous in light of recent amendments to Article X Section 2 of the NYSE Constitution, and the adoption of new Form 600TC.

The basis under the Act for the proposed rule change is Section 6(b)(4) requiring the rules of an exchange to provide for the equitable allocation of reasonable dues, fees, and other charges among its members, issuers and other persons using its services.

B. *Self-Regulatory Organization's Statement on Burden on Competition.* The proposed rule change is housekeeping in nature and will create no burden on competition.

C. *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received for Members, Participants, or Others.* The Exchange has not solicited or received any comments on this proposed change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such action if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purpose of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securites 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, 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 May 15, 1981.

For the Commission by the Division of Market Regulatory, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-12396 Filed 4-23-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-7595]

Commodore International Ltd. (Capital Shares, $1 Par Value); Application To Withdraw From Listing and Registration

April 20, 1981.

The above named issuer has filed an application with the Securities and Exchange Commission pursuant to section 12(d) of the Securities Exchange Act of 1934 (the "Act") and Rule 12d2–2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The capital stock of Commodore International Limited ("Company") is listed and registered on the Amex. Pursuant to a Registration Statement on Form 8–A which became effective on February 25, 1981, the Company is also listed and registered on the New York Stock Exchange ("NYSE"). The Company has determined that the direct and indirect costs and expenses do not justify maintaining the dual listing of the capital stock on the Amex and the NYSE, and believes that dual listing would fragment the market for its capital stock.

2. This application relates solely to withdrawal of the capital stock from listing and registration on the Amex and shall have no effect upon the continued listing of such stock on the NYSE. The Amex has posed no objection to this matter.

Any interested person may, on or before May 11, 1981, submit by letter to the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-12396 Filed 4-23-81; 8:45 am]

BILLING CODE 8010-01-M

Midwest Stock Exchange, Inc.; Application for Unlisted Trading Privileges and of Opportunity for Hearing

April 20, 1981.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12F–1 thereunder, for unlisted trading privileges in the common stock of: TECO Energy Incorporated; Common Stock, $1 Par Value (File No. 7–5904).

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 11, 1981 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the

Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-12397 Filed 4-23-81; 8:45 am]

BILLING CODE 8010-01-M

[File No. 500-1]

Security America Corp.; Order of Suspension of Trading

April 21, 1981.

It appearing to the Securities and Exchange Commission that Security America Corporation has failed to announce the results of its operations and financial condition and that, as a result, there is a lack of current adequate and accurate public information about the operations and financial condition of Security America Corporation, particularly in view of its failure to file its Annual Report on Form 10-K for its fiscal year ended December 31, 1980 and its announcement that it anticipates substantial losses for its fiscal year ended December 31, 1980, the Commission is of the opinion that the public interest and the protection of investors require a summary suspension of trading in the securities of Security America Corporation.

Therefore, it is ordered, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in such securities on a national securities exchange or otherwise is suspended, for the period from 10 a.m. (EST) on April 21, 1981 through midnight (EDT) on April 30, 1981.

By the Commission.

George A. Fitzsimmons,

Secretary.

[FR Doc. 12399 Filed 4-23-81; 8:45 am]

BILLING CODE 8010-01-M

VETERANS ADMINISTRATION

Station Committee on Educational Allowances; Meeting

Notice is hereby given pursuant to Section V, Review Procedures and Hearing Rules, Station Committee on Educational Allowances that on May 28, 1981, at 9:00 A.M., the Portland, Oregon Regional Office Station Committee on Educational Allowances shall at Room 1427, Federal Building, 1220 SW. Third Avenue, Portland, Oregon, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Oregon Meat Cutting School, Cottage Grove, Oregon, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: April 14, 1981.

R. J. Vogel,

Director, VA Regional Office, 1220 SW. Third Avenue, Portland, Oregon 97204.

[FR Doc. 81-12372 Filed 4-23-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 79
Friday, April 24, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD.

[M–313 (Amdt. 1)]

Deletion and addition to the April 23, 1981 Board meeting

April 21, 1981.

TIME AND DATE: 9:30 a.m., April 23, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT:

Deletion: 13. Dockets 38585 and 34138; Joint Fares; Notice of Propose Rulemaking. (OGC, BDA)

Addition: 14a. Dockets 38019, 18960 and 38961, Wien Air Alaska Mainline and Bush Mail Rates Investigation, Alaska Airlines Temporary Class Service Mail Rates; Petitions for revised temporary mainline service mail rates. (Memo 085–C, BDA)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, (202) 673–5068.

[S-655-81 Filed 4-22-81; 3:43 pm]

BILLING CODE 6320-01-M

2

FEDERAL RESERVE SYSTEM.

Board of Governors

TIME AND DATE: 10 a.m., Wednesday, April 29, 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: April 21, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-646-81 Filed 4-22-81; 10:38 am]

BILLING CODE 6210-01-M

3

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Thursday, April 30, 1981.

PLACE: Room 432, Federal Trade Commission Building, Sixth Street and Pennsylvania Avenue N.W., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Policy Review Session on Section 6 Report Writing.

CONTACT PERSON FOR MORE INFORMATION: Susan B. Ticknor, Office of Public Information: (202) 523–1892; Recorded Message: (202) 523–3806.

[S-653-81 Filed 4-22-81; 2:53 pm]

BILLING CODE 6750-01-M

4

INTER-AMERICAN FOUNDATION.

TIME AND DATE:

Meeting of the Advisory Council and Board of Directors: May 6, 1981 (9:30 a.m.–4:30 p.m.).

Meeting of the Board of Directors Only: May 7, 1981 (9 a.m.–1 p.m.)

PLACE: Board Room, Inter-American Foundation, 1515 Wilson Boulevard, Arlington, Va. 22209.

STATUS: Open.

MATTERS TO BE CONSIDERED: May 6, 1981:

1. Opening Remarks.
2. Discussion of Role of Advisory Council.
3. Discussion of the Inter-American Foundation in the Making.
4. Presentation of the Foundation's Program in Peru.
5. Presentation of the Foundation's Program in Mexico.
6. Presentation of the Foundation's Program in Jamaica.
7. Presentation of the Foundation's Efforts at Research, Evaluation and Dissemination.

May 7, 1981:

1. Chairman's Report.
2. President's Report.
3. Minutes of the February 12, 1981 Meeting.
4. Financial Report.
5. Discussion of Foundation Work in Country Contexts.

CONTACT PERSON FOR MORE INFORMATION: Lawrence E. Bruce, Jr. (703) 841–3812.

[S-654-81 Filed 4-22-81; 3:22 pm]

BILLING CODE 7025-01-M

5

BOARD FOR INTERNATIONAL BROADCASTING.

TIME AND DATE: 9:30 a.m., May 1, 1981.

PLACE: Board for International Broadcasting, Conference Room, Suite 430, 1030 15th Street, N.W., Washington, D.C. 20005.

STATUS: Closed, pursuant to 5 U.S.C. 552b(c)(1), 22 CRF 1302.4 (c) and (h) of the Board's rules (42 FR 9388, Feb. 16, 1977).

MATTERS TO BE CONSIDERED: Matters concerning the broad foreign policy objectives of the United States Government.

CONTRACT PERSON FOR ADDITIONAL INFORMATION: Arthur D. Levin, Budget and Administrative Officer, Board for International Broadcasting, Suite 430, 1030 15th Street, N.W., Washington, D.C. 20005, 202–254–8040.

[S-652-81 Filed 4-22-81; 2:50 pm]

BILLING CODE 6155-01-M

6

INTERNATIONAL TRADE COMMISSION.

[USITC SE–81–9]

TIME AND DATE: 2:15 p.m., Monday, May 4, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
   a. Wire clamps (Docket No. 717).
5. Investigation 701–TA–68 (Leather Wearing Apparel from Uruguay)—briefing and vote.
6. Investigation 731–TA–40 [Preliminary] (Secondary Aluminum Alloy in Unwrought Form from the United Kingdom)—briefing and vote.

7. Investigation 337-TA-87 (Coin-Operated Audio-Visual Games)—briefing and vote.
8. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-649-81 Filed 4-22-81; 11:15 am]

BILLING CODE 7020-02-M

7

INTERNATIONAL TRADE COMMISSION.

[USITC SE-81-10]

TIME AND DATE: 10 a.m., Wednesday, May 13, 1981.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary:
a. Thermal conductivity sensing gem testers (Docket No. 722).
b. Corn Poppers (Docket No. 723).
c. Wheel locks (Docket No. 724).
d. Coin-operated games (Docket No. 725).
5. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary (202) 523-0161.

[S-648-81 Filed 4-22-81; 11:15 am]

BILLING CODE 7020-02-M

8

NUCLEAR REGULATORY COMMISSION.

DATE: Week of April 20, 1981 (revised).

PLACE: Commissioners' Conference Room, 1717 H Street, N.W., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Tuesday, April 21:*

2:30 p.m.: 1. Discussion of Policy, Planning and Program Guidance for fiscal year 1983-87 (public meeting as announced)

Wednesday, April 22:

11:00 a.m.: 1. Briefing by IE on Status of Emergency Preparedness in New York State (public meeting)

2:00 p.m.: 1. Discussion of Revised Licensing Procedures (public meeting postponed from April 15)

Thursday, April 23:

10:00 a.m.: 1. Briefing on Effective Interim Amendments to 10 CFR 50 on Hydrogen Control and Certain Degraded Core Considerations (public meeting as announced)

2:30 p.m.:
1. Discussion of Revised Licensing Procedures (approximately 1½ hours, (public meeting as announced)
2. Affirmation/Discussion Session (public meeting—Affirmation and/or Discussion and Vote:
a. Proposed Amendment to Part 71 To Restrict Air Transport of Plutonium
b. TMI Restart Schedule—Issuance of Proposed Draft Order
c. Fire Protection Rule for Future Plants

ADDITIONAL INFORMATION: The Briefing on Long-Range Research Plan, previously scheduled for April 22 at 10:00 a.m. has been cancelled.

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee (202) 634-1410.

April 15, 1981.

Walter Magee,

Office of the Secretary.

[S-651-81 Filed 4-22-81; 1:41 pm]

BILLING CODE 7590-01-M

9

NUCLEAR REGULATORY COMMISSION.

DATE: Tuesday, April 28, and Wednesday, April 29, 1981.

PLACE: Commissioners' Conference Room, 1717 H Street N.W., Washington, D.C.

STATUS: Open/closed.

MATTERS TO BE CONSIDERED: *Tuesday, April 28:*

10:00 a.m.: 1. Discussion of Revised Licensing Procedures (public meeting)

1:30 p.m.:
1. Discussion of Full-Power Operating License for Salem (approximately 1 hour, public meeting)
2. Briefing on Long-Range Research Plan (public meeting)

Wednesday, April 29:

2:00 p.m.: 1. Discussion of Management-Organization & Internal Personnel Matters (closed meeting)

AUTOMATIC TELEPHONE ANSWERING SERVICE FOR SCHEDULE UPDATE: (202) 634-1498. Those planning to attend a meeting should reverify the status on the day of the meeting.

CONTACT PERSON FOR MORE INFORMATION: Walter Magee, (202) 634-1410.

April 21, 1981.

Walter Magee,

Office of the Secretary.

[S-650-81 Filed 4-22-81; 1:41 pm]

BILLING CODE 7590-01-M

10

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 22311, April 16, 1981.

STATUS: Closed meeting.

PLACE: Room 824, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Tuesday, April 14, 1981.

CHANGES IN THE MEETING: Additional item. The following additional item was considered at a closed meeting scheduled for Tuesday, April 21, 1981, following the 10:00 a.m. open meeting.

Institution of administrative proceeding of an enforcement nature.

Acting Chairman Loomis and Commissioners Evans, Friedman, and Thomas determined that Commission business required the above change and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Marcia MacHarg at (202) 272-2468.

April 21, 1981.

[S-647-81 Filed 4-22-81; 10:49 pm]

BILLING CODE 8010-01-M

federal register

Friday
April 24, 1981

Part II

Department of Labor

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of part 1 of subtitle A of title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the **Federal Register** without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination Decisions

None.

Modifications to General Wage Determination Decisions

The numbers of the decisions being modified and their dates of publication in the **Federal Register** are listed with each State.

Alaska: AK81-5110	April 10, 1981.
Connecticut: CT81-3001	Jan. 23, 1981.
Idaho: ID80-5146	Dec. 12, 1980.
Nevada:	
NV81-5102	Feb. 6, 1981.
NV81-5103	Feb. 6, 1981.
NV81-5104	Feb. 20, 1981.
New Jersey: NJ80-3013	June 27, 1980.
New York:	
NY80-3045	July 25, 1980.
NY80-3046	July 25, 1980.
NY80-3048	July 25, 1980.
Oklahoma: Ok80-4061	July 18, 1980.
Washington: WA 81-5107	Apr. 3, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being

Arkansas: AR80-4029 (AR81-4029)	May 9, 1980.
Georgia:	
GA79-1054 (GA81-1211)	Mar.30, 1979.
GA78'1066 (GA81-1212)	Aug. 11, 1978.
Louisiana: AR80-4029 (AR81-4029)	May 9, 1980.
Maryland: MD80-3061 (MD81-3026)	Oct. 24, 1980.
Mississippi: AR80-4029 (AR81-4029)	May 9, 1980.
North Carolina: NC79-1106 (NC81-1209)	July 6, 1979.
South Carolina: SC79-1101 (SC81-1210)	July 6, 1979.
Tennessee: AR80-4029 (AR81-4029)	May 9, 1980.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., This 17th day of April 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

DECISION NUMBER AK81-5110 Mod. #1
46 FR 21526 - April 10, 1981

STATEWIDE, ALASKA	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Plumbers					
Area 3	$19.94	1.30	3.65		.25
ADD:					
Carpenters (Statewide Residential)					
Carpenter	13.51	.90	2.00		.25
Radial Arm Saw Operator	13.81	.90	2.00		.25
Flood and Fire Work	13.81	.90	2.00		.25
Cement Masons (Statewide Residential)					
Cement Mason	11.12	1.10	3.00		.15
Laborers (Statewide Residential)					
Group 1	14.61	1.10	1.50		.10
Group 2	15.11	1.10	1.50		.10

Group definitions for Laborers:

Group 1: General labor; window cleaner;Laborers' building; Carpenters' tenders; Material handlers and hook tenders; Form strippers; Signal man; Flag man; Sandblast, Pot tender, Sandblaster; Saw tenders; Ditch diggers; Watchman; Base and floor machine man; Pneumatic or power tools; Compactor; Rigger; Choke Setter; Concrete labor (including vibrator man, power buggy and concrete power saw); Steam point or water jet operator; Jackhammer or pavement breakers; Insulator;

Group 2: Tenders, plasterers', Bricklayers', Cement Finishers'; Burning and cutting torch; Chain saw and power saws(brush cutter); Cement or lime dumper or handler (sack or bulk); Chain saw filer;

DECISION NO. CT81-3001 - MOD. #2 (46 FR 7721 - January 23, 1981) Fairfield, Litchfield and Windham Counties, Connecticut	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BRICKLAYERS					
Heavy & Highway Construction:					
Except Darien, Greenwich & Stamford	12.15	.75	.75	b	
Darien & Stamford	12.57	.83	.25	b	
Greenwich	11.95	.80	.95	b	
CARPENTERS, MILLWRIGHTS, PILEDRIVERMEN & SOFT FLOOR LAYERS					
Building Construction:					
Fairfield Co. (Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, Trumbull, Weston & Westport)	12.90	.90	.65	c	.10
Fairfield Co. (Bethel, Brookfield, Danbury, Darien, Greenwich, New Canaan, New Fairfield, Newton, Norwalk, Redding Ridgefield, Sherman, Stamford, & Wilton)					
Building	11.80	.90	.65		.10
Residential	11.00	.60	.65		.10
Litchfield Co. (Harwinton, Plymouth, Thomaston, & Watertown)	12.95	.90	.65		.05
Windham Co.	12.90	.90	.65		.03

DECISION NO. CT81-3001 - CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Heavy & Highway Construction:					
Fairfield Co. (Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford, Trumbull, Weston, & Westport)	12.80	.90	.65	d	.10
Fairfield Co. (Bethel, Brookfield, Danbury, Barien, New Canaan, New Fairfield, Newton, Norwalk, Wilton, Redding, Ridgefield, Sherman, & Stamford) Litchfield Co. (Remainder of Co.)	12.80	.90	.65	d+.70	.10
Litchfield Co. (Harwinton, Thomaston, & Watertown)	12.80	.90	.65	d	.05
Windham Co.	12.80	.90	.65	d	.03
ELECTRICIANS					
Fairfield Co. (Norwalk - east of Five Mile River-Weston, Westport)	12.03	1.08	3%+.45	6%	½%
GLAZIERS					
Windham Co.	11.66	.84	2.15	h+.35	
LINE CONSTRUCTION					
Fairfield Co. (Darien, Greenwich, New Canaan, Stamford, & that portion of Norwalk, West of Five Mile River)					
Utility Work					
Lineman	13.15	6%+e	9½%	10%	.02+½%
Compressor operator	10.94	6%+e	9½%	10%	.02+½%
Lamp Changer	10.22	6%+e	9½%	10%	.02+½%
Commercial Work	15.79	6%+e	9½%	10%	.02+½%

DECISION NO. CT81-3001 - CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS					
Fairfield Co. (Darien, Stamford, New Canaan, Norwalk, Weston, Westport & Wilton)					
Brush	11.80	.50	.75	.30	.01
Roller, Paperhangers, Tapers, Epoxy	12.30	.50	.75	.30	.01
Spray	14.00	.50	.75	.30	.01
Fairfield Co. (Byram)					
Brush	11.65	.70	1.33	.50	
Spray	12.65	.70	1.33	.50	
Steel, Swing Stage, Boatswain chair	13.314	.70	1.33	.50	
Drywall, Taper	12.45	.70	1.33	.50	
Fairfield Co. (Monroe & Shelton)					
Brush	13.00	.50	1.00	1	.01
Hand roller, paperhangers, swing stage	13.50	.50	1.00	1	.01
Structural Steel, polyester	14.00	.50	1.00	1	.01
Spray	17.00	.50	1.00	1	.01
Epoxy	15.00	.50	1.00	1	.01
Windham Co. (Willimantic & Windham) Litchfield Co. (Remainder of Co.)					
Brush Tapers	11.00	1.20	1.10		
Paperhangers	11.50	1.20	1.10		
Riding Steel, Steam-cleaning, sandblasting, sandblasting, tanks, towers, & Hazardous work	11.58	1.20	1.10		
Spray	14.00	1.20	1.10		

DECISION NO. CT81-3001 - CONT'D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PLUMBERS					
Windham Co. (Windham)	12.76	1.10	1.30		.15
Fairfield Co. (Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford & Trumbull)	13.34	.75	.80	4%	.01
Litchfield Co. (Remainder of County)	13.50	.88	.80	m	.05
TILE, MARBLE AND TERRAZZO FINISHERS					
Fairfield Co. (Remainder of County), Litchfield Co., and Windham Co.	9.55	.505	.50		
POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION					
Derrick, Hoisting engineer 2 drums and over, Hoisting structural steel, pile driver & setting stone	15.29	1.20	1.25	a	.20
Dragline Forklift - over 5' lift, Front end loader - 7 cy. or over, Gradall, Hoisting engineer (all types of equipment where a drum and cable are used to hoist, pull, motive power or operatoom), Koehring scooper loader and/or hoe, master mechanic, shovel, & tower crane	15.14	1.20	1.25	a	.20
Maintenance engineer	15.00	1.20	1.25	a	.20

DECISION NO. CT81-3001

POWER EQUIPMENT OPERATORS BUILDING CONSTRUCTION (CONT'D):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Central mix operator, Coleman loader and screening plant or similar equipment, combination hoe and loader over ½ yd, conveyors - regardless of motive power, Front end loader 3 cy. up to 7 cy. Joy drill limited to joy heavy weight champion or equivalent, Mucking machine, Post hole digger, pumpcrete machine, rock boring machine, vibratory hammer, welder & well digger	14.65	1.20	1.25	a	.20
Asphalt Spreader	14.35	1.20	1.25	a	.20
Bulldozer, Carry-all Operators, Grader, & Scraper pan	14.26	1.20	1.25	a	.20
Combination hoe and loader machine, concrete mixer - 5 bags and over, Front end loader under 3 cy., powerstone spreader	14.20	1.20	1.25	a	.20
Air and steam valve	13.18	1.20	1.25	a	.20
Compressor, generator, pump and well point, welding machine	13.03	1.20	1.25	a	.20
Fork lift not over 4', & Steam Jenny	14.05	1.20	1.25	a	.20
Mechanical Heater	12.82	1.20	1.25	a	.20
Roller	13.91	1.20	1.25	a	.20
Dinky machine, power pavement breaker	13.68	1.20	1.25	a	.20
Fireman (High Pressure)	12.53	1.20	1.25	a	.20
Oiler	11.88	1.20	1.25	a	.20

Crane with boom, excluding jib, over 150' - $.25 extra

Crane with boom, excluding jib, over 200' - $.50 extra

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Good Friday

DECISION NO. CT81-3001

POWER EQUIPMENT OPERATORS HEAVY & HIGHWAY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	15.33	1.20	1.25	a	.20
CLASS 2	15.11	1.20	1.25	a	.20
CLASS 3	14.67	1.20	1.25	a	.20
CLASS 4	14.40	1.20	1.25	a	.20
CLASS 5	14.18	1.20	1.25	a	.20
CLASS 6	13.93	1.20	1.25	a	.20
CLASS 7	13.63	1.20	1.25	a	.20
CLASS 8	12.40	1.20	1.25	a	.20
CLASS 9	12.55	1.20	1.25	a	.20
CLASS 10	13.04	1.20	1.25	a	.20
CLASS 11	13.53	1.20	1.25	a	.20
CLASS 12	11.91	1.20	1.25	a	.20
CLASS 13	12.95	1.20	1.25	a	.20
CLASS 14	7.88	1.20	1.25	a	.20
Crane with 150' boom $.25 extra					
Crane with 200' boom $.50 extra					
Survey Crew					
Chief of Party	13.03	1.20	1.25	a	.20
Ass't Chief of Party	12.09	1.20	1.25	a	.20
Instrument Man	11.15	1.20	1.25	a	.20
Rodman & Chainman	8.39	1.20	1.25	a	.20

Class 1: Erecting and handling structural steel; front end loader (7 cy. or over)
Class 2: Piledriver; Power shovel and crane; Dragline; gradall; trenching machine; lighter derrick; paver (concrete); derrick (stiff leg and guy); steel pile sheeting; koehring loader (scooper) master machine
Class 3: Drill (joy heavy weight champion or equivalent); side boom; loader (euclid); mucking machine; pumpcrete; rock and earth boring machine; Post hole digger; well digger; & hammer (vibratory); central mix; combination hoe & loader (over ½ yd.)
Class 4: Asphalt spreader
Class 5: Front end loader (3 yds. or over); Grader; power stone spreader; combination hoe and loader
Class 6: Asphalt roller; bulldozer; carryall; maintenance engineer; concrete mixer (5 bags and over); Welder
Class 7: Front end loader (under 3 yds.); roller; power chipper; fork lift; finishing machine; asphalt plant; power pavement breaker; dinky machine
Class 8: Compressor; pump
Class 9: Fireman (high pressure)
Class 10: Well point system
Class 11: Compressor battery
Class 12: Oiler
Class 13: Batch plant; bulk cement plant
Class 14: Track Backhoe oiler

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Good Friday

DECISION NO. CT81-3001

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CLASS 1	10.26	1.14	1.20	a	
CLASS 2	10.36	1.14	1.20	a	
CLASS 3	10.46	1.14	1.20	a	
CLASS 4	10.41	1.14	1.20	a	
CLASS 5	10.51	1.14	1.20	a	
CLASS 6	10.56	1.14	1.20	a	

CLASS 1: Two axle trucks; helpers
CLASS 2: Three axle trucks; two axle ready mix
CLASS 3: Four axle trucks; heavy duty trailer-up to 40 tons
CLASS 4: Three axle ready-mix
CLASS 5: Four axle ready-mix; specialized earth moving equipment other than conventional tye on-the road trucks and semi-trailer (including Euclids)
CLASS 6: Heavy duty trailer-40 tons and over

FOOTNOTE:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Good Friday

DECISION NO. ID80-5146 - Mod #3
(45 FR 81960-December 12, 1980)
Statewide, Idaho

Change:
Modification No. 1 - Decision #ID80-5156, Published February 20, 1981, in 46 FR, Page 13474 and Modification No. 2, Decision No. ID80-5156, published April 13, 1981, in 46 FR, Page 20414 to read: Decision EID80-5146

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Bricklayers; Stonemasons:					
Area 3	$14.19	$1.00	$1.10		.05
Line Construction Workers:					
Area 1:					
Cable Splicers; Leadman Pole Sprayer	17.71	.45	3%+1.70	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	16.00	.45	3%+1.70	.10	1/2%
Tree Trimmer	14.44	.45	3%+1.70	.10	1/2%
Line Equipment Man	13.78	.45	3%+1.10	.10	1/2%
Head Groundman (Chipper); Head Groundman; Powderman; Jackhammer Man	12.05	.45	3%+1.10	.10	1/2%
Groundman	11.32	.45	3%+1.10	.10	1/2%
Area 2:					
Lineman	14.42	.45	3%+.75		1%
Line Equipment Mechanic:					
Base Shop	12.73	.45	3%+.75		1%
Right-of-way	13.63	.45	3%+.75		1%
Line Equipment Serviceman	12.73	.45	3%+.75		1%
Line Equipment Operator	12.95	.45	3%+.75		1%
Groundman	10.58	.45	3%+.75		1%
Cable Splicers	15.92	.45	3%+.75		1%

DECISION NO. ID80-5146 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Marble Setters:					
Area 3	$14.19	$1.00	$1.00		.05
Sprinkler Fitters	15.84	.95	1.40		.08
Terrazzo Workers and Tile Setters:					
Area 3	14.19	1.00	1.10		.05

Modification Page 11

DECISION NO. NV81-5102 - Mod. #1
(46 FR 11482-February 6, 1981)
Clark County (does not include the Nevada Test Site), Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$18.26	$1.28	$1.52		
Boilermakers	17.61	1.30	1.25	1.00	.04
Mason Tenders	12.82	.81	1.50		
Soft Floor Layers	16.16	1.11			.25
Power Equipment Operators: (except Piledriving and Steel Erection): Change VACATION ONLY: Vacation $0.92					
Sprinkler Fitters	19.56	.95	1.40		.08
Omit:					
Carpenters: Carpenters	15.31	.85	1.35		.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	15.46	.85	1.35		.10
Piledrivermen	15.51	.85	1.35		.10
Millwrights	16.31	.85	1.35		.10
Drywall Installer	15.48	.85	1.35		.10
Add:					
Carpenters: Carpenters	15.31	.85	1.35		.10
Drywall Installer	15.48	.85	1.35		.10
Floor Layers; Patent Scaffold Erectors; Power Saw Operators	15.46	.85	1.35		.10
Lathers	15.48	.85	1.35		.10
Millwrights	16.31	.85	1.35		.10
Piledrivermen	15.51	.85	1.35		.10

Modification Page 12

DECISION NO. NV81-5103 - Mod. #1
(45 FR 11486 - February 6, 1981)
Nevada Test Site including Tonopah Test Range in Clark, Lincoln and Nye Counties, Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Asbestos Workers	$16.77	$1.28	$1.52		
Boilermakers	17.61	1.30	1.25	1.00	.04
Mason Tenders	12.82	.81	1.50		
Sprinkler Fitters	19.56	.95	1.40		.08
Add:					
Marble Masons	15.57	.90	.60		.06
Terrazzo Worker; Tile Setters	15.57	.90	.60		.06

DECISION #NV81-5104-Mod. #1
(46 FR 13482-February 20, 1981)
Washoe County, Nevada

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	17.61	1.30	1.25	1.00	.04
Brick Hod Carriers	12.11	1.10	1.30		.10
Carpenters	13.30	1.10	1.61	1.00	.11
Drywall Installers	13.55	1.10	1.61	1.00	.11
Elevator Constructors	19.99	1.195	.95	a	.035
Elevator Constructors' Helpers	13.99	1.195	.95	a	.035
Elevator Constructors' Helpers (Prob.)	9.995				
Glaziers	12.931	.81	1.60	1.584	
Plaster Hod Carriers: Plasterer Tender serving Plasterers	13.20	1.10	1.30		
Plasterer Tender working on any type of gun except TM-30	13.80	1.10	1.30		
Plasterer Tender mixing on TM-30 Machine	14.05	1.10	1.30		
Plasterers	13.02	1.10	1.50		.03
Plumbers	15.94	1.23	1.25	2.10	.20

DECISION NO. NV81-5104 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Operator (Except Piledriving and Steel Erection):					
Area 1:					
Group 1-A	$11.64	$2.24	$3.00	$2.07	.11
Group 2	12.08	2.24	3.00	2.07	.11
Group 3	12.31	2.24	3.00	2.07	.11
Group 4	12.93	2.24	3.00	2.07	.11
Group 5	13.18	2.24	3.00	2.07	.11
Group 6	13.32	2.24	3.00	2.07	.11
Group 7	13.53	2.24	3.00	2.07	.11
Group 8	14.02	2.24	3.00	2.07	.11
Group 9	14.29	2.24	3.00	2.07	.11
Group 10	14.59	2.24	3.00	2.07	.11
Group 10-A	14.74	2.24	3.00	2.07	.11
Group 11	14.95	2.24	3.00	2.07	.11
Group 11-A	16.31	2.24	3.00	2.07	.11
Area 2:					
Group 1-A	12.89	2.24	3.00	2.07	.11
Group 2	13.33	2.24	3.00	2.07	.11
Group 3	13.56	2.24	3.00	2.07	.11
Group 4	14.18	2.24	3.00	2.07	.11
Group 5	14.43	2.24	3.00	2.07	.11
Group 6	14.57	2.24	3.00	2.07	.11
Group 7	14.78	2.24	3.00	2.07	.11
Group 8	15.27	2.24	3.00	2.07	.11
Group 9	15.54	2.24	3.00	2.07	.11
Group 10	15.84	2.24	3.00	2.07	.11
Group 10-A	15.99	2.24	3.00	2.07	.11
Group 11	16.20	2.24	3.00	2.07	.11
Group 11-A	17.56	2.24	3.00	2.07	.11
Area 3:					
Group 1-A	13.39	2.24	3.00	2.07	.11
Group 2	13.83	2.24	3.00	2.07	.11
Group 3	14.06	2.24	3.00	2.07	.11
Group 4	14.68	2.24	3.00	2.07	.11
Group 5	14.93	2.24	3.00	2.07	.11
Group 6	15.07	2.24	3.00	2.07	.11
Group 7	15.28	2.24	3.00	2.07	.11
Group 8	15.77	2.24	3.00	2.07	.11
Group 9	16.04	2.24	3.00	2.07	.11
Group 10	16.34	2.24	3.00	2.07	.11
Group 10-A	16.49	2.24	3.00	2.07	.11
Group 11	16.70	2.24	3.00	2.07	.11
Group 11-A	18.06	2.24	3.00	2.07	.11

DECISION NO. NV81-5104 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Piledriving:					
Group 1	$11.63	$2.24	$3.00	$2.07	.11
Group 1-A	12.04	2.24	3.00	2.07	.11
Group 1-B	12.29	2.24	3.00	2.07	.11
Group 2-A	12.29	2.24	3.00	2.07	.11
Group 2-B	12.98	2.24	3.00	2.07	.11
Group 2-C	13.19	2.24	3.00	2.07	.11
Group 2-D	13.37	2.24	3.00	2.07	.11
Group 3	13.55	2.24	3.00	2.07	.11
Group 3-A	14.07	2.24	3.00	2.07	.11
Group 4	14.73	2.24	3.00	2.07	.11
Group 5	14.94	2.24	3.00	2.07	.11
Group 6	16.31	2.24	3.00	2.07	.11
Steel Erection:					
Group 1	12.20	2.24	3.00	2.07	.11
Group 2	12.65	2.24	3.00	2.07	.11
Group 3	13.88	2.24	3.00	2.07	.11
Group 4	14.05	2.24	3.00	2.07	.11
Group 4-A	14.42	2.24	3.00	2.07	.11
Group 5	15.02	2.24	3.00	2.07	.11
Group 6	15.54	2.24	3.00	2.07	.11
Group 7	15.90	2.24	3.00	2.07	.11
Group 8	16.25	2.24	3.00	2.07	.11
Group 9	17.51	2.24	3.00	2.07	.11
Roofers	16.27	1.00	1.90		.05
Soft Floor Layers	14.99	.70	.20	.33	.06
Sprinkler Fitters	19.56	.95	1.40		.08
Omit:					
Entire Truck Drivers Schedules for Areas 1 and 2 - (Rates and Classifications) and Zone Definitions					

DECISION NO. NV81-5104 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Add:					
Truck Drivers:					
Group 1	$11.47	$1.10	$1.12	$1.01	.05
Group 2	11.52	1.10	1.12	1.01	.05
Group 3	11.63	1.10	1.12	1.01	.05
Group 4	11.69	1.10	1.12	1.01	.05
Group 5	11.74	1.10	1.12	1.01	.05
Group 6	11.79	1.10	1.12	1.01	.05
Group 7	11.90	1.10	1.12	1.01	.05
Group 8	11.96	1.10	1.12	1.01	.05
Group 9	12.01	1.10	1.12	1.01	.05
Group 10	12.07	1.10	1.12	1.01	.05
Group 11	12.18	1.10	1.12	1.01	.05
Group 12	12.23	1.10	1.12	1.01	.05
Group 13	12.49	1.10	1.12	1.01	.05
Group 14	12.51	1.10	1.12	1.01	.05
Group 15	12.67	1.10	1.12	1.01	.05
Group 16	12.84	1.10	1.12	1.01	.05

*Note: Truck Drivers Classifications - following Page

DECISION NO. NV81-5104 (Cont'd)

Group 1: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, under 4 yards

Group 2: Bus and Manhaul Drivers, single units, up to 18,000 lbs.; Pick-up Truck and Pilot Cars (jobsite)

Group 3: Bus and Manhaul Drivers, single unit, 18,000 lbs. and over; Winch Trucks and A-Frame Drivers, under 18,000 lbs.; Road Oil Trucks or Bootman; Fuel Truck Drivers; Fuel Man and Fuel Island Man; Truck Oil and Greaser

Group 4: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 4 yards and under 8 yards; Water Truck and Jetting Trucks, up to 2,500 gallons; Flatrack, includes Industrial Lift with mechanical tailgate, single unit 2-axle; Warehouse Clerk

Group 5: Winch Trucks, A-Frame, 18,000 lbs. and over; Lift Jitneys and Fork Lifts

Group 6: Flatrack, includes Industrial Lift with Mechanical tailgate, single unit 3-axle

Group 7: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 8 yards and under 18 yards; Transit Mix under 8 yards; Water Trucks and Jetting Trucks, 2,500 gallons and over; Tire Repairman

Group 8: Bootman, combination; Bootman and Road Oiler

DECISION NO. NV81-5104 (Cont'd)

Group 9: Transit Mix, 8 yards and including 12 yards

Group 10: Dump (single or multiple unit including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 18 yards and under 25 yards; Heavy Duty Transport (Highbed); Heavy Duty Transport (Gooseneck Lowbed); Tiltbed or Flatbed Pull Trailers

Group 11: DW 20's and 21's and other similar Cat type, Terra Cobra, LeTourneau Pulls, Tournerocker, Euclid and similar type equipment when pulling Aqua/Pak, Water Tank Trailers and Fuel and/or Grease Tank, Trailer, or other miscellaneous Trailers (except as defined under Dump Trucks)

Group 12: Transit Mix, over 12 yards; Truck Repairman

Group 13: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 25 yards and under 60 yards

Group 14: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 60 yards and under 75 yards; Helicopter Pilot (when transporting men or materials)

Group 15: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 75 yards and under 100 yards

Group 16: Dump (single or multiple units including semis, double and transfer units), Dumpcrete and Bulk Cement Spreaders, 100 yards and over

DECISION NO. NJ80-3013 - MOD. #5
(45 FR 43635 - June 27, 1980)
Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean and Salem Counties, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
OMIT:					
LINE CONSTRUCTION:					
(Railroad Construction Only):					
For Mercer and Middlesex Counties only					

DECISION NO. NY80-3045 - Mod. #2
(45 FR 49817 - July 25, 1980)
Essex County, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
BOILERMAKERS	14.63	1.275	10%		.03
CARPENTERS					
Carpenters & Soft Floor Layers	12.25	.55	.90	b	.005
Millwrights	12.50	.55	.90	b	.005
Piledrivermen	12.40	.55	.90	b	.005
Heavy & Highway	11.82	.60	1.15		.025
PLUMBERS & STEAMFITTERS	12.25	.75	1.10		.10
LABORERS					
(Heavy & Highway)					
CLASS A	9.99	.70	1.00	i	
CLASS B	10.19	.70	1.00	i	
CLASS C	10.39	.70	1.00	i	
CLASS D	10.59	.70	1.00	i	
POWER EQUIPMENT OPERATORS					
(Building)					
GROUP 1	11.93	1.15	1.25	a	.15
GROUP 2	12.01	1.15	1.25	a	.15
GROUP 3	12.16	1.15	1.25	a	.15
GROUP 4	12.41	1.15	1.25	a	.15
GROUP 5	12.82	1.15	1.25	a	.15
GROUP 6	13.02	1.15	1.25	a	.15
GROUP 7	13.28	1.15	1.25	a	.15
POWER EQUIPMENT OPERATORS					
(Heavy & Highway)					
GROUP I	13.04	1.30	1.45	m	.15
GROUP II	12.60	1.30	1.45	m	.15
GROUP III	11.36	1.30	1.45	m	.15
GROUP IV	10.26	1.30	1.45	m	.15

DECISION NO. NY80-3045 - Mod. #2 (Cont'd)

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	11.60	1.40	3%+1.00	a	
Cable Splicer	15.35	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.44	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.28	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	9.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	8.70	1.40	3%+1.00	a	
All Overhead Transmission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.25	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.925	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	10.60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.26	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.94	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technician	13.95	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.555	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.16	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	10.46	1.40	3%+1.00	a	

DECISION NO. NY80-3045 - Mod. #2 (Cont'd)

LINE CONSTRUCTION CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
All Pipe type Cable Installations, Maintenance Jobs or Projects					
Journeyman Lineman	13.95	1.40	3%+1.00	a	
Certified Lineman Welder	14.65	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Equipment Operator	13.95	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Groundman Truck Drivers	11.16	1.40	3%+1.00	a	
Groundman	10.46	1.40	3%+1.00	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

DECISION NO. NY80-3046 - Mod. #2
(45 FR 49822 - July 25, 1980)
Clinton County, New York

Change:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS					
(Heavy & Highway)	11.95	.70	.70		
CARPENTERS					
Carpenters & Soft Floor Layers	12.25	.55	.90	a	.005
Millwrights	12.50	.55	.90	a	.005
Piledrivermen	12.40	.55	.90	a	.005
Heavy & Highway	11.82	.60	1.15		.025
TRUCK DRIVERS					
(Building)					
Straight, winch, transit mix on job site, road oilers, dump panel, pick-up, water and fuel trucks on site (including nozzle)	10.62	1.10	1.00		.12
Euclids or similar equipment	11.01	1.10	1.00		.12
Lowboy or lowboy trailers	10.86	1.10	1.00		.12
LABORERS					
(Heavy & Highway)					
CLASS A	9.99	.70	1.00	h	
CLASS B	10.19	.70	1.00	h	
CLASS C	10.39	.70	1.00	h	
CLASS D	10.59	.70	1.00	h	
POWER EQUIPMENT OPERATORS					
(Building)					
GROUP 1	11.93	1.15	1.25	j	
GROUP 2	12.01	1.15	1.25	j	
GROUP 3	12.16	1.15	1.25	j	
GROUP 4	12.41	1.15	1.25	j	
GROUP 5	12.82	1.15	1.25	j	
GROUP 6	13.02	1.15	1.25	j	
GROUP 7	13.28	1.15	1.25	j	
POWER EQUIPMENT OPERATORS					
(Heavy & Highway)					
GROUP I	13.04	1.30	1.45	k	.15
GROUP II	12.60	1.30	1.45	k	.15
GROUP III	11.36	1.30	1.45	k	.15
GROUP IV	10.26	1.30	1.45	k	.15

DECISION NO. NY80-3046 - Mod. #2 (Cont'd)

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Electrical Overhead & Underground Distrubution Work					
Journeyman Lineman & Technician	11.60	1.40	3%+1.00	a	
Cable Splicer	15.35	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	10.44	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Ground Truck Driver	9.28	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer)	9.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	8.70	1.40	3%+1.00	a	
All Overhead Transmission Line Work and Lighting for Athletic Fields					
Journeyman Lineman & Technician	13.25	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	11.925	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	10.60	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.26	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	9.94	1.40	3%+1.00	a	
Sub-Station, Switching Structures (when not part of the line), Electrical, Telephone or CATV					
Commercial Work, Street Lighting & Signal Systems					
Journeyman Lineman & Technician	13.95	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Digging Machine Operator, Groundman Dynamite Man	12.555	1.40	3%+1.00	a	
Groundman Mobile Equipment Operator, Mechanic First Class, Groundman Truck Driver	11.16	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Driver Mechanic, Groundman - Experienced	10.46	1.40	3%+1.00	a	

DECISION NO. NY80-3046 - Mod. #2 (Cont'd)

LINE CONSTRUCTION CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
All Pipe type Cable Installations, Maintenance Jobs or Projects					
Journeyman Lineman	13.95	1.40	3%+1.00	a	
Certified Lineman Welder	14.65	1.40	3%+1.00	a	
Cable Splicer	15.345	1.40	3%+1.00	a	
Groundman Equipment Operator	13.95	1.40	3%+1.00	a	
Groundman Truck Driver (Tractor Trailer Unit)	11.86	1.40	3%+1.00	a	
Groundman Truck Drivers	11.16	1.40	3%+1.00	a	
Groundman	10.46	1.40	3%+1.00	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Decoration Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Election Day for the President of the United States and Election Day for the Governor of New York State, provided the employee works the day before or the day after a holiday

DECISION NO. NY80-3048 - Mod. #2
(45 FR 49827 - July 25, 1980)
Niagara County, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
CARPENTERS					
Remainder of County (Heavy & Highway) Carpenters & Piledrivers	10.23	1.69	1.65		.025
DECISION NO. OK80-4061 - Mod. #4					
45 FR 45449 - July 18, 1980					
Muskogee, Adair, Cherokee and Okmulgee Counties, Oklahoma					
CHANGE					
BRICKLAYERS:					
Muskogee, Adair & Cherokee Cos.	$13.25	.70	.40		.05
CHANGE, UNDER ELECTRICIANS', ZONE DEFINITIONS:					
ZONE I - 30 mile radius from Post Office of City of Muskogee					
ZONE II - Area outside Zone I					
ZONE III - Okmulgee County					
DECISION NO. WA81-5107 - Mod #1					
(46 FR 20452 - April 3, 1981)					
Statewide Washington					
CHANGE:					
Bricklayers; Marble Setters: Area 3	$15.75	1.05	1.00		.07
Terrazzo Workers; Tile Setters: Area 3	15.75	1.05	1.00		.07

SUPERSEDEAS DECISION

STATES: Arkansas, Louisiana, Mississippi and Tennessee
DECISION NO.: AR81-4029 DATE: Date of Publication
Supersedes Decision No. AR80-4029, dated May 9, 1980 in 45 FR 30975
DESCRIPTION OF WORK: For construction of all river, harbor and flood control work on the Mississippi River and tributaries (excluding the metropolitan areas of Vicksburg, Greenville and Natchez in Mississippi; Pine Bluff, Little Rock and Ft. Smith in Arkansas; Memphis, Tennessee; and New Orleans, Baton Rouge, Alexandria, Monroe and Shreveport in Louisiana--also any contracts for any phase of construction of a lock or dam).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS	$5.80				
LABORERS:					
Unskilled	3.70				
Revetment & Dikes	3.70				
Chain saw operator or filer	4.20				
Air tool operator	4.20				
Powderman	5.25				
POWER EQUIPMENT OPERATORS:					
Piledriver opr., mechanic (heavy equipment), cranes, derricks, draglines, welder, power shovels & backhoes, mixer(concrete, 21 cu.ft. & over),asphalt plant opr.,trenching machine(over 18")	7.75				.05
Bulldozer (finisher,push cat & on barges),motor patrol finisher, scraper & like equipment, front end loader,backhoe(tractor mounted),asphalt finisher or spreading machine,well point system opr., self-propelled loader (conveyor type)	6.95				.05
Fireman (heavy construction), piledriver,leadsman,winchman	5.90				.05
Asphalt plant dryer opr.,asphalt distributor,asphalt roller,bulldozer(rough,incl.disc,plow,or roller),motor patrol(haul roads), trenching machine(18" & under), self-propelled roller(except asphalt,end dump equipment(off highway),mixer(concrete up to 21 cu.ft.),bottom dump euclids (and like equipment)	5.35				.05
Oiler,pump,mechanic helper,greaser,welder helper,tractor(farm type incl.disc,plow or roller)	4.85				.05
TRUCK DRIVERS:					
1½ tons or less	4.20				
Over 1½ tons	4.75				

SUPERSEDEAS DECISION

STATE: GEORGIA
COUNTIES: BARROW, CLARKE, ELBERT, GREENE, HART, JACKSON, MADISON, MORGAN, NEWTON, OCONEE, OGLETHORPE, & WALKER.
DECISION NUMBER: GA81-1211 DATE: DATE OF PUBLICATION
Supersedes Decision Number GA79-1054, dated March 30, 1979, in 44 FR 19110.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS (includes single family homes and apartments up to and including four stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & HEATING MECHANICS	$ 6.10				
BRICKLAYERS	8.00				
CARPENTERS	6.20				
CEMENT MASONS	6.00				
DRYWALL FINISHERS	7.50				
DRYWALL HANGERS	7.50				
ELECTRICIANS	5.83				
INSULATION INSTALLERS	5.39				
LABORERS:					
Unskilled	4.03				
Asphalt rakers	4.50				
Pipe layers	5.00				
LATHERS	6.50				
PAINTERS	6.64				
PLASTERERS	6.50				
PLUMBERS & PIPEFITTERS	6.94				
ROOFERS	5.00				
SHEET METAL WORKERS	6.09				
SOFT FLOOR & CARPET LAYERS	5.00				
TILE SETTERS	6.75				
TRUCK DRIVERS	4.03				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Asphalt spreader	4.50				
Backhoe	5.56				
Bulldozer	6.25				
Front end loader	5.00				
Tractor	4.50				
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)).					

SUPERSEDEAS DECISION

STATE: GEORGIA
COUNTIES: APPLING, BACON, CANDLER, DODGE, EMANUEL, JEFF DAVIS, JOHNSON, LAURENS, MONTGOMERY, TATTNALL, TELFAIR, TOOMBS, TREUTLEN, & WHEELER.
Supersedes Decision Number GA78-1066, dated August 11, 1978, in 43 FR 35809.
DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS (includes single family homes and apartments up to and including four stories).
DECISION NUMBER: GA81-1212 DATE: DATE OF PUBLICATION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & HEATING MECHANICS	$ 5.93				
BRICKLAYERS	6.00				
CARPENTERS	5.62				
CEMENT MASONS	6.17				
DRYWALL FINISHERS	5.87				
DRYWALL HANGERS	5.65				
ELECTRICIANS	6.00				
INSULATION INSTALLERS	5.00				
IRONWORKERS	5.00				
LABORERS:					
Unskilled	3.58				
Mortar mixers	4.00				
Mason tenders	4.25				
PAINTERS	5.00				
PLASTERERS	7.00				
PLUMBERS & PIPEFITTERS	5.89				
ROOFERS	4.94				
SHEET METAL WORKERS	5.79				
SOFT FLOOR LAYERS	5.75				
TILE SETTERS	6.07				
TRUCK DRIVERS	4.00				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	5.00				
Bulldozer	5.00				
Front end loader	4.50				
Motor grader	4.25				
Roller	4.38				
Spreader	4.50				
Tractor	4.00				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).					

SUPERSEDEAS DECISION

STATE: MARYLAND

COUNTIES: ANNE ARUNDEL (EXCLUDING THE D.C. TRAINING SCHOOL), BALTIMORE AND BALTIMORE CITY, MARYLAND, AND FOR HEAVY CONSTRUCTION PROJECTS IN HARFORD & HOWARD COUNTIES, MARYLAND

DECISION NO.: MD81-3026 DATE: DATE OF PUBLICATION
Supersedes Decision No. MD80-3061 dated October 24, 1980 in 45 FR 70696
DESCRIPTION OF WORK: Building Construction (does not include single family houses and apartments up to and including 4-stories) and Heavy Construction Projects (does not include sewer and water lines)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	12.30	1.00	.95		.02
BOILERMAKERS	14.275	1.275	1.00		.04
BRICKLAYERS	13.43	.90	.75		.07
CARPENTERS, SOFT FLOOR LAYERS, MILLWRIGHTS, PILEDRIVERS, DIVERS AND DIVER'S TENDERS					
Zone 1 - Anne Arundel County (the City of Annapolis and that portion of the county south and east of the following line: beginning at Rte. 3 and the Patuxent River, north of Rte. 3 to the junction of Benfield Rd., then right on Benfield Rd. to the junction of Jumpers Hole Rd. left on Jumpers Hole Rd. to the junction of Ritchie Hwy., left on Ritchie Hwy. to the junction of Rte. 100, right on Rte. 100 to Rte. 177 and continuing in an easterly direction on Rte. 177 to Gibson Island):					
Carpenters & soft floor layers	12.06	.80	.70		.05
Millwrights	12.63	.80	.70		.05
Piledriver	12.33	.80	.70		.05
Divers	23.19	.80	.70		.05
Diver's Tenders	13.61	.80	.70		.05

DECISION NO. MD81-3026	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CARPENTERS, SOFT FLOOR LAYERS, MILLWRIGHTS, PILEDRIVERS, DIVERS & DIVER'S TENDERS: CONT'D					
Zone 2 - Anne Arundel (remainder of county), Baltimore, Baltimore City, Harford and Howard Counties:					
Carpenters, soft floor layers, resilient floor layers, pile drivers and diver's tenders	12.65	.75	.69		.07
Divers	24.35	.75	.69		.07
Millwrights	13.25	.75	.69		.07
CEMENT MASONS	12.47	.83	1.00		.04
ELECTRICIANS:					
Zone 1 - From Baltimore City Hall to 25 miles	13.80	.90	3%+1.30		.5%
Zone 2 - Over 25 miles to 45 miles from Baltimore City Hall	14.05	.90	3%+1.30		.5%
Zone 3 - Over 45 miles from Baltimore City Hall	14.30	.90	3%+1.30		.5%
ELEVATOR CONSTRUCTORS					
Mechanics	12.24	1.195	.82	a+b	.035
Helpers	8.57	1.195	.82	a+b	.035
Helpers (Probationary)	6.12				
GLAZIERS	9.97	.80	1.53		.06
IRONWORKERS:					
Ironworkers, finishers, rodmen; pre-cast & pre-stress erectors	13.11	.90	2.30		.06
Fence Erectors	12.76	.90	2.30		.06
Sheeters	13.36	.90	2.30		.06

DECISION NO. MD81-3026	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, BUILDING:					
Common Laborers	9.10	.40	.60		.075
Power Tool Operators	9.20	.40	.60		.075
Pipelayers (concrete & clay)	9.30	.40	.60		.075
Wagon Drill Operator, Jackhammer Oper. (80 and over) Barco Tampers	9.35	.40	.60		.075
Plasterers Laborers	9.25	.40	.60		.075
Hod Carriers, Gunnite Nozzle and Gun Operator	9.40	.35	.60		.075
Burners (demolition)	9.60	.35	.60		.075
LABORERS, HEAVY (EXCLUDING TUNNEL CONSTRUCTION):					
Laborers	7.40	.35	.60		.075
Power tool operators	7.50	.35	.60		.075
Pipelayers, Wagon drill operators, air track driller, burners (demolition)	7.90	.35	.60		.075
Jackhammer Operator - 80 lbs and over	7.65	.35	.60		.075
LATHERS	11.34		.35	e	.01
LEAD BURNERS	12.60	.65			.01
LINE CONSTRUCTION:					
Zone 1 - From Baltimore City Hall to 25 miles:					
Linemen, cable splicers, digging & equipment operator	15.30	.70	3%		
Winch trucks & trucks with pole or steel handling	10.25	.70	3%		
Trucks without winch	9.56	.70	3%		
Groundmen	9.64	.70	3%		
Zone 2 - From 25 miles to 45 miles from Baltimore City Hall:					
Linemen, cable splicers, digging and equipment operator	15.55	.70	3%		

DECISION NO. MD81-3026	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION: CONT'D					
Winch trucks & trucks with pole or steel handling	10.50	.70	3%		
Truck without winch	9.81	.70	3%		
Groundmen	9.89	.70	3%		
Zone 3 - Over 45 miles from Baltimore City Hall:					
Linemen, cable splicers, digging and equipment operator	15.80	.70	3%		
Winch trucks & truck with pole or steel handling	10.75	.70	3%		
Truck without winch	10.06	.70	3%		
Groundmen	10.14	.70	3%		
MARBLE SETTERS	12.58	.90	.75		.07
MASON TENDERS:					
Mason tenders	9.10	.30	.50		.075
Scaffold builders	9.35	.30	.50		.075
PAINTERS:					
Brush and Roller	9.90	1.10	.65		.09
Spackling, taping & wall covering	10.05	1.10	.65		.09
Spraying painting (except steel)	10.15	1.10	.65		.09
PLASTERERS	12.50	.60	.60		
PLUMBERS	12.12	.87	.99		.16
ROOFERS	10.25	.60	.45		
SHEET METAL WORKERS	12.30	1.23	.92		.12
SPRINKLER FITTERS:					
Baltimore City including a 10 mile radius beyond the city limits	13.40	.85	1.20		.05
Harford & Howard Counties and the remainder of Anne Arundel and Baltimore Counties	13.90	.85	1.20		.08
STEAMFITTERS	13.12	.87	1.04		.16

DECISION NO. MD81-3026	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TILE & TERRAZZO WORKERS	10.66	.90	.50		.04
TILE, MARBLE & TERRAZZO FINISHERS	8.40	.55	.25		
TRUCK DRIVERS:					
Goose-necks, drop frame trailers	9.40	1.05	.75	c+d	
All "A" Frames, winch trucks, fork lifts & trailers	9.20	1.05	.75	c+d	
Flat beds & pick ups	8.20	1.05	.75	c+d	
Euclid wagons & dumpsters	8.25	1.05	.75	c+d	
Dump trucks	7.94	1.05	.75	c+d	
TRUCK DRIVERS, EXCAVATION:					
Dump truck	9.97	1.10	1.10	c+d	
Euclid wagons & dumpsters	10.33	1.10	1.10	c+d	
Drop Frame, gooseneck & trailers	10.20	1.10	1.10	c+d	
Pick-ups	9.72	1.10	1.10	c+d	
POWER EQUIPMENT OPERATORS:					
Group I	13.58	1.00	1.15	f	.15
Group II	12.63	1.00	1.15	f	.15
Group III	11.98	1.00	1.15	f	.15
Group IV	11.36	1.00	1.15	f	.15
Group V	10.12	1.00	1.15	f	.15

DECISION NO. MD81-3026

POWER EQUIPMENT OPERATOR CLASSIFICATIONS

Group I - Operators handling or setting steel, stone prestressed concrete or machinery. Tower cranes.

Group II - Backfiller, backhoe, batching plants, boat captain, cableway, case type hoe (with a front end bucket over 1-1/4 yds.), concrete mixing plants, concrete paver, crane, derrick boat, double concrete pump, dragline, Eimco type overhead loader, elevating grader, excavating scoop (25 yds. and over), front end loader (1-3/4 yds. and over), gradall, grader, hoist (2 active drums or more), multiple conveyor, pile driving machine, power shovel, repair mechanic, shield, standard gauge locomotive, trenching machine, tunnel mucking machine, twin engine scraper, welder, whitley rig and bulldozers (D-9 or equivalent and above)

Group III - Asphalt spreader, bull float, Case type backhoe (with a front end bucket 1-1/4 yds. and under), concrete mixer (with skip), concrete pump, concrete spreader, excavating scoop (under 25 yds.), finishing machine, front end tractor loader (under 1-3/4 yds.), hi-lift fork lift, longitudinal float, narrow gauge locomotive, one drum hoist, power roller on hot mix asphalt, screeding machine, stone crusher, stone spreader, sub-grader, tractor with attachments (2 or more provided both attachments are being used) and all bulldozers except D-9 or equivalent and above.

Group IV - Caterpillar type tractor, compressors, elevator operator, firemen, fuel truck, grease truck, grout pump, light plant, mighty midget with compressor, single conveyor, space heaters, welding machines, well-drill, wellpoint system, and all power rollers except on hot mix asphalt.

Group V - Deck hands, oilers (all types)

DECISION NO. MD81-3026

Welders - receive rates prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Christmas Eve; H- Good Friday.

FOOTNOTES:
a. Holidays: A through F.
b. Employer contributes 8% of basic hourly rate for 5 years or more of service or 6% of the basic hourly rate for 6 months to 5 years of service as vacation pay credit.
c. Employee with 1 year of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation, provided the employee has worked 125 days in the previous contract year.
d. Holidays: A through H plus the employee's birthday; (provided the employee has worked one day and has been available for work during holiday week).
e. Employee working Christmas Eve shall work 4 hours and receive 8 hours pay.
f. Holidays: A through F.

SUPERSEDEAS DECISION

STATE: North Carolina

COUNTIES: Chatham, Cumberland, Harnett, Hoke, Lee, Moore & Sampson

DECISION NUMBER: NC81-1209

DATE: Date of Publication

Supersedes Decision No. NC79-1106 dated July 6, 1979 in 44 FR 39932

DESCRIPTION OF WORK: Residential Construction Projects consisting of single family homes and apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING MECHANIC	$4.83				
BRICKLAYERS	6.00				
CARPENTERS	4.90				
CARPET LAYERS	5.47				
CEMENT MASONS	5.00				
DRYWALL FINISHER	5.00				
DRYWALL HANGER	5.50				
ELECTRICIANS	4.64				
INSULATION INSTALLER	3.90				
LABORERS:					
Laborers, unskilled	3.35				
PAINTERS, BRUSH	4.50				
PAINTERS, SPRAY	4.00				
PLUMBERS	5.16				
ROOFERS	4.35				
SHEET METAL WORKERS	6.00				
SOFT FLOOR LAYERS	5.41				
TILE SETTERS	5.51				
TRUCK DRIVERS	3.90				
WELDERS - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	4.43				
Bulldozer	3.75				
Grader Operator	3.99				
Loader	4.88				
Paver Operator	4.09				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).					

[FR Doc. 81-12017 Filed 4-23-81; 8:45 am]

BILLING CODE 4510-27-C

SUPERSEDEAS DECISION

STATE: SOUTH CAROLINA

COUNTIES: LEXINGTON & RICHLAND

DECISION NUMBER: SC81-1210

DATE: DATE OF PUBLICATION

Supersedes Decision Number SC79-1101, dated July 6, 1979, in 44 FR 39935.

DESCRIPTION OF WORK: RESIDENTIAL CONSTRUCTION PROJECTS - consisting of single family homes and apartments up to and including four stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AIR CONDITIONING & HEATING MECHANICS	$ 6.00				
BRICKLAYERS	7.50				
CARPENTERS	5.58				
CEMENT MASONS	5.25				
DRYWALL FINISHERS	6.00				
DRYWALL HANGERS	6.00				
ELECTRICIANS	5.86				
INSULATION INSTALLERS	4.75				
IRONWORKERS	5.78				
LABORERS:					
Unskilled	3.77				
Asphalt rakers	3.88				
Pipelayers	4.55				
PAINTERS	5.00				
PLUMBERS & PIPEFITTERS	6.13				
ROOFERS	6.00				
SHEET METAL WORKERS	4.76				
TILE SETTERS	6.00				
TRUCK DRIVERS	3.77				
WELDERS - Rate for craft.					
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	4.53				
Backhoe	5.34				
Bulldozer	4.87				
Front end loader	4.57				
Motor grader	5.11				
Paver	4.63				
Roller	4.55				
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)).					

federal register

Friday
April 24, 1981

Part III

Department of the Interior

National Park Service

Identification of Integral Vistas Associated With Federal Class I Areas; Reopening of Comment Period

DEPARTMENT OF THE INTERIOR

National Park Service

36 CFR Part 16

Identification of Integral Vistas Associated With Federal Class I Areas; Reopening of Comment Period

AGENCY: National Park Service, Interior.

ACTION: Reopening of Comment Period on Proposed Rulemaking; Notice of Guideline Availability and Preliminary List of Integral Vistas for the National Park System.

SUMMARY: On January 15, 1981, the National Park Service (NPS) announced the availability of (1) draft guideline for identification of integral vistas and (2) a preliminary list of integral vistas associated with 44 of the 48 National Park Service mandatory class I areas where visibility is an important value (46 FR 3646). This notice provided for 30 days of public review and comment on the proposed identification guideline and list. The guideline proposed by the National Park Service was substantially the same as that published by the Environmental Protection Agency (EPA) on May 22, 1980 (45 FR 34762). The EPA proposal provided the public with a 90-day comment period.

The purpose of this notice is to reopen the comment period for 45 days. The comment period is being reopened in response to several requests for an extension of time to submit additional comments.

DATES: Written comments or suggestions must be received by June 8, 1981.

ADDRESS: All written comments are to be submitted to: Ms. Victoria Evans, Division of Air Quality (492), U.S. National Park Service, Department of Interior, 18th and C Streets, N.W., Washington, D.C. 20240.

Supporting narrative and photographic materials for the preliminary list of integral vistas are on file in the National Park Service, Air Quality Division, 11011 West 6th Avenue, Denver, Colorado and available for inspection weekdays from 8:00 a.m. to 4:00 p.m. MST. Please contact Mr. Dave Shaver at (303) 234–6419 to arrange access to these materials.

FOR FURTHER INFORMATION CONTACT: Ms. Victoria A. Evans, Division of Air Quality (492), U.S. National Park Service, Washington, D.C. 20240, Telephone: (202) 343–4911.

SUPPLEMENTARY INFORMATION: When the January 15, 1981, document was published, it appeared in the Notices section of the **Federal Register** (46 FR 3646). Since that time, the Department of the Interior has decided, as a matter of policy, to clarify that this proceeding is being developed in accordance with the informal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 553). Toward this end, this document and any subsequent related documents will appear in the Proposed Rules section of the **Federal Register.**

The comment period is being reopened for 45 days in response to several commenters who requested an extension of time to submit additional comments for the record. The National Park Service had indicated in the January 15, 1981 notice that the comment period would not be extended due to the need under EPA's regulations for the Federal land manager (FLM) to submit timely information on integral vistas to the States for incorporation into the State Implementation Plans on visibility. Although the National Park Service continues to be concerned about providing the States with timely integral vista information, the National Park Service believes that it is important to afford this opportunity to interested parties to submit additional comments.

Comments are also invited on the regulatory impacts of the identification of integral vistas. The National Park Service is currently reviewing the impacts of the proposed criteria and vista list as required under the terms of Executive Order 12291 and the Regulatory Flexibility Act. The National Park Service interpretation at this time is that this action is neither a major rule nor does it have a significant economic effect on a substantial number of small entities, since any impacts in implementation are at the discretion of the State in later decision-making.

In this regard, the National Park Service wishes to aid commentors by clarifying the role which an integral vista identification by the Federal land manager plays under the EPA's final visibility regulations (40 CFR Part 51–Subpart P). EPA's regulations afford the opportunity to the Federal land manager to identify integral vistas based on guidelines established by the Federal land manager. The National Park Service's January 15, 1981 **Federal Register** Notice was published in response to this opportunity.

Once the Federal land manager has identified a list of integral vistas this list is to be submitted to the States. The identification of integral vistas by the Federal land manager in no way establishes the degree of visibility protection to be afforded to any integral vista. The final determination of whether an integral vista is afforded *any* visibility protection—and if so, how much—rests with the States. The States will make a determination of the degree of visibility protection for these integral vistas during the State's review of any existing sources for retrofit and during the State's new source permit review. EPA's regulations authorize the States to consider energy, economic and other resource concerns as they deem appropriate to determine the degree of visibility protection, if any, for an integral vista. It is at this stage that the State has the discretion to afford whatever protection it deems appropriate to the visibility of an integral vista, and may choose to provide no protection at all.

Finally, the National Park Service would like to note that, in additon to this extended comment period on integral vista identification there are three other opportunities to express comments on integral vistas. Public comments must be considered prior to the State's adoption of any State Implementation Plan (SIP) revision on visibility, prior to EPA's approval of any SIP revision on visibility, and during the State's individual permit reviews for any major new facilities.

J. Craig Potter,

Acting Deputy Assistant Secretary, Fish and Wildlife and Parks.

April 21, 1981.

[FR Doc. 81-12386 Filed 4-23-81; 8:45 am]

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federal register

Friday
April 24, 1981

Part IV

Department of the Interior

Fish and Wildlife Service

Permit Processing Delays; Special Services; Discontinuance

Legal Register

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Permit Processing Delays; Special Services; Discontinuance

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Service notifies all permit applicants, permittees and permit information seekers that responses to their requests for services or information and processing of permits by the Federal Wildlife Permit Office will take longer and that some services may be discontinued or denied for a temporary time.

EFFECTIVE DATE: April 22, 1981.

BACKGROUND: The Federal Wildlife Permit Office (WPO), was established on July 1, 1976. One of its major responsibilities was the processing of some 26 types of permits or certificates provided for under several Acts of Congress, Treaties or International Conventions. One goal was to reduce permit processing time, which had been taking some 90–120 days for about 600 permits processed each year. By 1979 though the permit load had increased to over 2,000 per year, but an adequate staff had reduced processing time to 30 to 80 days in addition to providing numerous other services. Various informational Fact Sheets, lists of permit holders engaged in similar activities such as Captive-bred Wildlife or Alligator Commercial activities were compiled for the convenience of the permit holders and Permit Workshops were held throughout the country to inform the general public as well as governmental agencies of various permit requirements and of the services newly available from WPO in the general area of federal wildlife permits. In Fiscal Year 1980 some 2,300 permit actions were processed within the same time frame and various services provided. Some of these services include telephone responses to applicants requesting to know the processing status of their applications, permit requirements for certain activities or simply general information. Another service is giving special handling to a party's application in order to take advantage of an unforeseen scientific or commercial opportunity on very short notice. Specials are extremely disruptive to WPO and inefficient as to unit time costs. Statistics for early 1981 indicate a continuing increase in the workload and about 3,000 permit actions are expected during the calendar year. Temporary staff reductions make it impossible for WPO to continue to provide all these services and to maintain short processing times. In an effort to keep processing time as short as possible and in addition to various administrative streamlining by WPO, certain public services may be temporarily reduced or eliminated.

SUPPLEMENTARY INFORMATION: Permit applicants and other parties dealing with WPO are notified that until further notice: 1. processing time for applications for permits or requests for amendments to permits may require more time than has previously been the case; 2. applications will be processed strictly in the order received; 3. telephone requests for processing status will be handled only as possible within the limits of staff time, and may not be answered at all; 4. lists of permittees engaged in similar activities will be discontinued. The Service will make every effort to improve this situation, as soon as possible. Until that time, we ask the public to bear with us.

ADDRESS: Comments should be sent to the Director, U.S. Fish & Wildlife Service, Federal Wildlife Permit Office, P.O. Box 3654, Arlington, Virginia 22203.

Dated: April 15, 1981.

Harold J. O'Connor,

Acting Director.

[FR Doc. 81-12272 Filed 4-23-81; 8:45 am]

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federal register

Friday
April 24, 1981

Part V

Department of Housing and Urban Development

Audit Guide for Audits of GNMA Approved Issuers of Mortgage-Backed Securities for Use by Independent Public Accountants

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-81-1009]

Audit Guide for Audits of GNMA Approved Issuers of Mortgage-Backed Securities for Use by Independent Public Accountants

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of final Audit Guide.

SUMMARY: This action publishes in the Federal Register and makes effective the Audit Guide for Audits of Government National Mortgage Association (GNMA) Approved Issuers of Mortgage-Backed Securities for Use by Independent Public Accountants.

DATES: This Audit Guide is effective for all audits of GNMA approved issuers with fiscal years ending on or after September 30, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph A. Sickon, Office of Inspector General, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 8180, Washington, D.C. 20410, Telephone: (202) 755-6342. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: These guidelines were developed to ensure that audits performed by Independent Public Accountants (IPAs) are sufficiently comprehensive to protect the Government's interest as guarantor. Section 3(a)(3) of the Inspector General Act of 1978 authorizes the Inspector General to "take appropriate steps to assure that any work performed by non-Federal auditors complies with the standards established by the Comptroller General. . . ."

In the Government National Mortgage Association (GNMA) Mortgage-Backed Securities Program, the issuer agrees in a guaranty agreement that GNMA shall have the right to examine and audit at any reasonable time, any books, records or other information of the issuer or held by another for the issuer with respect to or concerning mortgage pools. The issuer is required to submit to GNMA copies of its annual financial statements audited and certified by an IPA within 90 days following the end of the Issuer's fiscal year. The compliance work required by this guide is considered within the purview of the examination which may be required by the Secretary. Specific compliance testing is required in the appendices of the Audit Guide.

The notice of draft audit guide was published in the Federal Register (Volume 45, No. 113, pages 39422 to 39432) for comment on June 10, 1980. Twenty-nine responses were received and considered in the final issuance of the guide.

One commentor objected to the guide's definition of IPAs which denied as potential clients certain noncertified public accountants. The definition of the IPA included in the guide was based on the definition as prescribed in Comptroller General Letter B-148114 dated September 15, 1970.

Eight commentors objected to the issuance of the Audit Guide. They referred to the Uniform Single Audit Program for Mortgage Bankers which has been acceptable for some time in the mortgage banking industry. Also, these commentors felt the added audit costs would outweigh the benefits derived from the additional audit work required by the guide. The Department has decided that the Audit Guide is necessary to assure adequate audit coverage of the GNMA Mortgage-Backed Securities Program and protect the Government's interests in the program. GNMA has a significant risk as guarantor of more than $110 billion in securities issued. Also, the Uniform Single Audit Program for Mortgage Bankers does not include testing of compliance with GNMA procedures, which is an integral part of this guide.

In response to the Review of Custodial Documents section of the guide, a number of commentors felt a custodian which serves more then one issuer would be reviewed on multiple occasions by each issuer's IPA. The guide was revised to permit a single audit approach in which one IPA could conduct the Review of Custodial Documents and provide their report to the issuer's IPA.

A number of commentors felt the Review of Prudent Business Practices portion of the guide called for judgmental determinations by the IPA and should be deleted from the guide. The guide was clarified to point out that the IPA, in carrying out this portion of the guide, is to determine that the issuer has adopted procedures to comply with GNMA's rules relating to Securities Marketing and Trading Requirements (the term which GNMA has substituted for "Prudent Business Practices"). In addition, the IPA is expected to assess the potential impact of forward or future commitment contracts on the Issuer's net worth. Assessing the impact of commitments on net worth is a normal requirement by an IPA when conducting a financial audit.

In response to a number of comments, the sample audit report included in Appendix 4 was revised to reflect the standard third party IPA report format. One commentor felt the guide should not be applicable for supervised mortgagees as Issuers of Mortgage-Backed Securities. GNMA does not distinguish between supervised and nonsupervised mortgagees in its requirements for annual report filing and, accordingly, this Audit Guide is applicable for all issuers.

A finding of inapplicability regarding the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding of inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of General Counsel, 451 Seventh Street, S.W., Washington, D.C. 20410.

HUD adopts the Audit Guide as set forth hereinafter.

Issued at Washington, D.C., April 13, 1981.

Paul A. Adams,

Deputy Inspector General.

Audit Guide for Audits of GNMA Approved Issuers of Mortgage-Backed Securities for Use by Independent Public Accountants

Office of Inspector General, U.S. Department of Housing and Urban Development, Washington, D.C. 20410

Foreword

The Office of Inspector General, Office of Audit, of the Department of Housing and Urban Development has developed this guide for the use of Certified Public Accountants, or Public Accountants licensed by a regulatory authority of a State or other political subdivision of the United States on or prior to December 31, 1970. This guide is to assist such Accountants in (1) understanding certain requirements related to GNMA Mortgage-Backed Securities, and (2) identifying instances of noncompliance as prescribed in Appendix 2—Tests for Compliance.

GNMA requires the submission of annual audited financial statements as a condition for continued approval as a GNMA issuer. The issuer is required by and responsible to GNMA for compliance with GNMA regulations and GNMA Handbook instructions. Accordingly, certain audit tests concerning net worth and compliance activities are prescribed in Appendix 1 and Appendix 2, respectively.

This guide is not intended to be an audit program, nor is it intended to supplant the Accountant's judgment as to the nature and scope of work to be performed.

Audit Guide for Audits of GNMA Approved Issuers of Mortgage-Backed Securities for Use by Independent Public Accountants

Contents

Paragraph:
1. Purpose.
2. Background.
3. Reference Material.
4. Audit Authorization.
5. Audit Scope and Coverage.
6. Audit Standards.
7. Audit Requirements.
8. Reporting Requirements.
9. General.

Appendices

1. Sample Format for Presentation of Adjusted Net Worth and Nonacceptable Assets for Computation of Adjusted Net Worth.
2. Tests for Compliance.
3. Sample Format for Presenting Exceptions Taken to Documents.
4. Sample Compliance Letter.
5. Regional Inspectors General for Audit.

Audit Guide for Audits of GNMA Approved Issuers of Mortgage-Backed Securities for Use by Independent Public Accountants

1. *Purpose.* This guide sets forth (a) the procedures to be followed in the conduct of audits of approved GNMA issuers, (b) the scope of the review, and (c) an example of the type of report format which will be acceptable to the Government National Mortgage Association (GNMA). It provides detailed compliance tests but is not intended to supplant the Accountant's judgment as to the work required to be performed.

2. *Background.* This section is intended to familiarize the Accountant with the GNMA regulations and GNMA Handbook instructions that issuers of GNMA mortgage-backed securities are required to follow. This section is not intended to serve as a substitute for the regulations or as a reference document. This paragraph does not contain any instructions or procedures requiring work by the Independent Public Accountant (IPA).

a. GNMA is a wholly owned corporate instrumentality of the United States within the Department of Housing and Urban Development. Its powers are prescribed generally by Title III of the National Housing Act, as amended (12 U.S.C. 1716 et seq.).

GNMA is authorized by Section 306(g) of the National Housing Act to guarantee the timely payment of principal and interest on securities that are based on and backed by a trust or pool composed of mortgages which are insured or guaranteed by the Federal Housing Administration (FHA), the Farmers Home Administration (FmHA), or the Veterans Administration (VA). GNMA's guaranty of mortgage-backed securities is backed by the full faith and credit of the United States.

b. GNMA, through the Mortgage-Backed Securities Program, guarantees privately issued securities backed by pools of mortgages. Holders of the securities (the investors) receive a "pass-through" of the principal and interest payments on the pool of mortgages, less amounts to cover servicing costs and certain GNMA fees. The GNMA guaranty assures the registered holder of the security certificate of receiving the timely payment of scheduled monthly principal and interest and of certain pre-payments and early recoveries of principal on the underlying mortgages. If mortgagors fail to make timely payments on the mortgages, under the "modified pass-through" approach, the securities issuers must make timely payments to the registered holders, using their own resources.

The Mortgage-Backed Securities Program provides a means for channeling funds from the Nation's securities markets into the housing market. The U.S. Government's full faith and credit guaranty of securities makes them widely accepted in those sectors of the capital markets that otherwise would not be likely to supply funds to the mortgage market. The funds raised through the securities issued are used to make residential and other mortgage loans. Through this process, the program serves to increase the overall supply of credit available for housing and helps to assure that this credit is available at reasonable interest rates.

c. An issuer of GNMA-guaranteed mortgage-backed securities is responsible for acquiring eligible mortgages, creating a pool of mortgages the documents relating to which are to be held by a custodian, issuing the securities backed by the pool of mortgages, arranging for the marketing of the securities, servicing the mortgages in the pool, administering the securities outstanding, and making the full and timely payments of all amounts due to securities holders.

d. To be approved to issue GNMA-guaranteed mortgage-backed securities, including the receipt of commitments for the guaranty of mortgage-backed securities, an applicant must meet and maintain the following requirements:

(1) Be an FHA-Approved Mortgagee in good standing.

(2) Be a FNMA or GNMA-Approved Mortgage Servicer in good standing.

(3) Have as a principal element of its business operation, the origination or servicing of mortgage loans.

(4) Conduct its business operations in accordance with accepted sound mortgage lending and servicing practices, ethics, and standards, and have the experience, management capability, and facilities necessary to assure GNMA of its ability to issue and service mortgage-backed securities.

(5) Maintain policies that prohibit any discrimination based on race, religion, color, sex, national origin, or age.

(6) Have a net worth (based on audited an financial statement) in assets acceptable to GNMA of at least the amounts provided in this paragraph. For the purpose of this paragraph, the term "securities outstanding" means: the unpaid principal balance of securities outstanding in the name of the issuer, plus the outstanding amount of any commitments for guaranty issued by GNMA, plus the amount of any commitments to guaranty being requested. However, the amount of any project security commitments outstanding or requested in connection with cases where construction security commitments are outstanding or requested for the same project shall not be included in this computation. Further, in calculating the required minimum net worth, the amount of any "securities outstanding" that are based on internal reserve pools will be reduced by one half in the making of such calculations.

(a) *For securities based on single family mortgages:* $100,000, plus 1 percent of the amount of securities outstanding in excess of $5 million, but less than $20 million, plus 0.2 percent of any additional such securities outstanding in excess of $20 million.

(b) *For securities based on loans on mobile homes:* $500,000, plus 0.2 percent of such securities outstanding in excess of $35 million. (Note that all mobile home loans pools are internal reserve type pools, so that the amount of securities outstanding is reduced by one half in all instances.)

(c) *For securities based on construction or long-term mortgages on multifamily projects:* $500,000, plus 0.2 percent of any securities outstanding in excess of $35 million. (This requirement is applicable with respect to securities for which the first issue within any pool or project occurs on or after October 1, 1979.

(d) *For issuers of more than one type of security:* $500,000, plus 0.2 percent of any securities outstanding in excess of $35 million.

(7) In addition, approved issuers must:

(a) Maintain sound mortgage servicing, without excessive delinquency rates for pools outstanding. Generally, new commitments will not be

approved if the issuer has more than 7.5 percent of the loans in its existing pools in a delinquency status of two or more months (excluding loans in foreclosure). A lower delinquency ratio, however, will not assure the issuance of further commitments.

(b) Maintain adequate administration of pools and securities outstanding, and meet all GNMA reporting requirements.

(c) Comply with GNMA's securities marketing and trading requirements.

(d) Maintain a sound financial, business, and management structure of the issuer firm. Withdrawal or suspension of the issuer's FHA approval status, or FNMA or GNMA approved servicer status, or the inclusion of material detrimental findings in a HUD or other official audit or investigation of the issuer will be considered to constitute a material change in business structure.

e. The Mortgage-Backed Securities Program creates a unique role for the mortgage lender. As an issuer of GNMA-guaranteed mortgage-backed securities, such a lender can attract funds from the securities market into the mortgage market.

To start this process, the lender applies to GNMA for *approval to become an issuer* and, simultaneously, for a *commitment* for guaranty of a security. Once approval of issuer status is granted, subsequent commitments are issued through a modified process.

With the commitment in hand, the issuer proceeds to originate or acquire mortgage loans and to package a *"pool" of mortgages.* Typically, the issuer also makes arrangements with a securities dealer *to market the mortgage-backed securities* when they become available. Arrangements also must be made for a custodian to maintain *possession of the mortgoge and other documents* and for the holding of principal & interest and tax & insurance funds at a financial institution(s) in *custodial accounts.*

When a pool of mortgages is assembled, the issuer submits to GNMA all the documents needed for final approval of the issuance.

Upon approval of the pool documents, GNMA will instruct its transfer agent to actually prepare and deliver the certificates in accordance with instructions provided by the issuer. With the timely delivery of the certificates assured, the issuer can make firm plans for the sale of the certificates to investors.

Once the securities are issued, the issuer thereafter is responsible for passing through to the holders the monthly payments provided for in the securities. The issuer is also required to provide for the servicing of the mortgages, administration of the securities, and periodic reporting to GNMA.

f. Two principal types of securities are eligible for guarantee:

(1) The Bond type which has the usual characteristics of a long-term obligation providing for payment of interest semiannually and for principal at stated redemption dates (such securities have been issued only by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation).

(2) The Pass-Through type provides for monthly payments of interest and principal in relation to monthly installments on the underlying mortgages.

g. Pass-Through type securities may be backed by pools of single family or multifamily mortgages, including mortgages on projects under construction and mobile home loans insured by the FHA under Title I of the National Housing Act, or guaranteed by the VA. The pooled mortgages must have been insured or guaranteed within 1 year of the date of the commitment to issue the securities. All mortgages in each pool must bear the same rate of interest except in the mobile home loan pools.

Most GNMA securities issues are of the modified pass-through type. Modified pass-through securities require the issuer to pay to securities holders amounts of principal and interest scheduled to be paid on the mortgages whether or not it is actually collected. Generally, the issuer must make advances from its own resources to cover any shortfalls in collections.

h. All securities are issued in registered form and the certificates are prepared, registered and distributed by GNMA, or its agent, both at the time of original issuance and upon transfer. The issuer is responsible for administering the pooled mortgages, including collecting the principal and interest as it becomes due. The mortgage documents are physically maintained by a custodian. In the event that an issuer defaults in making payment to the security holder, GNMA will make the payment, and has the right to declare a default and to arrange for the transfer of the pooled loans to another issuer.

3. *Reference Material.* The GNMA regulations and requirements are stated in Handbook GNMA 5500.1, "Government National Mortgage Association Mortgage-Backed Securities Guide," including current revisions. Program regulations are in the Code of Federal Regulations, 24 CFR, Chapter 3, Parts 300 through 390. The issuer should have a copy of the current GNMA Handbook in its office. The applicable portion of the Code of Federal Regulations are included in the Handbook.

In the event the issuer does not have the reference material, it may be obtained from the GNMA office. If the IPA wants to ensure that the mortgagee has the most recent issuance, that information may also be obtained from the GNMA office. Issuers and IPAs may telephone GNMA at (202) 755–8912 for assistance.

4. *Audit Authorization.*

a. The Inspector General reports directly to the Secretary of HUD and is responsible for and directs the overall audit activities relating to HUD programs. The Assistant Inspector General for Audit is responsible for carrying out audit activities on behalf of the Inspector General.

The issuer agrees in the guaranty agreement that GNMA shall have the right to examine and audit at such times as are reasonable, any books, records or other information of the issuer or held by another for the issuer with respect to or concerning mortgage pools. The issuer is required to submit copies of its annual financial statements audited and certified by a Certified Public Accountant or an Independent Public Accountant (both referred to as an IPA) within 90 days following the end of the issuer's fiscal year.

The compliance work required by this guide is considered within the purview of the examination which may be required by the Secretary.

b. To be acceptable, an IPA must be a Certified Public Accountant or an independent licensed public accountant licensed on or before December 31, 1970, who is certified or licensed by a regulatory authority of a State or other political subdivision of the United States, which authority makes the IPA subject to regulations, disciplinary measures, or codes of ethics prescribed by law in the jurisdiction where the Issuer is located. The IPA must meet any legal requirements concerning registration of the State in which the audited entity is located. The IPA must be independent, as defined in the General Accounting Office publication, *Standards for Audit of Governmental Organization, Programs, Activities and Functions.*

5. *Audit Scope and Coverage.*

a. The financial and compliance tests contained in Appendix 1 and Appendix 2 of this guide are to be performed. The IPA is to report on the results of such work in accordance with the reporting requirements herein. Comments on issuer compliance may be part of the

financial report required by the guaranty agreement, or may be reported in a separate compliance letter attached to the audit report (Appendix 4).

b. It is anticipated that, where applicable, those compliance tests discussed in *Tests for Compliance* (Appendix 2) will be applied to a representative sample of the appropriate records or transactions. The objective of compliance testing is to provide the IPA with information necessary to determine if errors or exceptions are significant or represent a pattern of noncompliance with GNMA regulations or instructions. Accordingly, findings of errors or exceptions should be included in the IPA's report as discussed in *Reporting Requirements* (paragraph 8). The method of selection and the size of a representative sample will vary depending upon the circumstances and the procedures performed.

6. *Audit Standards.* The audit work must be performed in accordance with auditing standards established by the General Accounting Office publication, *Standards for Audit of Governmental Organization, Programs, Activities and Functions*, as these standards pertain to financial and compliance examinations and those auditing standards established by the American Institute of Certified Public Accountants (AICPA).

The IPA's working papers are expected to conform to the guidelines prescribed in the AICPA *Statements on Auditing Standards.*

7. *Audit Requirements.* The following audit requirements are not intended to limit in any way the scope of audit, examination of transactions or extent of tests. The audit coverage and extent of tests will be determined by the IPA in accordance with prescribed auditing standards and should be shown in the audit working papers. The audit tests included in this guide relate to single family pools. The auditor should refer to Handbook GNMA 5500.1, "Government National Mortgage Association Mortgage-Backed Securities Guide," and modify audit tests accordingly for other types of GNMA pools tested. The IPA must report on the results of each of the following audit requirements:

a. *Analysis of Net Worth.*

Certain assets are not considered acceptable by GNMA for the computation of adjusted net worth to determine whether minimum financial requirements have been met for continued GNMA approval as an issuer. The analysis of net worth is designed to eliminate those assets not considered acceptable by GNMA in computing the issuer's adjusted net worth figure. In general, the analysis consists of tabulating those assets not considered acceptable to GNMA and reducing the net worth shown on the certified financial statement (balance sheet) by that amount. Specifically, assets unacceptable to GNMA are considered to be those assets that are unacceptable to HUD-FHA in determining whether a nonsupervised lender qualifies as an FHA-approved mortgagee, plus such other assets as GNMA may determine do not meet the objectives of its requirements.

Appendix 1 contains a listing of assets which are considered nonacceptable to GNMA and guidelines for the presentation of both the GNMA *required* net worth and the issuer's actual *adjusted* net worth.

b. *Compliance Audit Reviews.*

The examination by the IPA will include a review of the operations and records of the issuer and custodian, in accordance with the compliance tests in Appendix 2. The compliance reviews and questions presented in Appendix 2 are intended to guide the IPA in reviewing issuer and custodian files to fulfill the audit requirements of this guide.

Evaluation of the significance of departures from compliance with GNMA regulations and guidelines requires the exercise of professional judgment by the IPA. The compliance review guidelines in Appendix 2 are not intended to limit the exercise of professional judgment by the IPA, but are for the purposes of providing a basis for evaluation.

8. *Reporting Requirements.* The IPA's report regarding tests of compliance should reflect the results of the compliance reviews.

The financial reporting requirements included in Article V of the guaranty agreement are not included in this guide. Reporting requirements resulting from this guide include:

—Computations of Adjusted Net Worth and GNMA Required Net Worth;

—Tests for compliance with GNMA regulations and requirements

The form and content of the computations of Adjusted Net Worth and GNMA Required Net Worth are discussed in paragraph 7.a. and Appendix 1.

Regarding the results of compliance tests, the report should include items of noncompliance which the IPA has concluded are a significant departure from compliance with GNMA regulations or requirements. The IPA is to include in this report the total number, and unpaid principal balance, of pools for which the issuer is responsible.

The report need not include a list of each exception or error found in the records by the IPA during the audit. Exceptions or errors in records generally will not be reported when the IPA believes such conditions represent isolated exceptions or errors that are not significant in relation to the number of records examined and have been corrected in the normal functioning of the accounting system. Errors or exceptions which the IPA judges to be significant, or that represent a pattern of noncompliance with GNMA regulations or instructions, or which have not been or are not being corrected must be reported. NOTE: IPA working papers should show each exception or error detected regardless of its significance.

In reporting items on which the IPA has formed no conclusions as to compliance, explanatory comments should be included in the report to permit the reader to make an evaluation as to compliance. Comments concerning items which are not considered significant by the IPA and are not included in the report should generally be provided to the issuer for its appropriate actions.

In instances where the IPA discovers fraudulent actions, reports, or statements to GNMA or defalcations related to GNMA mortgage-backed securities pools, the IPA should refer to AICPA Statement on Auditing Standards 16, dated January 1977: "The Independent Auditor's Responsibility for the Detection of Errors or Irregularities." Also refer to Statement on Auditing Standards 17: "Illegal Acts by Clients." Any irregularities must be promptly reported by the IPA to GNMA and the appropriate Regional Inspector General for Audit (Appendix 5).

The issuer is required to submit two copies of the report directly to GNMA within 90 days following the end of the fiscal year. The reports should be sent to: U.S. Department of Housing and Urban Development, Government National Mortgage Association, Office of Mortgage-Backed Securities, 451 Seventh Street SW., Washington, D.C. 20410.

9. *General.* The working papers of the IPA are to be made available, with the approval of the issuer, to representatives of HUD upon request by the Inspector General, HUD, or his authorized representatives for at least 3 years after issuance of the audit report. The working papers may be reproduced by HUD at its own expense, if such need arises.

Appendix 1

Sample Format for Presentation of Adjusted Net Worth

Adjusted Net Worth:		
Stockholders' equity per Statement of Financial Condition at end of reporting period		$——
Less:		
Nonacceptable Assets for computation of Adjusted Net Worth as set forth in Appendix 1 of the audit guide (list and explain)	$——	
	——	——
Adjusted Net Worth at end of reporting period as defined by the audit guide		$——[1]
GNMA Required Net Worth:		
Unpaid Principal Balances of Securities Outstanding (Note: Number of Pools——)	$——	
Outstanding Balance of Commitments Issued and Requested	——	
Total	——	
Computed Net Worth Requirement		$——

[1] In the event adjusted net worth does not meet or exceed the GNMA requirement, the IPA may include any comments from representatives of the issuer on corrective measures contemplated.

Nonacceptable Assets for Computation of Adjusted Net Worth

1. That portion of an issuer's assets pledged to secure obligations of any person or entity other than that of the issuer.

2. Any asset (except construction loans receivable, secured by first mortgages, from related companies) due from officers or stockholders of the issuer or related companies in which the issuer's officers and stockholders have an interest.

3. That portion of any marketable security (listed or unlisted) not shown at lower of cost or market, except for any shares of FNMA stock required to be held under a servicing agreement which should be carried at cost.

4. Any amount in excess of the lower of the cost or market value of mortgages in foreclosure, construction loans, or foreclosed property acquired through foreclosure.

5. Any amount shown on the balance sheet in joint ventures, subsidiaries, affiliates, and/or related companies which is greater than the value of said assets at equity.

6. Goodwill or value placed on insurance renewals or property management contract renewals or other similar intangibles.

7. Organization costs.

8. The value of any servicing contracts *not* determined in accordance with AICPA Statement of Position 76–2, dated August 25, 1976, or subsequent revisions thereto.

Appendix 2

Tests for Compliance

Review of Custodial Documents.

Review of Issuer's Administration of Pooled Mortgages.

Review of Monthly Accounting Report.

Review of Securities Marketing and Trading Practices.

Review of Custodial Documents

Each issuer of securities must enter into a custodial agreement with a federally regulated financial institution satisfactory to GNMA. The custodial agreement shall provide for certification that the custodian is in receipt of the loan documents and that these documents relate to the loans listed on the Schedule of Pooled Mortgages. The auditor will find variations in the way in which custodial files are arranged; that is, the files may be arranged alphabetically, by loan number, or by form HUD 1706 (Schedule of Pooled Mortgages) processing date. The initial contact with the custodian should be made through the issuer.

In many instances it may be to the advantage of the custodian, the issuer, or both to engage an IPA to conduct a review of the mortgage documents held by a particular custodian for several issuers rather than to have each issuer require that a different IPA review that part of the custodial documents pertaining to each issuer's pools. The single auditor approach also may solve practical problems associated with travel when the issuer, custodian, and IPAs are not located near each other, thus reducing the cost of compliance while assuring necessary audit coverage.

To determine if the single auditor approach is practical in a given situation, the IPA and issuer should contact the custodian(s) holding the issuer's pool loan documents to determine the extent of the custodian's activities with other issuers. Arrangements then may be reached as to the most effective approach to conducting the review of custodial documents. Under the single auditor approach, the custodian will arrange with an IPA to review documents relating to each of the respective issuer's pools. Separate reports then will be prepared by the IPA for each issuer's pools.

The single auditor approach or the review of custodial documents by the issuer's IPA are both acceptable methods in completing this section of the audit guide. Whichever approach is used to review custodial documents, the following audit steps, at a minimum, should be performed.

1. Obtain from the Federal National Mortgage Association (FNMA)[1] a copy of the most recent form HUD 1710D (Issuer's Monthly Summary Report) filed by the issuer. Compare number of pools and pool numbers to issuer's records. (Note: GNMA assures that the list of pools supplied by FNMA is accurate.)

2. Using the form HUD 1710D (Issuer's Monthly Summary Report), the IPA should select a representative sample of GNMA pools for review. For those pools selected for review, determine if the pool includes (only one form HUD 1711A and one form HUD 1711B is required per pool):

a. An original form HUD 1711A (Release of Security Interest) executed by any and all secured institution(s) relating to any or all mortgages included in the mortgage pool that are being reviewed and that were closed after March 31, 1979, which states that:

"The lending or other financing institution named herein agrees to relinquish any and all right, title or interest it may have in mortgages to be placed in this GNMA mortgage-backed securities pool no later than the date and time of delivery (release) of the securities by GNMA or its agent."

b. An executed original form HUD 1711B (Certification) signed by an officer of the issuer covering the mortgages that are being reviewed and that were closed after March 31, 1979, stating that:

(1) Release(s) of security interest (form HUD 1711A) delivered by the issuer to the custodian comprise all evidence of any security agreements affecting any and all mortgages in this pool; or

(2) Other than the assignment to GNMA, there are and will be no other security agreements affecting any mortgages in this pool.

3. Obtain a copy of the original Schedule of Pooled Mortgages (form HUD 1706)[2] from the document custodian for each of the pools selected. The purpose of the form HUD 1706 is to provide a means of identifying and controlling mortgages placed in the pool securing the obligations issued. Accordingly, on a test basis, select mortgages to be reviewed.

4. For mortgages selected from the form HUD 1706, Schedule of Pooled Mortgages, review the custodial files at

[1] Federal National Mortgage Association, Mortgage-Backed Securities Administration Staff, 3900 Wisconsin Avenue, N.W., Washington, D.C. 20016; telephone: 202–537–7870.

[2] For programs other than the Single Family Mortgage-Backed Securities Program, the form number of the schedule is:

—Project loans: form HUD 1721.

—Mobile home loans: form HUD 1725.

the custodian's office, for the following documents and compare the information shown on these documents to the information on the form HUD 1706. (NOTE: A machine printout giving the required data may be used, provided a form HUD 1706 signed by both issuer and custodian is attached, listing the total. The machine printout must have the same format as the form HUD 1706.)

a. The original note or other evidence of indebtedness endorsed in blank and without recourse.

b. An assignment to GNMA of the mortgage or other security instrument in recordable form but not recorded. If the pool was issued after March 31, 1979, and if the mortgage was originated by a mortgagee other than the issuer, there also must be an executed (and recorded if state law requires recordation in order to make the assignment valid against all lien holders) assignment of the mortgage from the originating mortgagee to any intervening interest holder and from such holder to any further holders of mortgage ownership. An assignment to the issuer must immediately precede the assignment to GNMA. These interim assignments must be either originals or certified copies of the originals and, if required by State law to assure validity, be either recorded or certified to have been transmitted for recordation.

c. Within 90 days after issuance of securities, each document file should include:

(1) Evidence of insurance or guaranty signed by FHA, VA or FmHA. (If the loan is a VA vendee loan or contract, there will be no evidence of guaranty.) If evidence of insurance or guaranty is not on file, determine from the issuer why the required documents are missing. Uninsured or unguaranteed loans must be withdrawn from the pool unless specific time extensions are granted by GNMA.

(2) Original recorded mortgages (or other security instruments) signed by the mortgagor securing repayment of the indebtedness. (NOTE: Compare mortgagor name as it appears on form HUD 1706 with that which appears on the recorded mortgage to assure identity.)

(3) Evidence that a mortgagee title insurance policy has been obtained. (Not required in cases (a) involving conveyance of HUD Secretary-owned property, (b) if an exception has been authorized by GNMA, and (c) VA vendee loans or contracts.)

5. Documents released from custodial files should be evidenced by a Request for Release of Documents (form HUD 1708). For mortgages being reviewed:

a. Ascertain whether the custodian is in possession of a form HUD 1708 for documents not found in the custodial files for mortgage files reviewed and for which final certification is overdue.

b. Prepare a list of missing documents not supported by a form HUD 1708. This listing should be reviewed with the custodian and subsequently with the issuer.

6. Select paid in full and/or foreclosed mortgages listed on form HUD 1708 on a test basis. These mortgage documents should no longer be with the custodian. The custodian should note this removal on its inventory control records (The Schedule of Pooled Mortgages).

Any discrepancies should be noted on the exceptions listing in Appendix 3. This listing should be reviewed with the custodian and errors corrected. The custodian should furnish this listing to the appropriate issuers and the IPA should subsequently review with the issuer the reasons for any missing or deficient documents.

Any exceptions which are not cleared and are considered significant should be described in the IPA's report.

Review of Issuer's Administration of Pooled Mortgages

Administration of the pool of mortgages is the responsibility of the issuer. The IPA should perform the following tests on a sampling basis to assure the proper administration of pooled mortgages and pools.

1. Ascertain whether the issuer maintains separate clearing and custodial bank accounts for principal and interest collections and escrow (tax and insurance) funds applicable to pooled mortgages, since GNMA requires that separate bank accounts be maintained. Assure that the clearing accounts and the custodial accounts have titles as required by GNMA Letter Agreements, forms HUD 1709 and HUD 1720. NOTE: These accounts may contain funds for more than one pool provided that the issuer maintains separate accounting records for each pool.

2. Review monthly collections of mortgage principal and interest and collections of claims on defaulted mortgages on a test basis to ascertain that funds have been deposited in the proper custodial accounts.

3. Conduct selective tests to determine that the issuer is making timely payments to securities holders of funds received because of early recoveries of principal, including partial prepayments, prepayments in full, assignments, and foreclosures. All such recoveries must be passed through to securities holders in the regular monthly payment to holders in the month following the month of receipt. Selectively test to determine that all such recoveries are deposited in a timely manner to custodial accounts, passed through to securities holders, properly recorded on MBS report controls, and that pool collateral is properly removed from the custodian's possession with adequate records of its removal.

4. Compare mortgages listed in the issuer's Liquidation Schedule to those identified on form HUD 1708 held by the custodian as having been withdrawn from the pool to ensure proper disposition of released documents.

5. Review a representative sample of payments to security holders to determine that such payments were made to those shown in the security holder register for the pool being tested.

6. Ascertain that disbursements from principal and interest custodial bank accounts to other than holders of record are authorized pursuant to the Guaranty Agreement.

7. Test to determine if the issuer is disbursing payments to security holders on a date that can reasonably be expected to result in receipt of the funds by the security holders by the 15th of the month.

8. Test to determine whether the issuer is using its own resources to:

(a) Make advances to the pool accounts to cover shortfalls in collections from mortgagors (NOTE: Limited exceptions to this requirement are included in Handbook GNMA 5500.1, "Government National Mortgage Association Mortgage-Backed Securities Guide"), and

(b) Cover principal amounts not recovered in claim settlements or which are due in connection with defective loans. (Issuers are required to "buy out" uninsured or otherwise defective loans from the pools in accordance with instructions in the Handbook GNMA 5500.1, "Government National Mortgage Association Mortgage-Backed Securities Guide," using the issuer's own funds.)

9. Ascertain that the issuer maintains controls to project the need for and availability of funds. These controls should allow the issuer to make required advances to securities holders in a timely manner, as required under Section 4.02 of the Guaranty Agreement.

10. Ascertain that the issuer has a system in place to follow-up and obtain the required documents needed to enable the document custodian to make its final certification in a timely manner (GNMA must receive final certification, covering documents listed on the reverse side of the Schedule of Pooled Mortgages, no later than 90 days after the issue date of securities).

11. Ascertain that the issuer has established a securities holder register in accordance with GNMA instructions, and updates the register prior to paying holders each month with changes in registered ownership through the end of the prior month.

Review of Monthly Accounting Report

The issuer is required to submit a Monthly Accounting Report (form HUD 1710A) to GNMA each month for each of its MBS issues. The IPA should, on a test basis, review the information reported to GNMA, as follows:

1. Trace delinquency information (form HUD 1710A) to the issuer's internal mortgage servicing delinquency reports.

2. Ascertain the issuer's procedures for collecting and entering all data relating to mortgage collections and securities payments on form HUD 1710A. Ascertain that all entries are made in accordance with instructions in the Mortgage-Backed Securities Guide.

3. Determine that a Liquidation Schedule (form HUD 1710E) is submitted to GNMA for each loan removed from the pool. Also, determine that the unpaid loan balances passed through to securities holders and reported in the liquidation schedule are accurate.

4. Trace to the issuer's records the amount of checks sent to security holders for the month, as reported to GNMA.

5. Compare the custodial account balances reported on forms HUD 1710A to the actual balances (after reconciliation) of the clearing and custodian bank accounts as shown by the bank statements.

6. For pools selected for review, reconcile the total unpaid principal balance of the pooled mortgages to the unpaid principal balance securities, as follows:

Pool Principal Balance (Section 1, Line D, form HUD 1710A)
(plus) Prepaid Principal (Section 1, Line F)
(minus) Delinquent Principal (Section 1, Line G)
(minus) CD Pools Only: Scheduled Principal (Section 1–A, Block C)
(plus) CD Pools Only: Last Liquidation Principal Installment (Principal portion of last installment reported on Liquidation Schedule, form HUD 1710E)
(minus) CD Pools Only: Additional Principal Adjustment or FIC change for GPM Pools (Section 2, Block D, Other)
(equals) Security Principal Balance (Section 3, Line D)

Differences may arise in the reconciliation between the pooled loan balance and the outstanding securities balance due to additional principal payments or rounding. Such differences shall not exceed $1.00 for each loan in the pool up to a maximum of $50.00 per pool. Any greater difference must be funded to the pool in the current report. At least once a year, adjustments to the securities holders payments must be made in Section 2, Block D of form HUD 1710A to fully correct for any differences.

Review of Securities Marketing and Trading Practices

Issuers of mortgage-backed securities are expected to comply with GNMA's Securities Marketing and Trading Requirements as described in the Mortgage-Backed Securities Guide. The IPA should perform the following steps to determine whether management has taken necessary steps to ensure the requirements are adhered to in the issuance of, in the making of commitments relating to, and in the trading of GNMA-guaranteed and other covered securities.

The issuer must establish procedures to provide a basis for determining the financial integrity of the securities dealers and investors with which it conducts business, and to ensure that relationships with dealers and investors are carried out in a businesslike manner. The issuer also must satisfy certain "suitability" and "mark to market" requirements. The IPA should ascertain that the issuer has:

1. A description of the procedures established to enable it to determine the financial integrity of dealers, brokers, and investors, including an explanation of standards for, and steps taken in, determining the financial capacity of dealers, brokers, or investors to complete transactions.

2. The names of key persons and other individuals authorized to make commitments involving securities.

3. Copies of the resolutions designating the key person(s).

4. Records of all commitments entered into to deliver or acquire securities. Included for each transaction should be:

a. Date of the transaction (trade date).

b. Type of securities.

c. Nature of transaction: purchase, sale; optional or mandatory delivery; repurchase or other credit arrangement.

d. Settlement date.

e. Dollar amount of securities.

f. Interest rate on the securities.

g. "Price" of the securities.

h. Name of the firm and individual with whom the transaction was executed.

i. Current market price (value) of the contract.

5. For transactions covered by item 4 above that are "regulated transactions" (see Note 1 below), the issuer should have and the IPA should perform tests to identify (on a selected basis):

a. A copy of the delayed delivery contract required by the Morgage-Backed Securities Guide.

b. The name of the financial institution with which collateral is, or will be, deposited.

c. Records of mark to market computations, including: market value, amounts of deposits by issuer and by contra-party, type of collateral deposited.

d. If the collateral used is a letter of credit, a copy of the letter of credit.

6. A statement showing the computation of the issuer's "net position." The statement should identify amounts of loans and securities closed and held for sale, plus those expected to be acquired, less commitments the issuer has available for disposing of loans and securities. It also should include any positions involving repurchase, reverse-repurchase, or other credit transactions.

7. The IPA in its normal financial audit is expected to assess the potential impact on an issuer's net worth of any forward or future commitment contract to purchase or sell securities that is entered into by the issuer. To the extent there are material potential effects on the issuer's net worth, these are to be noted through appropriate footnotes to the financial statements.

Note 1:

"Regulated transaction" means the purchase or sale of securities by an issuer pursuant to a delay delivery contract, except that the term does not include:

a. A sale of securities where (1) the issuer holds a valid, outstanding Commitment to Guaranty Mortgage-Backed Securities (which is not applied in connection with another transaction) issued by GNMA in an amount at least equal to the face amount of the securities sold, and (2) the settlement date under the contract is no later than the last day of the calendar month in which the 150th day after the contract's trade date falls;

b. A sale securities guaranteed by GNMA and based on construction loans (construction loan securities) or project loans (project loan securities);

c. A sale or purchase or securities pursuant to a contract which does not obligate the issuer to actually sell/purchase securities; that is, a put or call transaction in which the issuer has the option to perform; or

d. A purchase (or sale) of mortgage participation certificates directly from (or to) the Federal Home Loan Mortgage Corporation.

Appendix 3

Exceptions Taken to Documents

Issuer:
Date of review:
Pool No.:

1706 page No.	Mortgagor	Exception or defect

Appendix 4

Sample Report

Board of Directors, Mortgage Company,
President, Government National Mortgage Association.

We have examined the financial statements of Mortgage Company (the Issuer) for the year ended December 31, 1980, and have issued our report thereon dated February 15, 1981. Our examination was made in accordance with generally accepted auditing standards and, accordingly, included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

We have examined the computations of Adjusted Net Worth and GNMA Required Net Worth as of December 30, 1980, which are presented on the following page. In our opinion, these amounts are presented fairly in accordance with the requirements of Appendix 1 of the Audit Guide for Audits of GNMA Approved Issuers of Mortgage-Backed Securities for Use by Independent Public Accountants (Audit Guide).

Our examination also included tests as outlined in Appendix 2 of the aforementioned Audit Guide relating to the Issuer's compliance with certain regulations of the U.S. Department of Housing and Urban Develpment—Government National Mortgage Association. In performing these tests, two reportable matters came to our attention.

1. The Issuer was using prepayments of principal to cover shortfalls in principal and interest (P&I) payments. Handbook GNMA 5500.1, "Government National Mortgage Association Mortgage-Backed Securities Guide," requires that unscheduled recoveries of principal be passed through to securities holders in the month following the reporting month the payment was received. Shortfalls in P&I payments should be funded through corporate advances or through use of excess funds as provided in Chapter 11 of the Mortgage-Backed Securities Guide.

2. The Issuer did not properly segregate the cash flow for pooled mortgages. Escrow accounts for pooled mortgages were periodically transferred into the corporate account and used for investment purposes. As of February 15, 1981, all escrow accounts for GNMA pools were properly funded.

Anytown, USA (Date), ABC and Company, Certified Public Accountants.

Attachments.

Summary

Our review disclosed that the Issuer generally complied with GNMA policies, procedures and regulations in its Mortgage-Backed Securities Program. The Issuer has adequate controls present to exercise sound and prudent business practices. Separate custodial bank accounts were maintained for pooled mortgages. The Custodian had possession of the required loan documents and is maintaining adequate control to assure safe and proper execution of releases related to the Issuer. We found two areas of weakness in our review of the Issuer's mortgage-backed securities. All collections were not deposited to proper custodial accounts. We found the Issuer used curtailments to defray the costs for mortgage pool delinquencies. Procedures had not been implemented to ensure that early payments on mortgages were immediately placed in the custodial account and paid to security holders. We also found the Issuer was utilizing GNMA pool escrow accounts for investment purposes.

As of (date), the Issuer's servicing portfolio consisted of 104 pools with an original pool principal balance of $227,328,820.10 and an unpaid principal balance of $182,076,218.30.

Finding 1.—Need To Ensure the Timely Pass-Through of Mortgage Proceeds to Security Holders.

The Issuer had not developed adequate controls to ensure that prepayments of principal (curtailments) were passed through to security holders. We identified four curtailments during our review of nine mortgage pools. We found the Issuer did not pass through the prepayments of principal in the month following receipt as required by the GNMA Mortgage-Backed Securities Guide. These prepayments were retained by the Issuer to cover pool delinquencies. The following delinquencies were noted:

Pool No. and date of HUD 1710A	Actual pool delinquency	HUD 1710A reported pool delinquency	Curtailments used to cover shortfalls
3903 March 19XX	$3,200	$200	$3,000
3903 April 19XX	1,725	125	1,600
8204 June 19XX	4,021	521	3,500
8032 July 19XX	3,012	1,012	2,000

The GNMA Mortgage-Backed Securities Guide states that the issuer is responsible for "making timely advances, using the issuer's own funds, into pool P&I custodial accounts to the extent necessary to cover shortfalls in collections and thereby effect timely payment of all amounts due securities holders." In lieu of making advances, the issuer may utilize excess funds from other pools sharing the same custodial account. Our audit found that there were no excess funds available in other pools and corporate advances should have been made to cover the pool delinquencies. Unscheduled recoveries of principal are required to be paid to securities holders in the monthly payment following the reporting month in which the payment was received.

The Issuer advised us that he did not realize that curtailments were being improperly handled. He did not feel it was necessary to make any payments to security holders over and above the regular monthly principal and interest payments. After we identified the GNMA requirement, the Issuer indicated he would take action to pass through curtailments for those mortgages identified. Written procedures would be developed within 30 days to preclude future occurrences.

Recommendation

We recommend the Issuer furnish evidence to GNMA that procedures have been developed to ensure that all proceeds relating to pooled mortgages are transferred to the custodial account for pass through to security holders. In addition, the Issuer should review other mortgage pools for curtailments not passed through to security holders. Any curtailments identified should be immediately passed through and GNMA should be notified of the actions taken.

Finding 2.—Need To Prevent Unauthorized Use of Escrow Accounts for Pooled Mortgages.

We reviewed disbursements made from custodial bank accounts for pooled mortgages and found that $260,000 was transferred to the Issuer's corporate account April 21, 1980, and an additional

$83,000 was transferred on August 3, 1980. We were informed by the Issuer's President that these funds were invested in mortgage loans. As of September 29, 1980, the $343,000 was transferred back to the custodial bank accounts. The custodial accounts have been properly funded since this time. Interest earned has been turned over to GNMA.

Section 4.12 of the Guaranty Agreement outlines the withdrawals which are authorized from custodial bank accounts. Advances to corporate accounts from custodial accounts are not authorized under the Guaranty Agreement.

The Issuer advised that they were unaware that the use of GNMA pool escrow funds was unauthorized. They further advised that internal controls would be implemented to prohibit future occurrences.

Recommendation

We recommend the Issuer furnish evidence to GNMA as to the corrective actions taken to prohibit the unauthorized use of GNMA pool escrow funds. The Issuer shall document to GNMA that the interest turned over to GNMA represents the full amount earned on the invested funds.

Appendix 5

	Jurisdiction
REGIONAL INSPECTORS GENERAL FOR AUDIT	
Region I (Boston): Regional Inspector General for Audit, Department of Housing and Urban Development, 510 B. John F. Kennedy Federal Building, Boston, Massachusetts 02203, (617) 223-4144.	States of: Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.
Region II (New York): Regional Inspector General for Audit, Department of Housing and Urban Development, 26 Federal Plaza, Room 3441, New York, New York 10007, (212) 264-4174.	States of: New York and New Jersey; and Puerto Rico and the Virgin Islands.
Region III (Philadelphia): Regional Inspector General for Audit, Department of Housing and Urban Development, Curtis Building, Room 855, Richard Allen Avenue and Walnut Streets, Philadelphia, Pennsylvania 19106, (215) 597-2462.	States of: Delaware, Maryland, Pennsylvania, Virginia, and West Virginia; and the District of Columbia.
Region IV (Atlanta): Regional Inspector General for Audit, Department of Housing and Urban Development, 75 Spring Street, Room 734, Atlanta, Georgia 30303, (404) 221-5195.	States of: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.
Region V (Chicago): Regional Inspector General for Audit, Department of Housing and Urban Development, 300 South Wacker Drive, Chicago, Illinois 60606, (312) 353-7832.	States of: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.
Region VI (Fort Worth): Regional Inspector General for Audit, Department of Housing and Urban Development, 221 W. Lancaster Avenue, P.O. Box 2905, Fort Worth, Texas 76113, (817) 870-5551.	States of: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas.
Region VII (Kansas City): Regional Inspector General for Audit, Department of Housing and Urban Development, 1103 Grand Avenue, Room 1300, Kansas City, Missouri 64106, (816) 374-5661.	States of: Iowa, Kansas, Missouri, and Nebraska.
Region VIII (Denver): Regional Inspector General for Audit, Department of Housing and Urban Development, 1405 Curtis Street, Executive Tower, 25th Floor, Denver, Colorado 80202, (303) 837-4365.	States of: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.
Region IX (San Francisco): Regional Inspector General for Audit, Department of Housing and Urban Development, #1 Embarcadero Center—15th Floor, San Francisco, California 94111, (415) 556-6895.	States of: Arizona, California, Hawaii, Nevada; and Guam and American Samoa.
Region X (Seattle): Regional Inspector General for Audit, Department of Housing and Urban Development, 1321 Second Avenue, Seattle, Washington 98101, (206) 442-0270.	States of: Alaska, Idaho, Oregon, and Washington.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

List of Public Laws

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 April 17, 1981; last cumulative listing for the 96th Congress (1980), January 7, 1981

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.
WHO: The Office of the Federal Register.
WHAT: Free public briefings (approximately 2½ hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and the Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in Government actions. There will be no discussion of specific agency regulations.
WHEN: May 15, 1981, at 9 a.m.
WHERE: Office of the Federal Register, Room 9409, 1100 L Street NW., Washington, D.C.
RESERVATIONS: Call King Banks, Workshop Coordinator, 202-523-5235.