AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

10-2-81
Vol. 46 No. 191
Pages 48617-48886

federal register

Friday
October 2, 1981

Highlights

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48631 **NOW Accounts** FDIC issues interpretation on eligibility regulations.

48710 **Advertising** FTC terminates rulemaking proceeding on children's television advertising.

48693 **Loan Programs—Housing** USDA/FmHA proposes to revise regulations on security servicing for multiple family housing loans.

48688 **Child Nutrition Programs** USDA/FNS withdraws proposal on meal pattern requirements for the National School Lunch, School Breakfast and Child Care Food Programs.

48644 **Aid to Families with Dependent Children** Labor/ETA and HHS/HDSO jointly revise regulations on the Work Incentive Program.

48637 **Securities** SEC announces issuance of "retail repurchase agreements" by banks and savings and loan associations proposing to raise short-term capital.

48640 SEC announces policy on Federal income tax status of certain variable annuity contracts.

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Highlights

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

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

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48629 **Acreage Allotments** USDA/ASCS allows reconstitution of farms comprised of land located in two or more counties.

48637 **Energy** Commerce/NOAA announces availability of technical guidance document on commercial ocean thermal energy conversion licensing.

48634 **Environmental Data** Commerce/NOAA revises regulations on operation of the Geostationary Operational Environmental Satellite Data Collection System.

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48664 **Veterans Education** VA sets time limit for submission of mitigating circumstances surrounding withdrawal from course or receipt of nonpunitive grade.

48805 **Postal Service** PRC issues notice on Postal Service request for recommendation on changes in Express Mail forwarding and address correction services.

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Presidential Documents

Title 3—

The President

Executive Order 12325 of September 30, 1981

Presidential Task Force on the Arts and Humanities

By the authority vested in me as President by the Constitution of the United States of America, and in order to extend the time for the Task Force to complete its work, Executive Order No. 12308 is hereby amended as follows:

Section 1. Section 1 is amended by deleting "No more than one member shall be a full-time Federal officer or employee. The remaining members shall not represent Executive agencies.".

Sec. 2. Section 4(b) is amended to read, "The Task Force shall terminate on October 31, 1981.".

Ronald Reagan

THE WHITE HOUSE,
September 30, 1981.

[FR Doc. 81-28658
Filed 10-1-81; 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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 81-CE-4-AD; Amdt. 39-4233]

Airworthiness Directives; Beech Models 99, 99A, A99A, A99 and B99 Airplanes

AGENCY: Federal Aviation Administation (FAA), DOT.

ACTION: Extension of effective date of final rule.

SUMMARY: This amendment extends, by 60 days, the effective date of the airworthiness directive (AD) which concerns revised operating limitations in the FAA Approved Airplane Flight Manual (AAFM) for Beech Models 99, 99A, A99A, A99 and B99 airplanes.

DATE: Extends effective date of Amendment 39-4196, AD 81-18-08 to December 2, 1981.

FOR FURTHER INFORMATION CONTACT: Airworthiness Standards Program, Room 1639, 601 East 12th Street, Kansas City, Missouri 64106, Telephone (816) 374-6942.

SUPPLEMENTARY INFORMATION: The FAA issued an airworthiness directive, Amendment 39-4196, AD 81-18-08, on August 17, 1981, effective October 3, 1981, applicable to Beech Models 99, 99A, A99A, A99 and B99 airplanes. The AD requires the deletion of the Minimum Equipment List (MEL) and Configuration Deviation List (CDL) from the FAA Approved Airplane Flight Manual (AAFM) and the insertion therein of a new document entitled Kinds of Operations Equipment List (KOEL) as operating limitations for these Beech model airplanes. This action was taken pursuant to a notice of proposed rulemaking and is necessary to preclude unsafe operation of the airplanes with certain inoperative equipment. Subsequent to issuance, it was brought to FAA's attention that some owners/operators may still misunderstand the KOEL and its relationship to the MMEL and the MEL being removed from the AFM, and that there may be some inaccuracies in the KOEL, as published. Accordingly, the FAA believes that it is in the public interest to extend the effective date of Amendment 39-4196 for 60 days in order to make any clarification deemed necessary and to correct any inaccuracies noted in the published KOEL. Any such revisions to the KOEL will be made by no later than November 2, 1981.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by amending Amendment 39-4196, AD 81-18-08, as follows:

This amendment extends the effective date of Amendment 39-4196, AD 81-18-08 to December 2, 1981.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.89))

Note: Since this document involves a change of effective date of a regulation which is not major, the FAA has determined that it is not major under Executive Order 12291, or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). This regulatory action imposes no additional burden on any persons, and the anticipated impact is so minimal that it does not warrant preparation of a regulatory evaluation. Issued in Kansas City, Missouri, on September 30, 1981.

John E. Shaw,
Acting Director, Central Region.

[FR Doc. 81-28879 Filed 10-1-81; 8:45 am]
BILLING CODE 4910-13-M

MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Change in Merit Systems Protection Board Appeals Form

AGENCY: Merit Systems Protection Board.

ACTION: Notice of revised form for filing of appeals with MSPB.

SUMMARY: This notice announces publication of a new MSPB Appeals Form, Appendix I of 5 CFR Part 1201, which has been revised in format to facilitate the filing of appeals with the Board. The Board has arranged for supplies of the new form [Optional Form 283 (5/80)] to be made available to agencies through their normal procurement channels from the General Services Administration, for issuance to potential appellants before the MSPB. Since the revision effects no substantive change in content, the previous Appeals Form (MSPB 20) will remain valid for purposes of filing appeals with the Board, and agencies may continue to utilize the previous form until existing supplies are exhausted.

EFFECTIVE DATE: September 24, 1981.

FOR FURTHER INFORMATION CONTACT: Robert E. Taylor, Secretary, Merit Systems Protection Board, 1717 H Street, NW., Washington, D.C. 20419, (202) 632-4525.

Ersa H. Poston,
Vice Chair.
September 24, 1981.

PART 1201—PRACTICES AND PROCEDURES

Accordingly, 5 CFR Part 1201, Appendix I, is revised as follows:

BILLING CODE 7400-01-M

UNITED STATES MERIT SYSTEMS PROTECTION BOARD

APPEAL

AGENCY USE ONLY

INSTRUCTIONS: The purpose of this form is to help you provide valuable information to the U.S. Merit Systems Protection Board ("The Board") when you file an appeal. You are *not* required to use this form, and you are not limited to answering the questions on the form if you feel there is other information you wish to provide. However, if you do not use the form, your appeal documents must comply with the Board's regulations. Your agency's personnel office will provide you with a copy of these regulations upon request and the Board advises you to review them.

All appellants who elect to use this form should complete Parts I through III. Only those who are appealing Reduction-in-Force (RIF) actions are required to complete Part IV. ALL APPELLANTS should also sign and date the form in the space provided at the end of Page 4 indicating approval of the contents of the entire form.

In filling out this form, wherever the space provided is insufficient you may add additional pages. If you do so, please put your name and Social Security Number at the top of the page, and indicate by number which question you are answering.

WHERE TO FILE—You or your representative are required to file one original and three copies of this form, together with its attachments with the Board's field office identified in the decision notice provided by the Agency. Filing must be made either by personal delivery during normal business hours to the appropriate Board field office or by mail addressed to that office. The Board recommends but does not require that you use certified mail.

PRIVACY ACT STATEMENT

This form requests personal information which is relevant and necessary to reach a decision in your appeal. The U.S. Merit Systems Protection Board collects this information in order to process appeals under its statutory and regulatory authority. Since your appeal is a voluntary action you are not required to provide any personal information in connection with it. However, failure to supply the U.S. Merit Systems Protection Board with all the information essential to reach a decision in your case could result in the rejection of your appeal.

You should know that the decisions of the U.S. Merit Systems Protection Board on appeal are final administrative decisions and, as such, are available to the public under the provisions of the Freedom of Information Act. Additionally, it is possible that information contained in your appeal file may be released as required by the Freedom of Information Act. Some information about your appeal will also be used in depersonalized form as a data base for program statistics.

PART I. APPELLANT IDENTIFICATION

1. NAME *(Last, first, middle)*

2. SOCIAL SECURITY NUMBER

3. PRESENT ADDRESS *(Number and street, city, state, and ZIP code)*

4. HOME PHONE *(Include area code)*

5. OFFICE PHONE *(Include area code)*

PART II. APPEALED ACTION

6. BRIEFLY DESCRIBE *AGENCY ACTION* YOU WISH TO APPEAL AND ATTACH ANY RELEVANT DOCUMENTS

7. NAME AND ADDRESS OF ACTING AGENCY *(Including Bureau, or other Division as well as street address, city, state, and ZIP code)*

8. APPELLANT'S POSITION TITLE AT TIME OF ACTION

9. GRADE AT TIME OF ACTION

10. SALARY AT TIME OF ACTION

$ PER

11. ARE YOU A VETERAN OR ENTITLED TO THE EMPLOYMENT RIGHTS OF A VETERAN?
☐ NO ☐ YES

12. TYPE OF APPOINTMENT
☐ Temporary ☐ Applicant
☐ Permanent ☐ Term

13. TYPE OF SERVICE
☐ Competitive
☐ Excepted

14. LENGTH OF GOVERNMENT SERVICE

15. LENGTH OF SERVICE WITH ACTING AGENCY

16. ARE YOU RETIRED?
☐ NO ☐ YES

16A. IF YES, DATE OF RETIREMENT *(Month, day, year)*

17. WERE YOU SERVING A PROBATIONARY OR TRIAL PERIOD AT TIME ACTION WAS TAKEN BY THE AGENCY?
☐ NO ☐ YES

18. DATE WRITTEN PROPOSED ACTION NOTICE RECEIVED *(Month, day, year) (Attach copy)*

19. DATE FINAL DECISION NOTICE RECEIVED *(Month, day, year)*

20. EFFECTIVE DATE OF ACTION *(Month, day, year)*

21. WHY DO YOU THINK THE AGENCY WAS WRONG IN TAKING THIS ACTION? *(Explain briefly)*

22. WHAT ACTION WOULD YOU LIKE THE BOARD TO TAKE ON THIS CASE?

23. HAVE YOU, OR ANYONE ON YOUR BEHALF, FILED A FORMAL GRIEVANCE OR COMPLAINT, INCLUDING AN UNFAIR LABOR PRACTICE CHARGE, WITH YOUR AGENCY OR ANY OTHER AGENCY CONCERNING THIS MATTER?

☐ NO ☐ YES *(Attach copy)*

23A. IF YES, DATE FILED *(Month, day, year)*	23B. PLACE FILED *(Agency and location)*	23C. HAS DECISION BEEN ISSUED? ☐ NO ☐ YES
23D. IF YES, DATE ISSUED *(Month, day, year)*	23E. NAME OF ISSUING OFFICIAL	23F. TITLE OF ISSUING OFFICIAL

24. IF YOU BELIEVE YOU WERE DISCRIMINATED AGAINST BY THE AGENCY BECAUSE OF EITHER YOUR RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN, MARITAL STATUS, POLITICAL AFFILIATION, HANDICAPPING CONDITION, OR AGE, INDICATE SO AND EXPLAIN WHY YOU BELIEVE IT TO BE TRUE. YOU MUST INDICATE, BY EXAMPLES, HOW YOU WERE DISCRIMINATED AGAINST.

25. HAVE YOU FILED A DISCRIMINATION COMPLAINT WITH YOUR AGENCY OR ANY OTHER AGENCY? ☐ NO ☐ YES *(Attach copy)*

25A. IF YES, DATE FILED *(Month, day, year)*	25B. PLACE FILED *(Agency and location)*	25C. HAS THERE BEEN A DECISION? ☐ NO ☐ YES

PART III. HEARING

26. YOU HAVE A RIGHT TO A HEARING ON THIS APPEAL. IF YOU DO NOT WANT A HEARING, THE BOARD WILL MAKE ITS DECISION ON THE BASIS OF THE DOCUMENTS YOU AND THE AGENCY SUBMIT. DO YOU WANT A HEARING?

☐ NO ☐ YES

IF YOU CHOOSE TO HAVE A HEARING, THE BOARD WILL NOTIFY YOU WHEN AND WHERE IT IS TO BE HELD.

27. YOU HAVE THE RIGHT TO DESIGNATE SOMEONE TO REPRESENT YOU ON THIS APPEAL IF HE/SHE AGREES TO DO SO. THIS PERSON DOES NOT HAVE TO BE AN ATTORNEY. THE AGENCY HAS A RIGHT TO CHALLENGE YOUR CHOICE OF A REPRESENTATIVE IF THERE IS A CONFLICT OF INTEREST OR POSITION. YOU MAY CHANGE YOUR DESIGNATION OF A REPRESENTATIVE AT A LATER DATE, IF YOU SO DESIRE, BUT MUST NOTIFY THE BOARD PROMPTLY OF ANY CHANGE.

27A. "I HEREBY DESIGNATE _____ TO SERVE AS MY REPRESENTATIVE DURING THE COURSE OF THIS APPEAL. I UNDERSTAND THAT MY REPRESENTATIVE IS AUTHORIZED TO ACT ON MY BEHALF."

27B. YOUR SIGNATURE	27C. DATE	27D. REPRESENTATIVE'S SIGNATURE *(if any)*	27E. DATE

27F. REPRESENTATIVE'S ADDRESS	27G. REPRESENTATIVE'S EMPLOYER

28. YOU MAY BE PERMITTED TO CALL WITNESSES AT A HEARING UPON THE APPROVAL OF THE PRESIDING OFFICIAL. IF YOU INTEND TO DO SO, PROVIDE THEIR NAMES AND A BRIEF STATEMENT OF THEIR RELATIONSHIP TO THE CASE. YOU WILL BE PERMITTED TO REQUEST OTHER WITNESSES LATER IF YOU DO NOT LIST THEM NOW.

A. NAME	B. RELATIONSHIP TO CASE

PART IV. REDUCTION-IN-FORCE (RIF)

INSTRUCTIONS: FILL OUT THIS PART ONLY IF YOU ARE APPEALING FROM A REDUCTION-IN-FORCE (RIF). YOUR AGENCY'S PERSONNEL OFFICE CAN FURNISH YOU MOST OF THE INFORMATION REQUESTED BELOW.

29. TENURE OF SUB-GROUP	30. SERVICE COMPUTATION DATE	31. HAS YOUR AGENCY OFFERED YOU ANOTHER POSITION RATHER THAN SEPARATING YOU? ☐ NO ☐ YES

32. TITLE OF OFFERED POSITION	33. GRADE OF POSITION OFFERED	34. SALARY OF POSITION OFFERED $ PER

35. LOCATION OF OFFERED POSITION	36. DID YOU ACCEPT THIS POSITION? ☐NO ☐YES

37. EXPLAIN WHY YOU BELIEVE YOU SHOULD NOT HAVE BEEN AFFECTED BY THE REDUCTION-IN-FORCE. *(Explanations could include: You were placed in the wrong tenure subgroup; an error was made in the computation of your service computation date; competitive area was too narrow; improperly reached for separation from competitive level; an exception was made to the regular order of selection; full 30-day notice was not given; you believe you can "bump" a person in a lower tenure subgroup; or any other reasons. Please provide as much information as possible regarding each reason.)*

(Continue on the next page)

37. *(Continued from Page 3.)*

ATTENTION—THIS APPEAL MUST BE SIGNED

I CERTIFY that all of the statements made in this Appeal are true, complete, and correct to the best of my knowledge and belief.	SIGNATURE OF APPELLANT	DATE SIGNED

* U.S. GOVERNMENT PRINTING OFFICE : 1981 O - 341-526 (8462)

[FR Doc. 81-28395 Filed 10-1-81; 8:45 am]
BILLING CODE 7400-01-C

FEDERAL LABOR RELATIONS AUTHORITY

5 CFR Part 2430

General Counsel of the Federal Labor Relations Authority; Equal Access to Justice Act; Implementation

AGENCY: Federal Labor Relations Authority, General Counsel of the Federal Labor Relations Authority.

ACTION: Interim rules and regulations; request for comments.

SUMMARY: These interim rules and regulations are required by and designed to implement the Equal Access to Justice Act, 5 U.S.C. 504. As applied to the Federal Labor Relations Authority, the Act, which takes effect October 1, 1981, authorizes the award of fees and other expenses to eligible parties who prevail in defending against the General Counsel of the authority in adversary adjudications conducted by the Authority. An eligible prevailing party in such a situation would, upon application, be entitled to an award of allowable fees and expenses incurred in connection with the adversary adjudication, unless an adjudicative officer finds that the position of the General Counsel as a party to the proceeding was substantially justified or that special circumstances make an award unjust. These interim rules and regulations describe the eligibility criteria for a party to apply for an award of fees and other expenses in adversary proceedings of the Authority; identify the Authority proceedings covered by the Act; and set forth the procedures for the submission and consideration of an application for an award. The interim rules and regulations will expire no later than March 15, 1982.

DATES: Effective Date: October 1, 1981. Comment date: Written comments received by November 15, 1981, will be considered in promulgation of final rules and regulations on this subject.

ADDRESS: Comments should be mailed to James J. Shepard, Executive Director, Federal Labor Relations Authority, Washington, D.C. 20424.

FOR FURTHER INFORMATION CONTACT: Jerome P. Hardiman, Director, Office of Operations and Technical Assistance, Federal Labor Relations Authority, Washington, D.C. 20424, (202) 254-7362.

SUPPLEMENTARY INFORMATION: The Equal Access to Justice Act, 5 U.S.C. 504, effective October 1, 9181, provides that an agency which conducts an adversary adjudication shall award to an eligible party (other than the United States) that prevails against the agency in defending against or seeking review of the agency's action certain fees and other expenses incurred by that party in connection with the proceeding, unless the adjudicative officer of the agency finds that the position of the agency as a party to the proceeding was substantially justified or that special circumstances make an award unjust.

An adversary adjudication is an adjudication under section 554 of the Administrative Procedure Act, 5 U.S.C. 554, in which the position of the United States is represented by counsel or otherwise. The adversary adjudications of the Federal Labor Relations Authority that are covered by the Act are unfair labor practice proceedings pending on complaint against a labor organization at any time between October 1, 1981, and September 30, 1984. This includes proceedings begun before October 1, 1981, if final Authority action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final Authority action occurs.

Applicants eligible to receive an award in connection with such an unfair labor practice proceeding conducted by the Authority are identified with specificity in the interim regulations at § 2430.2(b).

Fees and other expenses that may be awarded include the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, engineering report, test, or project which is found by the agency to be necessary for the preparation of the party's case, and reasonable attorney or agent fees.

Under the Act, an adjudicative officer is the deciding official who presided at the adversary proceeding upon which the application for an award of fees and other expenses is based. As applied to the Federal Labor Relations Authority, the adjudicative officer is the Administrative Law Judge who presided at the hearing on the unfair labor practice complaint against the labor organization involved. These interim regulations provide at § 2430.7 that in the event the Administrative Law Judge who presided at the proceeding is unavailable, or the proceeding was not heard by an Administrative Law Judge, an application for an award will be referred to the Chief Administrative Law Judge for designation of a Judge for consideration and decision on the application. The regulations also provide at § 2430.13 for the filing of exceptions to an Administrative Law Judge's decision with the Authority and a final decision on the matter by the Authority.

As already indicated, the Equal Access to Justice Act requires each agency to establish uniform procedures for the submission and consideration of applications for an award of fees and other expenses. These interim rules and regulations, designed to implement the provisions of the Act, follow the model rules recommended by the Administrative Conference of the United States (46 FR 32900, June 25, 1981) which we understand have been submitted to the Office of Management and Budget in order to facilitate any review that may be warranted under the Paperwork Reduction Act.

In accordance with section 605(b) of the Regulatory Flexibility Act of 1980, 5 U.S.C. 605(b), the Authority and the General Counsel of the Authority have determined that these interim rules and regulations will not have a significant economic impact upon a substantial number of small entities and, therefore, preparation of a regulatory flexibility analysis is not required.

Accordingly, Chapter XIV of Title 5 of the Code of Federal Regulations is revised to add a new Part 2430 to read as follows:

PART 2430—AWARDS OF ATTORNEY FEES AND OTHER EXPENSES

Sec.

2430.1 Purpose.
2430.2 Proceedings affected; eligibility for award.
2430.3 Standards for awards.
2430.4 Allowable fees and expenses.
2430.5 Rulemaking on maximum rates for attorney fees.
2430.6 Contents of application; net worth exhibit; documentation of fees and expenses.
2430.7 When an application may be filed; referral to administrative law judge; stay of proceeding.
2430.8 Filing and service of documents.
2430.9 Answer to application; reply to answer; comments by other parties; extensions of time to file documents.
2430.10 Settlement.
2430.11 Further proceedings.
2430.12 Administrative Law Judge's decision; contents; service; transfer of case to the Authority; contents of record in case.
2430.13 Exceptions to administrative law judge's decision; briefs; action of Authority.
2430.14 Payment of award.

Authority: Sec. 203(a)(1), Pub. L. 96-481, 94 Stat. 2325 (5 U.S.C. 504(c)(1)).

§ 2430.1 Purpose.

The Equal Access to Justice Act, 5 U.S.C. 504, provides for the award of attorney, agent, or witness fees and other expenses to eligible individuals and entities who are parties to agency

adversary adjudications. An eligible party may receive an award when it prevails over an agency, unless the agency's position in the proceeding was substantially justified, or special circumstances make an award unjust. The rules in this part describe the parties eligible for awards, and the Authority proceeding that is covered. They also set forth the procedures for applying for such awards, and the procedures by which the Authority will rule on such applications.

§ 2430.2 Proceedings affected; eligibility for award.

(a) The provisions of this part apply to unfair labor practice proceedings pending on complaint against a labor organization at any time between October 1, 1981, and September 30, 1984. They apply to proceedings begun before October 1, 1981, if final Authority action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final Authority action occurs.

(b) A respondent in an unfair labor proceeding which has prevailed in the proceeding, or in a significant and discrete portion of the proceeding, and who otherwise meets the eligibility requirements of this section, is eligible to apply for an award of attorneys fees and other expenses allowable under the provisions of § 2430.4 of these rules.

(1) Applicants eligible to receive an award in proceedings conducted by the Authority are any partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than five hundred (500) employees.

(2) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the complaint was issued.

(3) The employees of an applicant include all persons who regularly perform services for remuneration for the applicant, under the applicant's direction and control. Part-time employees shall be included on a proportional basis.

(4) An applicant that participates in a proceeding primarily on behalf of one or more other persons or entities that would be ineligible is not itself eligible for an award.

§ 2430.3 Standards for awards.

(a) An eligible applicant may receive an award for fees and expenses incurred in connection with a proceeding, or in a significant and discrete portion of the proceeding, unless the position of the General Counsel over which the applicant has prevailed was substantially justified. The burden of proof that an award should not be made to an eligible applicant is on the General Counsel, who may avoid an award by showing that its position in initiating the proceeding was reasonable in law and fact.

(b) An award will be reduced or denied if the applicant has unduly or unreasonably protracted the proceeding or if special circumstances make the award sought unjust.

§ 2430.4 Allowable fees and expenses.

(a) No award for the fee of an attorney or agent under these rules may exceed $75.00 per hour. No award to compensate an expert witness may exceed the highest rate which the Authority pays expert witnesses. However, an award may also include the reasonable expenses of the attorney, agent, or witness as a separate item, if the attorney, agent or witness ordinarily charges clients separately for such expenses.

(b) In determining the reasonableness of the fee sought for an attorney, agent or expert witness, the following matters may be considered:

(1) If the attorney, agent or witness is in practice, his or her customary fee for similar services, or, if an employee of the applicant, the fully allocated cost of the services;

(2) The prevailing rate for similar services in the community in which the attorney, agent or witness ordinarily performs services;

(3) The time actually spent in the representation of the applicant;

(4) The time reasonably spent in light of the difficulty or complexity of the issues in the proceeding; and

(5) Such other factors as may bear on the value of the services provided.

(c) The reasonable cost of any study, analysis, engineering report, test, project or similar matters prepared on behalf of an applicant may be awarded, to the extent that the charge for the service does not exceed the prevailing rate for similar services, and the study or other matter was necessary for preparation of the applicant's case.

§ 2430.5 Rulemaking on maximum rates for attorney fees.

Any person may file with the Authority a petition under § 2429.28 of these rules for rulemaking to increase the maximum rate for attorney fees. The petition should specify the rate the petitioner believes should be established and explain fully the reasons why the higher rate is warranted.

§ 2430.6 Contents of application; net worth exhibit; documentation of fees and expenses.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the proceeding for which an award is sought. The application shall state the particulars in which the applicant has prevailed and identify the positions of the General Counsel in the proceeding that the applicant alleges were not substantially justified. The application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall include a statement that the applicant's net worth does not exceed $5 million.

(c) The application shall state the amount of fees and expenses for which an award is sought.

(d) The application may also include any other matters that the applicant wishes the Authority to consider in determining whether and in what amount an award should be made.

(e) The application shall be signed by the applicant or an authorized officer or attorney of the applicant. It shall also contain or be accompanied by a written verification under oath or under penalty of perjury that the information provided in the application is true.

(f) Each applicant must provide with its application a detailed exhibit showing the net worth of the applicant when the proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this part. The Administrative Law Judge may require an applicant to file additional information to determine its eligibility for an award.

(g) The application shall be accompanied by full documentation of the fees and expenses for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The Administrative Law Judge may require the applicant to provide vouchers, receipts, or other

substantiation for any expenses claimed.

§ 2430.7 When an application may be filed; referral to Administrative Law Judge; stay of proceeding.

(a) An application may be filed after entry of the final order establishing that the applicant has prevailed in the proceeding, or in a significant and discrete substantive portion of the proceeding, but in no case later than thirty (30) days after the entry of the Authority's final order in the proceeding. The application for an award shall be filed with the Authority in Washington, D.C., in an original and four copies, and served on all parties to the unfair labor practice proceeding. Service of the application shall be in the same manner as prescribed in §§ 2429.22 and 2429.27. Upon filing, the application shall be referred by the Authority to the Administrative Law Judge who heard the proceeding upon which the application is based, or, in the event the proceeding had not previously been heard by an Administrative Law Judge, it shall be referred to the Chief Administrative Law Judge for designation of an Administrative Law Judge, to consider the application. When the Administrative Law Judge to whom the application has been referred is or becomes unavailable, the provisions of § 2423.20 shall be applicable.

(b) Proceedings for the award of fees and other expenses, but not the time limit of this section for filing an application for an award, shall be stayed pending final disposition of the case, in the event any persons seeks Authority reconsideration or court review of the Authority decision that forms the basis for the application for fees and expenses.

§ 2430.8 Filing and service of documents.

All pleadings or documents after the time the case is referred by the Authority to an Administative Law Judge, until the issuance of the Judge's decision, shall be filed in an original and four copies with the Administrative Law Judge and served on all parties to the proceeding. Service of such documents shall be in the same manner as prescribed in §§ 2429.22 and 2429.27.

§ 2430.9 Answer to application; reply to answer; comments by other parties; extensions of time to file documents.

(a) Within 30 days after service of an application, the General Counsel may file an answer to the application. The filing of a motion to dismiss the application shall stay the time for filing an answer to a date thirty (30) days after issuance of any order denying the motion.

(b) If the General Counsel and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate toward a settlement. The filing of such a statement shall extend the time for filing an answer for an additional 30 days.

(c) The answer shall explain in detail any objections to the award requested, and identify the facts relied on in support of the General Counsel's position. If the answer is based on alleged facts not already in the record of the proceeding, supporting affidavits shall be provided or a request made for further proceedings under § 2430.11.

(d) Within fifteen (15) days after service of an answer, the applicant may file a reply. If the reply is based on alleged facts not already in the record of the proceeding, supporting affidavits shall be provided or a request made for further proceedings under § 2430.11.

(e) Any party to a proceeding other than the applicant and the General Counsel may file comments on an application within 30 days after it is served, or on an answer within 15 days after it is served. A commenting party may not participate further in the proceeding on the application unless the Administrative Law Judge determines that such participation is required in order to permit full exploration of matters raised in the comments.

(f) Motions for extensions of time to file documents permitted by this section or § 2430.11 shall be filed with the Administrative Law Judge not less than five (5) days before the due date of the document.

§ 2430.10 Settlement.

The applicant and the General Counsel may agree on a proposed settlement of the award before final action on the application. If an applicant and the General Counsel agree on a proposed settlement of an award before an application has been filed, the proposed settlement shall be filed with the application. All such settlements shall be subject to approval by the Authority.

§ 2430.11 Further proceedings.

(a) The determination of an award may be made on the basis of the documents in the record, or the Administrative Law Judge, upon request of either the applicant or the General Counsel, or on his or her own initiative, may order further proceedings. Such further proceedings may include, but shall not be limited to, an informal conference, oral argument, additional written submissions, or an evidentiary hearing.

(b) A request that the Administrative Law Judge order further proceedings under this section shall specifically identify the disputed issues and the evidence sought to be adduced, and shall explain why the additional proceedings are necessary to resolve the issues.

(c) An order of the Administrative Law Judge scheduling oral argument, additional written submissions, or an evidentiary hearing, shall specify the issues to be considered in such argument, submission, or hearing.

(d) Any evidentiary hearing held pursuant to this section shall be conducted not earlier than forty-five (45) days after the date on which the application is served. In all other respects, such hearing shall be conducted in accordance with §§ 2423.14, 2423.16, 2423.17, 2423.19 through 2423.21, 2423.23, and 2423.24, insofar as these sections are consistent with the provisions of this part.

§ 2430.12 Administrative Law Judge's decision; contents; service; transfer of case to the Authority; contents of record in case.

(a) Upon conclusion of proceedings under §§ 2430.6 to 2430.11, the Administrative Law Judge shall prepare a decision. The decision shall include written findings and conclusions on the applicant's status as a prevailing party and eligibility, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the agency's position was substantially justified, whether the applicant unduly protracted the proceedings, or whether special circumstances make an award unjust. The Administrative Law Judge shall cause the decision to be served promptly on all parties to the proceeding. Thereafter, the Administrative Law Judge shall transmit the case to the Authority, including the judge's decision and the record. Service of the Administrative Law Judge's decision and of the order transferring the case to the Board shall be complete upon mailing.

(b) The record in a proceeding on an application for an award of fees and expenses shall consist of the application for an award of fees and expenses and any amendments or attachments thereto, the net worth exhibit, the answer and any amendments or attachments thereto, any reply to the answer, any comments by other parties, motions, rulings, orders, stipulations, written submissions, the stenographic transcript of oral argument, the stenographic transcript of the hearing,

exhibits and depositions, together with the Administrative Law Judge's decision, and the exceptions and briefs as provided in § 2430.13, and the record of the unfair labor practice proceeding upon which the application is based.

§ 2430.13 Exceptions to administrative law judge's decision; briefs; action of Authority.

Procedures before the Authority, including the filing of exceptions to the administrative law judge's decision rendered pursuant to § 2430.12, and action by the Authority, shall be in accordance with §§ 2423.26(c), 2423.27, and 2423.28 of these rules. The Authority's review of the matter shall be in accordance with § 2423.29(a).

§ 2430.14 Payment of award.

To obtain payment of an award made by the Authority the applicant shall submit to the Executive Director of the Authority a copy of the Authority's final decision granting the award, accompanied by a statement that the applicant will not seek court review of the decision. The amount awarded will then be paid unless judicial review of the award, or of the underlying decision, has been sought by the applicant or any other party to the proceeding.

Dated: September 30, 1981.

Ronald W. Haughton,
Chairman.

Henry B. Frazier III,
Member.

Leon B. Applewhaite,
Member.

H. Stephan Gordon,
General Counsel.

[FR Doc. 81-28678 Filed 10-1-81; 8:45 am]
BILLING CODE 6727-01-M

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

Citrus Blackfly

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document removes the citrus blackfly quarantine and regulations which imposed restrictions on the movement of regulated articles from portions of three counties in Florida and from two counties in Texas into or through other States, Territories, or Districts of the United States. The quarantine and regulations were established for the purpose of preventing economic damage to citrus crops. The quarantine and regulations are removed because it appears that they are no longer necessary for this purpose.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Gary E. Moorehead, Staff Officer, Pest Program Development Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 630 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, 301-436-8745.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Regulatory Flexibility Act

This final rule is issued in conformance with Executive Order 12291 and Secretary's Memorandum No. 1512-1, and has been determined to be not a "major rule." The final rule removes the citrus blackfly quarantine and regulations and thereby removes restrictions on the movement of regulated articles from regulated areas in Florida and Texas. Based on information compiled by the Department, it has been determined that removal of such restrictions would have no significant effect on the economy; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and would not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It appears that the only alternative to this action is to retain the current Federal quarantine and regulations. Based on information compiled by the Department, it is estimated that the cost for effectively administering the Federal quarantine and regulations and corresponding State laws would be at least $4 million annually. The Federal cost would be at least $2 million annually; however, no funds have been appropriated for this purpose for fiscal year 1982. Parasites of citrus blackfly have proven to be effective to prevent economic damage to citrus crops. If the citrus blackfly were to spread interstate from Florida or Texas to other citrus producing areas in the United States, it is anticipated that parasites of the citrus blackfly would be released and established in such areas by affected States or political subdivisions thereof, and thereby prevent economic damage to citrus crops. Parasites could be made available at relatively low cost; however, should it become necessary to establish a parasite rearing and release program on a State-wide basis, it is estimated that this could be accomplished by a State or political subdivision thereof at the cost of approximately $100,000 per year for the period of operation. Further, once parasites become established, the parasite program could be discontinued since the parasites are self-perpetuating.

Dr. H. C. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that, under the circumstances explained above, it is anticipated that the removal of the citrus blackfly quarantine and regulations will not have a significant economic impact on a substantial number of small entities.

Background

In a document published in the **Federal Register** on August 17, 1981 (46 FR 41519-41520), the Department proposed to remove the citrus blackfly quarantine and regulations contained in 7 CFR 301.86 through 301.86-10. The quarantine and regulations imposed restrictions on the movement of regulated articles from portions of three counties in Florida and from two counties in Texas into or through other States, Territories or Districts of the United States. The document of August 17, 1981, provided that written comments were to be received on or before September 16, 1981. No comments were received in response to the proposal. Based on the reasons set forth in the proposal, it is necessary to remove the citrus blackfly quarantine and regulations.

The final rule relieves restrictions which have been found to be unnecessary. Accordingly, prompt action should be taken to delete the restrictions. Therefore, in accordance with the provisions of 5 U.S.C. 553 the final rule is made effective upon publication.

PART 301—DOMESTIC QUARANTINE NOTICES

§§ 301.86—301.86-10 (Subpart—"Citrus Blackfly") [Removed]

Accordingly, 7 CFR Part 301 is amended by removing "Subpart-Citrus Blackfly" (7 CFR 301.86 through 301.86-10).

(Secs. 8 and 9, 37 Stat. 318, as amended (7 U.S.C. 161, 162); sections 105 and 106, 71 Stat. 32, 71 Stat. 33 (7 U.S.C. 150dd, 150ee); 37 FR 28464, 28477, as amended; 45 FR 8564, 8565)

Done at Washington, D.C., this 25th day of September 1981.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81-28688 Filed 10-1-81; 8:45 am]

BILLING CODE 3410-34-M

7 CFR Part 301

Domestic Quarantine Notices: Gypsy Moth and Browntail Moth Quarantine and Regulations

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and notice of public hearing.

SUMMARY: This document amends the Gypsy Moth and Browntail Moth Quarantine and Regulations by quarantining the additional States of Arkansas, California, Nebraska, Oregon, Washington, and West Virginia, as an emergency measure because of the gypsy moth, and by designating a certain area within Arkansas as a high-risk area and by designating certain areas within California, Nebraska, Oregon, Washington, and West Virginia as low-risk areas. These amendments are necessary in order to help prevent the artificial spread of the gypsy moth. This document also gives notice of a request for public comments and a public hearing concerning this interim rule.

DATES: Effective date of the interim rule is October 2, 1981. Written comments concerning this interim rule must be received on or before December 1, 1981. A public hearing concerning this interim rule and final regulations to be promulgated under the Plant Quarantine Act and the Federal Plant Pest Act will be held on November 3, 1981.

ADDRESSES: Written comments concerning this interim rule should be submitted to: T. J. Lanier, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 6505 Belcrest Road, Federal Building, Room 635, Hyattsville, MD 20782. Written comments received may be inspected at Room 635 of the Federal Building between 8:00 a.m and 4:30 p.m., Monday through Friday, except holidays. A public hearing concerning this interim rule will be held in Room 1612 Federal Building, 1520 Market Street, St. Louis, MO.

FOR FURTHER INFORMATION CONTACT: T. J. Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, 6505 Belcrest Road, Federal Building, Room 635, Hyattsville, MD 20782, (301) 436-8247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This interim rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Based on information complied by the Department, the economic impact of this action will not be significant since there is only one nursery in the high-risk area in Arkansas, and the low-risk areas in the remaining quarantined States should have few regulated articles to be inspected. Regulated articles moving from low-risk areas only require inspection if in the inspector's judgment a significant risk of gypsy moth spread is present. It has been determined further that this rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic region; and that this rule will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this interim rule.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this interim rule. Due to the possibility that gypsy moth could be artificially spread interstate to noninfested areas of the United States, a situation exists requiring immediate action to prevent the artificial spread of this pest.

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

Certification Under the Regulatory Flexibility Act

Dr. H. 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. This action affects the interstate movement of regulated articles from specified areas in the States of Arkansas, California, Nebraska, Oregon, Washington, and West Virginia. There are thousands of small entities that move such articles interstate from those States and many more thousands of small entities that move such articles interstate from other States. However, based on information compiled by the Department, it has been determined that fewer than 6 small entities move such articles interstate from the specified areas in those States. Further, this action will cause no significant economic impact on other types of small entities.

Sections 8 and 9 of the Plant Quarantine Act (7 U.S.C. 161, 162) contain authority to quarantine any State, Territory, or District of the United States, or any portion thereof, and to prohibit or restrict the interstate movement of articles from areas within such quarantined areas when the Secretary of Agriculture or his delegate determines, after a public hearing, that it is necessary to prevent the spread of a dangerous plant disease or insect infestation, new to or not theretofore widely prevalent or distributed within and throughout the United States. Under sections 105 and 106 of the Federal Plant Pest Act (7 U.S.C. 150dd and 150ee) there is authority to take similar action for plant pests without a public hearing on an emergency basis until a quarantine can be established under the Plant Quarantine Act after a public hearing.

Because infestations of the gypsy moth have been found in areas subject to this rulemaking action, the quarantine and other restrictions imposed by this interim action are being taken pursuant to sections 105 and 106 of the Federal Plant Pest Act. The hearing scheduled to consider this interim rule and regulations is pursuant to sections 8 and 9 of the Plant Quarantine Act.

Public Hearing

The public hearing to consider this interim rule and final rules to be published under the Plant Quarantine Act and the Federal Plant Pest Act will

be held at 10:00 a.m., on November 3, 1981, in Room 1612 Federal Building, 1520 Market Street, St. Louis, MO.

A representative of the Animal and Plant Health Inspection Service will preside at the hearing. At the hearing, a representative of the Animal and Plant Health Inspection Service will present a statement explaining the purpose and basis of the rule. Any interested person may appear and be heard in person, by attorney, or other representative. Also, any interested person, his attorney, or other representative will be afforded an opportunity to ask relevant questions concerning the rule.

The hearing will commence at 10 a.m., and conclude at 5 p.m., local time, unless the presiding official otherwise specifies during the course of the hearing. Persons who wish to be heard are requested to register with the presiding officer prior to the hearing. The prehearing registration will be conducted at the location of the hearing from 9 to 10 a.m. Those registered persons will be heard in the order of their registration. However, any other person who wishes to be heard or ask questions at the hearing will be afforded such opportunity, after the registered persons have presented their views. It is requested that duplicate copies of any written statements that are presented be provided to the presiding officer at the hearing.

If the number of preregistered persons and other participants in attendance at the hearing warrants it, the presiding officer may, if it becomes necessary, limit the time for each presentation in order to allow everyone wishing to present a statement the opportunity to be heard.

Background

The gypsy moth, *Lymantria dispar* (Linnaeus), is a highly destructive pest of forest trees. The Gypsy Moth and Browntail Moth Quarantine and Regulations (7 CFR 301.45 *et seq.*) quarantines certain States because of the gypsy moth, and restricts the interstate movement from regulated areas of articles designated as regulated articles because of the gypsy moth. Such restrictions are necessary for the purpose of preventing the artificial spread of the gypsy moth.

Areas designated as gypsy moth regulated areas are areas in which a gypsy moth infestation has been found by an inspector, or areas which are necessary to regulate because of proximity to gypsy moth infestation or inseparability for quarantine enforcement purposes from infested localities. Regulated areas are divided into high-risk areas and low-risk areas. Under the regulations there is a basis for designating an area as a high-risk area when an inspector determines that regulated articles exist within or adjacent to an area where defoliation has occurred or where an inspector has reason to believe that 50 or more egg masses per acre of the gypsy moth are present. Low-risk areas are those portions of regulated areas that are not designated as high-risk areas.

Section 301.45(b)(1) lists articles which are regulated for the gypsy moth or browntail moth. Section 301.45–3 (a), (b), and (c) of the regulations imposes the following conditions on the movement of these regulated articles:

"(a) A regulated article shall not be moved interstate from any high-risk area into or through any nonregulated area unless a certificate or permit has been issued and attached to such regulated article in accordance with §§ 301.45–4 and 301.45–7.

"(b) A regulated article shall not be moved interstate from any low-risk area into or through any nonregulated area when it is determined by an inspector that any life stage of the gypsy moth or browntail moth is on the regulated article, and the person in possession thereof has been so notified by an inspector, unless a certificate or permit has been issued and attached to such regulated articles in accordance with §§ 301.45–4 and 301.45–7.

"(c) A regulated article originating outside of any high-risk area, except any regulated article in any low-risk area determined by an inspector to present a hazard of spreading the gypsy moth or browntail moth pursuant to paragraph (b) of this section, may be moved interstate directly through any high-risk area without a certificate or permit, if the point of origin of the article is clearly indicated by shipping documents, their identity has been maintained, and they have been safeguarded against infestation while in any high-risk area."

These regulations are designed to restrict the interstate movement of regulated articles in those circumstances where there would be a significant risk of spread of the gypsy moth. A certificate or limited permit is authorized to be issued based on treatment of a regulated article or based on a determination that movement of a regulated article without treatment would not result in the spread of the gypsy moth.

As an emergency measure, the State of Arkansas is quarantined and a certain area, described below, which was a previously nonregulated area, is designated as a high-risk area because of the gypsy moth.

Based on recent surveys, inspectors have determined that there is reason to believe that 50 or more egg masses per acre of the gypsy moth are present and regulated articles exist within or adjacent to the area in Arkansas. Accordingly, there is a substantial risk of artificially spreading the gypsy moth by unrestricted interstate movement of such regulated articles, and as an emergency measure, it is necessary to designate such area as a high-risk area and impose restrictions on the interstate movement of regulated articles from the area in accordance with the regulations in order to prevent the artificial spread of the gypsy moth.

As an emergency measure, the States of California, Nebraska, Oregon, Washington, and West Virginia, are quarantined and certain areas, described below, which were previously nonregulated areas, are designated as low-risk areas because of the gypsy moth.

Based on recent surveys, inspectors have determined that infestations occur in the areas in those 5 States, but that these areas do not meet the criteria referred to above for high-risk areas. Also, as noted above, restrictions concerning the gypsy moth are imposed on movements of regulated articles from low-risk areas, only if it is determined by an inspector that any life stage of the gypsy moth is on the regulated article, and the person in possession thereof has been so notified by an inspector unless a certificate or permit has been subsequently issued and attached to such regulated article in accordance with §§ 301.45–4 and 301.45–7 of the regulations. In this connection, it is necessary to designate such areas as low-risk areas in order to advise persons of the likelihood that inspectors would conduct inspections in such areas and that based on their findings of life stages of gypsy moth, restrictions could apply to the movement of regulated articles from such areas.

PART 301—DOMESTIC QUARANTINE NOTICES

§ 301.45–2 [Amended]

Accordingly, §§ 301.45(a) and 301.45–2a of the regulations in "Subpart—Gypsy Moth and Browntail Moth," Chapter III, Title 7 of the Code of Federal Regulations (7 CFR 301.45(a) and 301.45–2a) are amended as follows:

1. In § 301.45(a) the following States are added to the list of States quarantined: Arkansas, California, Nebraska, Oregon, Washington, and West Virginia.

2. In Section 301.45–2a, the following areas are to be designated as high-risk or low-risk areas:

Arkansas

(1) *High-risk area. Fulton County.* Secs. 25, 26, 35, and 36, T. 20 N., R. 5 W.

(2) *Low-risk area.* None.

California

(1) *High-risk area.* None.

(2) *Low-risk area. Orange County.* That area within San Juan Capistrano bounded on the north by Ortega Highway, on the south by Calle Arroyo, on the east by Aveneda Siega, and on the west by Calle Del Campo.

Nebraska

(1) *High-risk area.* None.

(2) *Low-risk area. Lancaster County.* SE ¼ sec 1, E ½ sec 12, NE ¼ sec 13, T. 10 N., R. 5 E., and S ½ sec 6, sec 7, N ½ sec 18, T. 10 N., R. 6 E.

Oregon

(1) *High-risk area.* None.

(2) *Low-risk area. Marion County.* That portion of the county in the city of Salem beginning at a point where State Highway 99E and Delaney Road intersect; then westerly on Delaney Road to Sunnyside Road; then north on Sunnyside Road to Hylo Road; then west on Hylo Road to Rainbow Drive; then north on Rainbow Drive to Reese Road; then west on Reese Road to Powell Creek; then northeasterly along Powell Creek to Battle Creek; then easterly along Battle Creek to its intersection with State Highway 99E; then southerly on State Highway 99E to the point of beginning.

Washington

(1) *High-risk area.* None.

(2) *Low-risk area.*

King County. That area within the University District of the city of Seattle beginning at a point where Interstate 5 intersects N.E. 75th Street, then easterly on N.E. 75th Street to its intersection with N.E. 35th Avenue, then south on N.E. 35th Avenue to its end, then due south from the end of N.E. 35th Avenue on an imaginary line to Union Bay shoreline, then westerly along Union Bay shoreline to Portage Bay shoreline, then westerly along Portage Bay shoreline to its intersection with Interstate 5, then north on Interstate 5 to the point of beginning.

That area within the city of Mercer Island beginning at a point where Sunset Highway intersects Lake Washington shoreline at the Lacey V. Murrow Memorial Bridge, then northerly, easterly, and southerly along the Lake Washington shoreline to its intersection with S.E. 44th Street, then due west from said intersection along an imaginary line to Lake Washington shoreline on the west side of Mercer Island, then northerly along said shoreline to the point of beginning.

That area within the city of Seattle bounded by a line beginning at a point where State Highway 509 and State Highway 99 intersect, then south along State Highway 509 to its intersection with S.W. 105th Street, then due west along an imaginary line from said intersection to Puget Sound shoreline, then northerly along said shoreline to its intersection with SW Juneau Street, and east along SW Juneau Street to its intersection with 16th Avenue SW, then due east from said intersection along an imaginary line to State Highway 99, then south along State Highway 99 to the point of beginning.

Clark County. That area bounded by a line beginning at a point where Interstate 5 intersects N.W. 179th Street, then southerly along Interstate 5 to its intersection with N.W. 78th Street, then west on said street to its end, then due west along an imaginary line from the end of N.W. 78th Street to the Columbia River, then northerly along said river to an imaginary point which is due west from the intersection of N.W. 179th Street and N.W. 41st Avenue, and then due east from said imaginary point along an imaginary line to the intersection of N.W. 179th Street and N.W. 41st Avenue, then west along N.W. 179th Street to the point of beginning.

West Virginia

(1) *High-risk area.* None.

(2) *Low-risk area. Jefferson County.* That area bounded by a line beginning at the junction of the Potomac and Shenandoah Rivers; thence southwesterly along the Shenandoah River to its southernmost junction with the West Virginia/Virginia State line; thence southeasterly and northerly along said line to its junction with the Potomac River; thence west along the Potomac River to the point of beginning.

(Secs. 8 and 9, 37 Stat. 318, as amended, secs. 105 and 106, 71 Stat. 33; (7 U.S.C. 161, 162, 150dd, 150ee); 37 FR 28464, 28477, as amended; 38 FR 19141)

Done at Washington, D.C., this 25th day of September 1981.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81-28689 Filed 10-1-81; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 719

[Amdt. 1]

Reconstitution of Farms, Allotments, Normal Crop Acreage and Preceding Year Planted Acreage

AGENCY: Agricultural Stabilization and Conservation Service Department of Agriculture.

ACTION: Interim rule.

SUMMARY: This interim rule amends the regulations at 7 CFR Part 719 to allow the reconstitution of a farm that is comprised of land located in two or more counties on which there is a quota or allotment subject to lease and transfer restrictions across county lines that was constituted as a single farming unit prior to the limitation on farm constitution imposed by 7 CFR 719.3(b)(3).

Reconstitutions may occur by dividing the tracts if the owner requests in writing that the tracts of land be reconstituted as separate farming units. This rule further provides that after reconstitution, the resulting farms would be administratively serviced by the county ASCS office serving the county in which the land is geographically located.

EFFECTIVE DATE: October 1, 1981. Written comments may be submitted no later than December 1, 1981.

ADDRESS: Interested persons are invited to send written comments to Director, Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA, Room 3630–S, Washington, D.C. 20013, (202) 447–3677.

FOR FURTHER INFORMATION CONTACT: Sue Rourk, Production Adjustment Division, Agricultural Stabilization and Conservation Service, USDA, P.O. Box 2415, Washington, D.C. 20013, (202) 447–4541. The Final Impact Statement describing the options considered in developing this interim rule is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This interim rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified "nonmajor" since it will not have an annual effect on the economy of $100 million or more.

The Catalog of Federal Domestic Assistance does not list titles and numbers for the Reconstitution of Farms, Allotments, Normal Crop Acreage and Preceding Year Planted Acreage. This program by itself is not financially oriented. However, the constitution of a farm does provide the basis for a producer being eligible for price support loans and purchases, as well as for earning payments, with respect to most of the programs administered by the Agricultural Stabilization and Conservation Service which are identified by program numbers 10.051 through 10.068 in the Catalog of Federal Domestic Assistance.

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 is determined that the Regulatory Flexibility Act is not applicable to this rule since ASCS is not required by 5 U.S.C. § 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this interim rule.

Since producers are presently engaging in changes in their farming operations which require the reconstitution of farms, Everett Rank, Administrator, Agricultural Stabilization and Conservation Service (ASCS), has determined that an emergency situation exists which warrants publication of this interim rule without prior opportunity for public comments.

However, the public is invited to submit written comments with respect to this interim rule to the Director, Production Adjustment Division, ASCS. Comments must be received not later than December 1, 1981, in order to be assured of consideration. The change in the regulations made by this interim rule will be evaluated in view of the comments received and a final rule will be published in the Federal Register discussing the comments received and any further amendments to these regulations which may be deemed necessary.

Prior to 1978, the regulations governing reconstitutions (7 CFR Part 719) provided that a farm operator was required to combine all land owned and operated by one person as a single farming unit. This included all land which may have been owned and operated by one person even if located in more than one county. However, it was later determined that producers were using these regulations for the purpose of transferring allotments across county lines contrary to certain statutory restrictions. Sections 316 and 358 of the Agricultural Adjustment Act of 1938, as amended, provide generally that, except for Virginia fire-cured and Virginia sun-cured tobacco, tobacco and peanut allotments or quotas can be transferred only between farms located within the same county. Accordingly, the regulations at 7 CFR § 719.3 (43 FR 18159) were amended on April 28, 1978, to provide that land located in two or more counties having allotments or quotas could not be reconstituted across county lines as a single farming unit unless such land is owned and operated by one person and all such land is contiguous.

It has since come to our attention that certain reconstitutions, which were required to be made prior to 1978, have created certain inequities for producers with respect to their farming operation. This interim rule would permit producers who own and operate land located in two or more counties and who were required to constitute their land as a single farming unit prior to 1978 to reconstitute their farm by dividing the tracts which are located in different counties. The allotments or quotas applicable to these tracts of land would generally revert back to the same counties from which such allotment or quota had been derived.

It is recognized that forced reconstitution of an existing farm could disrupt established cropping practices. Therefore, an existing farm with allotments or quotas which has been properly constituted in accordance with the regulations applicable at the time of such constitution could remain so constituted as a single farming unit unless a reconstitution is otherwise required under 7 CFR § 719.3(d). Programs administered by the Agricultural Stabilization and Conservation Service (ASCS) with respect to any farm which is reconstituted in accordance with the provisions of this amendment to the regulations will be administratively serviced by the county ASCS office serving the county in which such land is geographically located.

Interim Rule

Accordingly, the regulations at 7 CFR Part 719.3 is amended by revising paragraph (b)(3) and by adding paragraph (d)(6) to read as follows:

§ 719.3 [Amended]

* * * * *

(3) Land across county lines when the allotments or quotas established for the land involved cannot be transferred from one county to another county by lease, sale, or transfer by owner. However, this paragraph shall not apply if all of the land is owned and operated by one person and all such land is contiguous.

(d) * * *

(6) An owner of a farm, constituted as a single farming unit prior to 1978, which is comprised of land located in two or more counties for which there is a quota or allotment established for such farm and such quota or allotment is subject to lease and transfer restrictions across county lines, requests in writing that the farm be reconstituted by dividing the tracts. The resulting farms shall be administratively serviced by the county office serving the county in which the land is geographically located.

Authority: Sec. 379, Pub. L. 75-430, 52 Stat. 66, as added Sec. 707, Pub. L. 89-321, 79 Stat. 1211, as amended Sec. 404(4), 605(2), Pub. L. 91-524, 84 Stat. 1366, 1378, (7 U.S.C. 1379); Sec. 316, Pub. L. 75-430, 52 Stat. 66, as added Pub. L. 87-200, 75 Stat. 469, as amended 1314(b); Sec. 358a, Pub. L. 75-430, 52 Stat. 66, as added Pub. L. 90-211, 81 Stat. 658, as amended (7 U.S.C. § 1358a).

Signed at Washington, D.C. on September 21, 1981.

Everett Rank,

Administrator.

[FR Doc. 81-28536 Filed 10-1-81; 8:45 am]

BILLING CODE 3410-05-M

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Regulation 683]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period October 2-8, 1981. Such action is needed to provide for orderly marketing of fresh Valencia oranges for this period due to the marketing situation confronting the orange industry.

EFFECTIVE DATE: October 2, 1981.

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

SUPPLEMENTARY INFORMATION: *Findings.* This rule has been reviewed under Secretary's Memorandum 1512-1 and Executive Order 12291 and has been designated a "non-major" rule. This regulation is issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendations and information submitted by the Valencia Orange 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 which was recommended by the committee following discussion at a public meeting on January 27, 1981. A regulatory impact analysis on the marketing policy is available from William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

The committee met again publicly on September 29, 1981 at Los Angeles, California, to consider the current and prospective conditions of supply and

demand and recommended a quantity of Valencias deemed advisable to be handled during the specified week. The committee reports the demand for Valencia oranges is easier.

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

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.

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

1. Section 908.983 is added as follows:

§ 908.983 Valencia Orange Regulation 683.

The quantities of Valencia oranges grown in Arizona and California which may be handled during the period October 2, 1981, through October 8, 1981, are established as follows:

(a) District 1: 500,000 cartons;

(b) District 2: Unlimited cartons;

(c) District 3: Unlimited cartons.

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

Dated: September 30, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-28839 Filed 10-1-81; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 910

[Lemon Regulation 326]

Lemons Grown in California and Arizona; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period October 4–10, 1981. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: October 4, 1981.

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

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

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

The committee met again publicly on September 29, 1981, at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons continues slow.

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

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

Section 910.626 is added as follows:

§ 910.626 Lemon Regulation 326.

The quantity of lemons grown in California and Arizona which may be handled during the period October 4, 1981, through October 10, 1981, is established at 200,000 cartons.

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

Dated: September 30, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-28990 Filed 10-1-81; 12:43 pm]

BILLING CODE 3410-02-M

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 329

NOW Account Eligibility

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Final interpretation.

SUMMARY: The FDIC has issued an interpretation of Part 329 of its rules and regulations (12 CFR Part 329) to clarify the rules concerning the class of depositors eligible to maintain interest-bearing deposits subject to withdrawal by negotiable or transferable instruments (NOW accounts) at insured State nonmember banks. Under the interpretation, the class of depositors eligible to maintain NOW accounts will include: (1) All individuals, including sole proprietorships and trust or fiduciary accounts in which the entire beneficial interest is held by individuals; (2) nonprofit organizations that are described in Section 501(c)(3) through (13) and (19), and Section 528 of the Internal Revenue Code; and (3) governmental units, if the funds are in the name of and used for the purposes of schools, colleges, universities, libraries, hospitals or other medical facilities. However, partnerships, corporations, or other associations operated for a profit and most governmental units will not be permitted to maintain NOW accounts. Depositors that established NOW accounts prior to September 28, 1981, that were eligible under the eligibility

criteria existing at that time, may continue to maintain NOW accounts even if they would no longer be eligible under the revised rules for eligibility. The FDIC believes that the eligibility criteria for NOW accounts will be more understandable as a result of this action and will significantly reduce the need for individual eligibility determinations.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: F. Douglas Birdzell, Counsel (202/389-4324), or Kathy A. Johnson, Attorney (202/389-4384), Legal Division, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429.

SUPPLEMENTARY INFORMATION: The Consumer Checking Account Equity Act of 1980 (Title III of Pub. L. 96-221) ("Act") authorized depository institutions (except credit unions which are authorized to offer share draft accounts) nationwide effective December 31, 1980, to permit the owner of a deposit or account, on which interest or dividends are paid to make withdrawals by negotiable or transferable instruments for the purpose of making transfers to third parties (12 U.S.C. 1832(a)(1)).

Under the statute, NOW accounts are available only to individuals and to qualifying organizations (12 U.S.C. 1832(a)(2)). Qualifying organizations must meet two separate tests of eligibility. First, they must be operated primarily for "religious, philanthropic, charitable, educational, or other similar purposes;" [1] second, they must not be operated for profit. The FDIC has advised insured nonmember banks that the class of depositors eligible to hold NOW accounts is virtually identical to the class of depositors eligible to hold savings deposits without limit (with the exception of governmental units).

Since the enactment of the Act, the FDIC has received a significant number of requests from banks and their customers for rulings and opinions concerning NOW account eligibility. In many instances these requests required the consideration of subtle distinctions that are not altogether practical for application on a uniform basis by a large number of depository institutions. In order to alleviate problems that have arisen among banks concerning the class of depositors eligible to hold NOW accounts, the FDIC on May 28, 1981 requested public comment (46 FR 28660) on a proposed interpretation of Section 329 to simplify and clarify the rules concerning NOW account eligibility.

Under this proposed interpretation, the class of depositors eligible to maintain NOW accounts at insured nonmember banks would have included: (1) Individuals, if the funds were not used primarily for business purposes; (2) nonprofit organizations that are described in Section 501(c)(3) through (13) and (19) and Section 528 of the Internal Revenue Code; and (3) governmental units, if the funds were in the name of and used for the purposes of schools, colleges, universities, libraries, hospitals, or other medical facilities. However, all businesses that are operated for profit, including sole proprietorships, partnerships, corporations, and other organizations, and most governmental units would not have been permitted to maintain NOW accounts. In addition, all NOW accounts that met the former NOW account eligibility criteria, but would not be eligible under the new criteria, would have been phased out by December 31, 1981.

The period for public comment on the NOW account proposal ended on June 29, 1981. Comments were received from 293 respondents, primarily insured nonmember banks. Overall, the comments did not indicate clear support of or opposition to the proposal with respect to the treatment of nonprofit organizations, governmental units, and the phaseout of existing NOW account holders that would no longer be eligible to maintain NOW accounts. However, the comments strongly opposed modifying the NOW account eligibility criteria to exclude the funds of individuals operating businesses as sole proprietors or individual farmers.

After consideration of the comments received from the public, the FDIC has adopted an interpretation concerning the eligibility of depositors to maintain NOW accounts at insured nonmember banks. The FDIC's interpretation is effective on September 28, 1981, and is discussed below.

The present interpretation of Section 329 provides that the funds of a sole proprietor may be held in a NOW account or an automatic transfer service (ATS) account. The comments on the proposal to change this interpretation repeatedly pointed to possible problems which would occur if sole proprietorships were prohibited from having NOW accounts. In light of these potential problems, the FDIC believes that the continuation of the original interpretation is appropriate. Consequently, both individuals and sole proprietorships will continue to be eligible to maintain NOW accounts. However, all other entities organized for profit, regardless of whether they are corporations, partnerships, or associations will continue to be excluded from the class of eligible NOW account holders.

The Act provides that NOW accounts may be offered to nonprofit organizations if they are operated primarily for religious, philanthropic, charitable, educational, or other similar purposes. Under the FDIC's interpretation, all organizations that are not operated for profit and are described in Section 501(c)(3) through (13) and (19) and Section 528 of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954) sections 501(c)(3) through (13), (19) and 528) will be eligible to maintain NOW accounts. The FDIC believes that virtually all nonprofit organizations described in these Internal Revenue Code sections can be regarded as being operated primarily for purposes that are similar to religious, philanthropic, charitable, or educational in nature, and that such provisions are comprehensive with respect to describing such organizations. It should be noted that actual documentation of nonprofit status by the Internal Revenue Service will not be required of depositors. However, those many depositors who do have documentation will need minimal eligibility review, allowing for more time to review the eligibility status of depositors without documentation. The FDIC believes that this interpretation will facilitate compliance by depository institutions and greatly reduce the need for individual rulings on NOW account eligibility.

Presently, governmental units operated primarily for charitable, educational or similar purposes are eligible to hold NOW accounts. This present interpretation requires that these be separately constituted independent governmental units. The FDIC's interpretation will eliminate the need for such determinations. Under the FDIC's interpretation, governmental units will be eligible to maintain NOW accounts if the funds are in the name of and are to be used exclusively by schools, libraries, colleges, universities, or hospitals and other medical facilities. Thus, if a governmental unit is organized for any one of these purposes or maintains an account exclusively for one of these purposes, such funds may be placed in a NOW account. All other governmental accounts will not be eligible for NOW accounts.

In order to avoid an excessive burden on insured nonmember banks, and to

[1] The statute omits fraternal organizations from the list of eligible NOW account depositors. Since the statutory provisions were based on the Federal Reserve Board's Regulation Q and Section 329 of the FDIC rules and regulations, it is believed that the omission of the term "fraternal" was unintentional and without significance. Thus fraternal organizations have been deemed eligible to hold NOW accounts.

prevent hardship to current NOW account holders that qualify under existing eligibility criteria but that would no longer be eligible under the FDIC's interpretation, the FDIC has determined to grandfather existing NOW accounts that will not qualify under the revised eligibility criteria. All NOW accounts that meet the current NOW account eligibility criteria may continue in effect if they were established prior to September 28, 1981. Starting September 28, 1981, NOW accounts may be offered only to depositors who are eligible under the new interpretation. It should be noted that the FDIC has not changed the existing policy concerning eligibility for traditional passbook and statement savings accounts.

Effective September 28, 1981, pursuant to its authority under Section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819), the FDIC is amending Part 329 of its rules and regulations (12 CFR Part 329) by adding a new § 329.103. Since the section is issued merely to advise the public of the FDIC's construction of the Consumer Checking Account Equity Act, it is regarded as an interpretive rule. (*See,* Attorney General's Manual on the Administrative Procedure Act, p. 30 (1947)). Interpretive rules are exempted from the requirement of publication of a general notice of proposed rule making under the Administrative Procedure Act. (5 U.S.C. 553). Thus initial and final regulatory flexibility analyses are not necessary, since they are only required when notice of proposed rule making is mandated. (5 U.S.C. 603 and 604).

The Paperwork Reduction Act of 1980 does not apply to the final interpretation, since collection of information requirements are not involved. In fact the interpretation should alleviate the paperwork burden on banks in many cases, since the use of Internal Revenue Service documentation will avoid extensive inquiry into the eligibility of nonprofit organizations, and since it will no longer be necessary to determine if governmental units are independent and separately constituted.

The staff believes that any changes resulting from the final interpretation will be minimal and will have an insignificant effect on existing competitive structures. Additionally, it would appear that the final interpretation will not have a disproportionate effect on small banks. A cost-benefit analysis would be useless since the final interpretation merely clarifies the meaning of the statutory language and it would not be possible for the Board of Directors to actually change the eligibility requirements under the statute based upon a cost-benefit analysis.

In consideration of the foregoing, Part 329 of Title 12 of the Code of Federal Regulations is amended as follows:

PART 329—INTEREST ON DEPOSITS

1. The authority citation for Part 329 reads as follows:

Authority: Secs. 9 and 18, 64 Stat. 881, 891 (12 U.S.C. 1819, 1828); secs. 302(b) and 303, 94 Stat. 146 (12 U.S.C. 1828(g) and 1832(a))

2. In Part 329, § 329.103 is added and reads as follows:

§ 329.103 Eligibility for NOW Accounts.

The Board of Directors of the Federal Deposit Insurance Corporation (Board) has adopted the following position concerning eligibility requirements for NOW accounts.

(a) *Background.* (1) Effective December 31, 1980, the Consumer Checking Account Equity Act of 1980 (Title III of the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. 96–221; 94 Stat. 145) authorized depository institutions nationwide to offer NOW accounts (interest-bearing accounts upon which negotiable orders of withdrawal may be written) to depositors where the "entire beneficial interest is held by one or more individuals or by an organization which is operated primarily for religious, philanthropic, charitable, educational, or other similar purposes and which is not operated for profit." (12 U.S.C. 1832(a)(2)). The purpose of the Act was to extend the availability of NOW accounts throughout the Nation. Previously, as an experiment, NOW accounts were only authorized to be offered by depository institutions in New England, New York, and New Jersey.

(2) The NOW account experiment established by Congress in 1973 did not specify the types of customers that could maintain NOW accounts. In enacting the nationwide NOW account provision, Congress adopted virtually the same language concerning NOW account eligibility that previously had been adopted by the Board and the Board of Governors of the Federal Reserve System with regard to the types of customers permitted to maintain NOW accounts in institutions located in the NOW account experiment region. (12 CFR 329.1(e)(2) and 217.1(e)(3)). This definition was based upon long-standing regulatory provisions concerning eligibility criteria for savings deposits.

(3) The Board has determined to clarify the types of entities that may maintain NOW accounts at insured nonmember banks.

(b) *Individuals.* (1) Individuals (including sole proprietorships) may maintain NOW accounts whether the funds are used primarily for personal or business purposes. Deposits of an individual used in his/her business may be held in a NOW account since it is impracticable to distinguish between funds used by an individual in his or her business and funds used for personal purposes. However, other entities organized or operated to make a profit may not maintain NOW acccounts regardless of whether they are corporations, partnerships, associations, or other forms of organization.

(2) Funds held in a fiduciary capacity (either an individual fiduciary or a corporate fiduciary, such as a bank trust department) may be held in the form of NOW accounts, if all the beneficiaries are individuals.

(c) *Nonprofit Organizations.* Under the Act, a nonprofit organization that is operated primarily for religious, philanthropic, charitable, educational, or other similar purposes may maintain a NOW account. The Board has determined that it is appropriate to regard all organizations that are not organized for profit and that are described in Section 501(c) (3) through (13) and (19) and Section 528 of the Internal Revenue Code (26 U.S.C. (I.R.C. 1954) 501(c) (3) through (13), and (19), and 528) as being operated for religious, philanthropic, charitable, educational or other similar purposes. Accordingly, all such organizations that are not organized for profit may maintain NOW accounts. Actual Internal Revenue Service documentation of tax exempt status is not required to meet eligibility requirements; it is merely an aid in making eligibility determinations.

(d) *Governmental Units.* Under the Act, governmental units generally may not maintain NOW accounts. However, the Board believes that some governmental units are operated

primarily for qualifying purposes under the Act. Consequently, a governmental unit, regardless of form of organization, may maintain a NOW account if the funds are in the name of and used solely for schools, universities, colleges, libraries, or hospitals and other medical facilities.

(e) *Grandfather Provision.* In order to avoid unduly disrupting account relationships, a NOW account, established at an insured nonmember bank prior to September 28, 1981, that represents funds of a nonqualifying entity that previously qualified to maintain a NOW account may continue to be maintained.

By order of the Board of Directors, September 28, 1981.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 81-28756 Filed 10-1-81; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 911

United States Geostationary Operational Environmental Satellite (GOES) Data Collection System (DCS)

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Final rule.

SUMMARY: The GOES Data Collection System (DCS) has extra capacity which can be made available to non-NOAA users for the collection from remote locations of environmental data provided that NOAA, another Federal agency, or a State or local government also has an interest in or requirement for obtaining the data, and that no alternative commercial service exists. This revision of NOAA's regulations establishing a policy for operation of the GOES DCS is necessary for two reasons. In the first place, the revision clarifies that private users who want to collect environmental data that are useful or necessary for implementation of programs of the Federal Government or State or local governments may have access to the GOES DCS if they meet all other prerequisites for access to the GOES DCS. Secondly, the revision provides that in certain exceptional circumstances NOAA may agree to a private user's request for proprietary treatment of collected data, subject to subsequent review if challenged under the Freedom of Information Act.

DATES: Effective date: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: David S. Johnson, Assistant Administrator for Satellites, National Earth Satellite Service, National Oceanic and Atmospheric Administration, Room 3130, Main Commerce Building, Washington, D.C. 20230, Tel. No. (202) 377-1485.

SUPPLEMENTARY INFORMATION: The GOES DCS is a system for collecting and transmitting data from remote platforms via a government-owned geostationary satellite the primary purpose of which is the collection of environmental data, in particular meteorological, hydrological and oceanic data.

On June 30, 1980, NOAA published in the **Federal Register** a revision to its regulations on the administration and operation of a GOES DCS. (45 FR 43701, codified at 15 CFR Part 911.) That revision established the NOAA policy that the GOES DCS would be made available to non-NOAA users who owned or operated platforms for the collection of environmental data required by or desired for the implementation of Federal programs or required by State or local governments. All users had to agree to permit NOAA and other Federal agencies free and open use of the data collected. The regulations also established a priority order by which requests from non-NOAA users for access to DCS would be processed.

The regulations of June 30, 1980 did not clearly state whether private organizations could use the GOES DCS. NOAA has interpreted its regulations so that it has permitted private organizations to use the GOES DCS provided that they had a Federal agency or State or local government sponsor for the particular collection of data. These regulations now clarify this point by naming private organizations as eligible users of the GOES DCS provided that

they meet all other conditions for access to the DCS.

Since the June 30, 1980 publication of the Part 911 interpretative regulations, NOAA has received requests from non-NOAA, private users who proposed to collect data that not only would further the implementation of NOAA's reponsibility for forecasting the weather and issuing severe storm warnings but also would further commercial interests of these prospective users. These users want to use the GOES DCS because no satisfactory commercial service is available for the real-time transmission of environmental data from remote locations. In addition, these users would be investing substantial sums of money in the deployment of data collection platforms and want some assurance that the data would not be made routinely available to their competitors.

NOAA has reviewed the basis for the existing policy of "free and open use of data" and has concluded that (1) no law pursuant to which the GOES DCS is operated requires the dissemination to the public of all environmental data collected from private users and (2) the existing policy would impede NOAA's ability to obtain valuable environmental data which NOAA otherwise would not be able to obtain. NOAA operates the GOES DCS pursuant to the general authority of the Secretary of Commerce (1) to provide warnings of and forecast weather and ocean conditions, including the collection and transmission of marine intelligence for the benefit of commerce and navigation; and (2) to participate in the development of an international basic meteorological reporting network, including the establishment, operation and maintenance of reporting stations on the high seas, in polar regions and in foreign countries. (15 U.S.C. 313, 49 U.S.C. 1463.) The Secretary of Commerce also is authorized to prepare studies and perform services within the authority of the Department of Commerce at the request of any person or organization, public or private, upon the payment of the actual or estimated cost of such work, and to cooperate with business organizations in the conduct of activities of the Department. (7 U.S.C. 450b; 15 U.S.C. 1525.) These laws do not mandate the disclosure of all information collected thereunder.

NOAA will continue to operate the GOES DCS under a general policy of free and open use of all data and will apply this policy to the collection and dissemination of environmental data required for warnings or forecasting. NOAA will, however, consider a request not to disseminate data collected from a private commercial user's platform that (1) NOAA deems to be commercial, confidential information or trade secrets; (2) and whose collection serves a public or Federal purpose. Data required for the protection of life and property will not be granted proprietary treatment. By amending its data policy in this limited way, NOAA and the public will be able to obtain valuable meteorological or other environmental data which would not otherwise be obtained and companies will be able to increase their productivity.

The NOAA Administrator has determined that the revised Part 911 regulations do not constitute a "major rule" within the meaning of Executive Order 12291. Preparation of a Regulatory Impact Analysis is therefore not required. The revisions impose no major costs on the economy within the terms of the Executive Order, nor are any major cost or price increases foreseen that will impact consumers, individual industries, Federal, state or local government agencies or geographic areas. Instead, the revisions will enable commercial users to operate more efficiently by gaining more knowledge of the environment in which they work, while, at the same time, allowing NOAA and other entities within the Federal Government to receive, at no cost to the Government, data valuable to the Public interest.

NOAA foresees no significant effects associated with the revisions to Part 911 that would adversely affect competition, employment, investment, productivity, innovation or the ability of U.S.-based enterprises to compete with foreign based enterprises in domestic or export markets.

This final rule is exempt from the requirements of the Paperwork Reduction Act of 1980 because, based on past experience, NOAA does not expect to receive ten or more requests per year from users who request proprietary treatment of data and have to respond to identical reporting requirements.

Signed at Washington, D.C., this 28 day of September 1981.

Francis J. Balint,

Acting Director, Office of Information and Management Services, National Oceanic and Atmospheric Administration.

Accordingly, 15 CFR Part 911 is revised to read as follows:

PART 911—THE UNITED STATES GEOSTATIONARY OPERATIONAL ENVIRONMENTAL SATELLITE (GOES) DATA COLLECTION SYSTEM (DCS)

Sec.

911.1 General Information.
911.2 Use of the GOES DCS.
911.3 Treatment of Data.
911.4 Continuation of GOES–DCS.
911.5 GOES–DCS Use Agreements.

Authority: 15 U.S.C. 313; 49 U.S.C. 1463; 15 U.S.C. 1525; 7 U.S.C. 450b; 5 U.S.C. 552.

§ 911.1 General information.

(a) The GOES Data Collection System (DCS) provides an effective method for obtaining environmental data from remote locations where conventional communications are either absent or inadequate. The use of the DCS is limited to the collection of environmental data in accordance with applicable International Telecommunication Union (ITU) regulations concerning use of the allocated frequency bands.

(b)(1) The DCS was established in 1974 to obtain from remote locations data required for the effective accomplishment of programs of the National Oceanic and Atmospheric Administration. The DCS capacity can more than provide for all of NOAA's present and near future domestic and international requirements. This makes it possible to offer to Federal and State agencies or local governments of the United States, and to those private users and foreign government agencies whose use of the system would support a program of a United States agency, the opportunity to make use of the DCS. Policy guidelines are set forth below.

(2) For purposes of this part, "user" refers to a private or governmental organization, whether for-profit or not for-profit, that owns or operates environmental data collection platforms for the purpose of collection and transmission of environmental data through the GOES DCS and for which a Federal agency or State or local government has a requirement for or interest in obtaining the data.

§ 911.2 Use of the GOES DCS.

(a) Use of the GOES DCS can be authorized only for the purpose of collecting environmental data. Environmental data as used here means observations and measurements of the physical, chemical or biological properties of the ocean, rivers, lakes, solid earth, and atmosphere (including space).

(b) The GOES DCS is not to be used for data collection where adequate private common carrier communications exist to provide the service. (Adequate is defined in terms of capacity, speed and reliability with respect to the particular use envisioned.) A user must document, with a request for use of the GOES DCS, why private common carrier communications are not adequate.

(c) A user must identify the Federal agency or State or local government which will benefit from the proposed collection of data. NOAA will confirm with the sponsoring Federal agency, or State or local government, that the data are required by, in support of or in furtherance of, a program conducted by the sponsoring agency or State or local government.

(d) User agencies and organizations will be admitted to system use with priority status as follows:

(1) NOAA users or users whose data are required for implementation of NOAA programs.

(2) Users whose data are desired to support NOAA programs.

(3) Users whose data and/or use of the GOES DCS will further a program of an agency or department of the United States Government.

(4) Users whose data are required by a State or local government of the United States. No other users will be admitted to system use.

(e) All users of the GOES DCS must use a data collection platform radio set whose technical characteristics conform to specifications established by NOAA. The message format must be as specified by NOAA.

(f) All users are responsible for all costs associated with the procurement and operation of the platforms, any confidential treatment of data under § 911.3, and for the acquisition of the data from those platforms either directly from the satellite or from the NOAA GOES Data Collection Center at the World Weather Building in Suitland, Maryland.

(g) Design characteristics of the environmental data collection system on the spacecraft require that users conform to technical standards established by NOAA. See § 911.5 below.

(h) NOAA will make every effort to maintain the GOES DCS in full operation at all times subject to the availability of appropriations. NOAA will bear no responsibility for any losses as a result of the nonavailability of the DCS.

§ 911.3 Treatment of Data.

(a) All users of the GOES DCS must agree to permit NOAA and other agencies of the United States Government the free and open use of all data collected from their platforms, except as otherwise provided for in paragraphs (b)–(f) of this section, and to provide NOAA with the necessary information on data formats to facilitate such use.

(b) NOAA will consider a request from a user, who has otherwise met the criteria of § 911.2, for proprietary treatment by NOAA of all or a portion of the data collected from the platforms owned by the user. Each request for proprietary treatment must:

(1) Specifically identify the exact portion(s) of the data claimed to be confidential;

(2) State whether the data claimed to be confidential is commonly known within the user's industry or activity or is readily ascertainable by outside persons with a minimum of time and effort;

(3) State how release of the data would be likely to cause substantial harm to the user's competitive position;

(4) Identify the Federal agency or governmental program which would benefit by gaining access to the data to be collected;

(5) State whether the submitter is authorized to make claims of confidentiality on behalf of the person or organization concerned; and

(6) State when the confidential data may be made public.

(c)(1) NOAA may treat environmental data obtained by the GOES DCS as proprietary if the Assistant Administrator for Satellites, with the advice of the General Counsel and other interested Federal officers, finds that:

(i) The data are trade secrets or commercial information obtained from a user and privileged or confidential; and

(ii) Use of the GOES DCS for collection and proprietary treatment of such data is in the public interest. Proprietary treatment of data which are required to protect life or property will be deemed not to be in the public interest.

(2) All data for which the Assistant Administrator grants proprietary treatment shall not be publicly disclosed in individually identifiable form without the user's authorization, except in accordance with the procedures set forth in paragraph (f) of this section or pursuant to the order of a court of competent jurisdiction. Such data may be combined and publicly disclosed in such formats as general statistical studies, environmental warnings and forecasts, or aggregated reports or summaries in which the identity of the user(s) furnishing such information or the confidential portions of the data shall not be disclosed.

(d)(1) The assistant Administrator for Satellites shall notify the user in writing whether all or a portion of the data will be treated as proprietary and shall state the reasons for the decision. The user may appeal the initial decision of the Assistant Administrator by filing a notice of appeal, including supporting information, with the Administrator of NOAA, Department of Commerce, Washington, D.C. 20230, within 30 days (excluding Saturdays, Sundays and legal holidays) of receipt of notice.

(2) The Administrator may decide the appeal on the basis of the information already submitted or may request additional information from the user. The decision of the Administrator shall state the reasons for the decision, and shall become effective upon issuance.

(e) The Assistant Administrator for Satellites, after consultation with other interested NOAA officers, shall institute a control system to protect the confidentiality of data that have been granted proprietary treatment under this section and are in the possession of NOAA. The control system will provide for safeguarding the data and ensuring that only authorized officers and employees have access to the data for official purposes.

(f) Data that have been accorded proprietary treatment for which NOAA or another Federal agency has no present requirement may be returned to the possession of the user and kept by the user until such time as NOAA or another Federal agency has a present requirement for the data at which time the data shall be made available to NOAA or to another Federal agency in accordance with the terms of a mutually acceptable agreement.

(g)(1) All requests from any person(s) for data granted proprietary treatment under this section shall be processed consistent with NOAA Freedom of Information Act (FOIA) Regulations (15 CFR Part 903), NOAA Directives Manual 21–25, Department of Commerce Administrative Orders 205–12 and 205–14 and 15 CFR Part 4.

(2) The user shall be notified within five days (excluding Saturdays, Sundays, and legal public holidays) of receipt by NOAA of an FOIA request for disclosure of data which otherwise have been granted proprietary treatment under this section. The user may submit written objections to release of the data, together with any supporting information, to the Assistant Administrator for Satellites, within five days (excluding Saturdays, Sundays and legal public holidays) of receipt of notice. The failure to object within the prescribed time limit will be considered an acknowledgment that the user does not wish to claim exempt status under the FOIA.

(3) If data which have been granted proprietary treatment under this section are found to be disclosable, in whole or in part, under the FOIA, the user submitting the data will be notified in writing and given five days (excluding Saturdays, Sundays, and legal holidays) from receipt of the notice to seek judicial relief.

§ 911.4 Continuation of GOES-DCS.

(a) NOAA expects to continue to operate a geostationary satellite data collection system while it operates GOES satellites, subject to the availability of future appropriations.

(b) As use of the system in support of NOAA programs increases, it eventually may be necessary to restrict the use by other users. If a use restriction should become necessary, or in the event that NOAA discontinues operation of GOES, NOAA will provide, to the maximum extent possible, advance notice to the affected users.

§ 911.5 GOES-DCS Use Agreements.

(a) Each user must have an agreement with NOAA to use the GOES DCS.

(b) These agreements will cover, but will not be limited to: (1) The period of time the agreement is valid and procedures for cancelling it, (2) conformance with ITU agreements and regulations, (3) required equipment standards, (4) standards of operation, (5) priorities for use, (6) reporting time and frequencies, (7) data formats, (8) data delivery systems and schedules, (9) user-borne costs, and (10) proprietary treatment of data under § 911.3.

(c) The representative of NOAA for evaluating use requests and concluding use agreements will be the Director of Data Services for the National Earth Satellite Service, except that in the case of agreements which involve foreign government agencies or requsts for proprietary treatment of data, the concurrence of the Assistant Administrator for Satellites will be obtained.

[FR Doc. 81-28725 Filed 10-1-81; 8:45 am]

BILLING CODE 3510-12-M

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15 CFR Part 981

Availability of Technical Guidance Document for Meeting Environmental Requirements of Commercial Ocean Thermal Energy Conversion (OTEC) Licensing Regulations

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Availability of Technical Guidance Document.

SUMMARY: The Ocean Thermal Energy Conversion Act of 1980 (Pub. L. 96-320; "the Act") is intended to provide a stable legal system and streamlined licensing process to facilitate development of ocean thermal energy conversion (OTEC) facilities and plantships. The National Oceanic and Atmospheric Administration (NOAA) has lead responsibility for implementing the Act, and has issued its final regulations, which were published at 46 FR 39388, July 31, 1981. Availability of NOAA's final environmental impact statement was announced at 46 FR 39214, July 31, 1981.

Among other things, the final regulations require an applicant for an OTEC license to prepare an environmental assessment of potential effects of OTEC operations (15 CFR 981.260). To assist OTEC license applicants in responding to this requirement, NOAA has developed a Technical Guidance Document (TGD), which is intended to provide guidance on the types of specific information and analyses an applicant might wish to provide. NOAA prepared a draft Technical Support Document (TSD) and announced its availability at 46 FR 27501, May 20, 1981. A 30-day public comment period was provided and a public workshop was held on Friday, June 12, 1981, in Washington, D.C. The draft TSD has been revised, taking into account comments received, and the final version is now available. Among other changes, the TSD is now referred to as the Technical Guidance Document (TGD). This notice announces the availability of the final TGD.

DATE: The Technical Guidance Document is available as of September 30, 1981.

ADDRESS: Requests for copies of the Technical Guidance Document should be directed to the Office of Ocean Minerals and Energy, NOAA, Page 1 Building, Room 410, 2001 Wisconsin Avenue NW., Washington, D.C. 20235 (telephone 202-254-3483).

FOR FURTHER INFORMATION CONTACT: Richard D. Norling or Edward P. Myers, Office of Ocean Minerals and Energy, NOAA, telephone 202-254-3483.

Francis J. Balint,

Acting Director, Office of Information and Management Systems.

September 25, 1981.

[FR Doc. 81-28667 Filed 10-1-81; 8:45 am]

BILLING CODE 3510-12-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 231, 241, 261, and 271

[Release No. 33-6351; 34-18122; 39-658; IC-11958]

Issuance of "Retail Repurchase Agreements" by Banks and Savings and Loan Associations; Interpretations

AGENCY: Securities and Exchange Commission.

ACTION: Publication of interpretations.

SUMMARY: The Commission has authorized the issuance of two letters setting forth the enforcement positions of its Divisions of Corporation Finance, Investment Management and Market Regulation regarding the application of the registration provisions of the Securities Act of 1933 (15 U.S.C. 77a et seq.), the indenture qualification provisions of the Trust Indenture Act of 1939 (15 U.S.C. 77aaa et seq.), the provisions of the Investment Company Act of 1940 (15 U.S.C. 80b-1 et seq.), and the broker-dealer registration provisions of the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), to the issuance of so-called "retail repurchase agreements" by banks and savings and loan associations. In addition, the Commission has briefly discussed more traditional repurchase agreements.

FOR FURTHER INFORMATION CONTACT: With respect to the Securities Act of 1933 ("1933 Act") and the Trust Indenture Act of 1939 ("1939 Act") positions, contact Peter J. Romeo, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2573.

With respect to the Investment Company Act of 1940 ("1940 Act") position, contact Stanley B. Judd, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2032.

With respect to the Securities Exchange Act of 1934 ("1934 Act") position, contact Jeffrey L. Steele, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2836.

SUPPLEMENTARY INFORMATION: The use of so-called "retail repurchase agreements" ("retail repos") as a means for banks and savings and loan associations to raise short-term capital is becoming increasingly widespread in the U.S. financial markets. These retail repos typically are, in economic reality, debt obligations of banks and savings and loan associations that are collateralized by an interest either in a security that is a direct obligation of, or

is guaranteed as to principal and interest by, the United States or any agency thereof ("government security"), or a pool of such securities. Retail repos are issued to the general public in denominations of less than $100,000 and with maturities of less than 90 days.[1]

The staff of the Commission has received a number of requests from banks and savings and loan associations for guidance regarding the application of the federal securities laws to their proposed retail repo programs. In view of the growing interest in this area and the novel issues raised by retail repo transactions, the Commission has authorized its Division of Corporation Finance to issue the no-action letters which are set forth herein.

The Commission wishes to emphasize that, although its staff is taking a no-action position regarding the provisions of the federal securities laws mentioned in the letters, the antifraud provisions of such laws [2] would apply to transactions involving retail repos. The antifraud provisions prohibit fraudulent conduct, including the making of false or misleading representations, in connection with the offer, sale, and purchase of securities.[3] Accordingly, banks and savings and loan associations proposing to offer retail repos should take steps to assure that all documents used in connection with retail repo programs are accurate and contain no material misstatements or omit to state facts necessary in order to make the statements made not misleading. These documents would include, but not necessarily be limited to, media advertisements, written promotional materials, offering documents, reports of financial condition furnished to prospective purchasers, and the repurchase agreements themselves. In addition, such entities should take similar steps to assure that oral statements made by employees or agents to prospective customers are similarly accurate and not misleading.

With respect to disclosure practices to be utilized in connection with retail repo programs, banks and savings and loan associations may wish to give consideration to a report issued by the Commission in November 1979 that discussed various disclosure concerns which arose in connection with a particular offering of retail repurchase agreements.[4] In addition, such entities might review disclosure guidelines promulgated by the Federal Home Loan Bank Board and the Comptroller of the Currency with respect to retail repo programs offered by the institutions they regulate.[5]

The following statement by the Comptroller of the Currency would appear to have particular relevance to the adoption of sound disclosure practices in connection with retail repo programs:

> As a matter of safe and sound banking practice and in order to avoid potential liability under the securities laws, banks should fully disclose all material information regarding the Retail Repo offering. Disclosure should include, at a minimum, appropriate background information regarding the bank and its financial condition, and the nature and terms of the Retail Repo (including minimum investment denominations, interest rates, maturities and any prepayment fees). The customer should be given a detailed explanation of the transaction. The security underlying the transaction should be specifically and accurately identified. The customer should be advised (1) that the Retail Repo is an obligation of the issuing bank and that the underlying security serves as collateral; (2) that the bank will pay a fixed amount, including interest on the purchase price, regardless of any fluctuation in the market price of the underlying security; (3) that the interest rate paid is not that of the underlying security; and (4) that general banking assets will most likely be used to satisfy the bank's obligation under the Retail Repo rather than proceeds from the sale of the underlying security. In addition, the customer should be advised at the time of purchase of the actual or approximate market value of the underlying security interest and he should be clearly warned that the Retail Repo is not a deposit, is not FDIC insured, and is not guaranteed in any way by the U.S. Government or any agency thereof. Language generally associated with deposits must be avoided to prevent creating the impression that insured deposits are being offered. The customer must be informed that he may become an unsecured creditor of the bank to the extent the market value of his security interest falls below the amount of the funds invested.[6]

It should again be noted that the no-action letters set forth herein do not encompass the antifraud provisions previously referred to, since the application of such provisions depends on the facts and circumstances surrounding each individual transaction. In addition, the no-action positions contained in the letters do not apply to transactions in which the issuer of the retail repos holds itself out as offering an investment, as opposed to a collateral, interest in a government security or pool of such securities. Characterizing an arrangement as involving a bank's or savings and loan association's "money market fund" or otherwise implying that retail repos are investment interests in a government security or pool of such securities may therefore raise disclosure and other questions under the securities laws.

The no-action letters set forth herein deal solely with retail repos, which are a relatively recent phenomenon. The letters do not discuss more traditional repurchase agreements that have been in use for a number of years. These traditional repurchase agreements essentially are short-term contracts to sell and repurchase entire government securities in large denominations. While the primary purpose of this release is to address the application of the federal securities laws to retail repos, the Commission believes it also would be useful to indicate briefly its views on these other types of repos.

Traditional repurchase agreements differ from retail repos in several significant respects. For example, traditional repos usually have a shorter duration (one day is not untypical), involve larger amounts (one million dollars is not uncommon), are privately negotiated rather than mass marketed, and involve entire government securities which often are delivered directly to the purchaser, an event which rarely, if ever, occurs in a retail repo transaction.

The economic realities of traditional repurchase agreements suggest that such agreements are not themselves separate securities. For purposes of the federal securities laws, however, they are deemed to involve the purchase and sale of the U.S. Government securities to which they relate. As a result, the antifraud provisions of such laws would apply to the offer, sale and purchase of U.S. Government securities occurring in connection with traditional repurchase agreements.[7]

The text of the two no-action letters relating to retail repos follows:

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[1] *See e.g.*, Board of Governors of Federal Reserve System Regulations D and Q, 12 CFR 204.2(a)(1), 217.1(f)(2).

[2] *See* Section 17(a) of the 1933 Act, and Section 10(b) of the 1934 Act and Rule 10b-5 thereunder.

[3] Section 17(a) of the 1933 Act applies to the offer and sale of securities, while Section 10(b) of the 1934 Act and Rule 10b-5 thereunder apply to the purchase and sale of securities.

[4] *See* Release No. 34-16321 (November 5, 1979).

[5] Federal Home Loan Bank Board Memorandum No. R-51A (September 9, 1981), which superseded Memorandum No. R-51 (May 11, 1981), and Comptroller of the Currency Banking Circular No. 157 (May 14, 1981).

[6] Comptroller of the Currency, Banking Circular No. 157 (May 13, 1981), p. 3. The Federal Home Loan Bank Board expressed similar views in its memorandum No. R-51A (September 9, 1981), pp. 5-7.

[7] The registration provisions of the securities laws, however, would not apply because U.S. government securities are exempt from those provisions. *See* section 3(a)(2) of the 1933 Act and sections 3(a)(12) and 12(g)(1)(B) of the 1934 Act.

Ms. A.
ABC Savings and Loan Association ("ABC S&L")

Dear Ms. A: This is in response to your letters of April 16, 1980, June 17, 1980 and May 12, 1981 regarding the proposed issuance by ABC S&L of certain "retail repurchase agreements" ("Agreements") without compliance with the registration provisions of the Securities Act of 1933 ("1933 Act"), the indenture qualification provisions of the Trust Indenture Act of 1939 ("1939 Act") and the broker-dealer registration provisions of the Securities Exchange Act of 1934 ("1934 Act").

We understand the material facts, as more fully set forth in your letters, to be as follows: ABC S&L proposes to issue these Agreements to various investors pursuant to the authority contained in 12 CFR Sections 531.12 and 556.10, which have been adopted by the Federal Home Loan Bank Board. You state that the Agreements will be debt obligations of ABC S&L, which in effect are secured by the transfer to the purchaser of a limited undivided interest in a security which will be a direct obligation of, or guaranteed as to principal and interest by, the United States ("government security"). These Agreements will be issued in $100 increments from a minimum of $3,000 to a maximum of $50,000, and will mature in not more than 89 days. The Agreements are not transferable and the purchasers thereof will not acquire membership or voting rights in ABC S&L. Neither party will have the right to an automatic extension of the Agreement.

B Bank will be the record owner of the government security and will hold it as custodian for the benefit of the purchasers of the Agreements. ABC S&L will notify B Bank of the issuance and sale of each Agreement and B Bank will maintain a record of the purchasers and the respective maturity dates of the Agreements. At the maturity date of the Agreement, the purchaser's collateral interest in the government security will terminate and this interest will revert to ABC S&L. The government securities held by B Bank are subject to withdrawal by ABC S&L, although ABC S&L agrees not to withdraw the government securities prior to payment of the Agreement secured thereby. In the event of default under the Agreements, B Bank would become, in effect, a trustee for the benefit of the purchasers.

The Agreements will be sold by officers of ABC S&L who are regular full-time employees (the "officer-employees"). Activities relating to the sale of agreements will comprise only a small portion of the officer-employees' time and will be incidental to their regular employment responsibilities. The officer-employees will not receive, directly or indirectly, any additional compensation or payment of commission or other special remuneration based on sales of Agreements or other securities.

It is your opinion that the Agreements, to the extent they are securities, are securities of, and are issued by, ABC S&L, and therefore are exempt from registration under the 1933 Act pursuant to Section 3(a)(5) thereof, and from the indenture qualification provisions of the 1939 Act pursuant to Section 304(a)(4)(A) thereof. Further, it is your opinion that neither ABC S&L nor its officer-employees would be "brokers" or "dealers" within the meaning of Sections 3(a)(4) and 3(a)(5) of the 1934 Act.

In support of your view that the Agreements are securities of ABC S&L rather than pass-through certificates or actual participations in the underlying government security, you have stated that upon maturity, purchasers of Agreements will look solely to ABC S&L for payment of their principal and interest, and you have made the following representations: (1) the purchaser of the Agreement obtains none of the economic characteristics of ownership of the underlying government security, including no risk of loss or opportunity of gain from capital value fluctuations of the government security over the term of the Agreement; (2) the resale price of the Agreement to be paid by ABC S&L represents a return of the purchaser's initial purchase price and interest to be paid in consideration of the initial purchase price; (3) the interest to be paid by ABC S&L to the purchaser is not limited to, or dependent upon, the interest rate earned by the government security; and (4) the maturity of the government security is not coterminous (except coincidentally) with the maturity of the Agreement which is secured by a limited interest in the government security.

Based on the facts presented and the above representations, this Division will not recommend any enforcement action to the Commission if, in reliance upon your opinion that the exemptions in Section 3(a)(5) of the 1933 Act and Section 304(a)(4)(A) of the 1939 Act would be available, the Agreements are issued as proposed without registration under the 1933 Act and without qualification of an indenture under the 1939 Act.

In addition, on the basis of the representations made in your letters, we have been advised that the Division of Market Regulation will not recommend enforcement action to the Commission if the officer-employees of ABC S&L do not register with the Commission as broker-dealers pursuant to Section 15 of the 1934 Act, in the event ABC S&L issues and sells Agreements in the manner described above.

Finally, even though the registration provisions of the 1933 Act do not appear to be applicable to the proposed Agreements discussed above, ABC S&L should be aware that the antifraud provisions of the federal securities laws would apply to their offer and sale. In this regard, ABC S&L should note that the staff has not passed upon the adequacy of any of the disclosure documents to be issued in connection with the proposed offering of the Agreements, and ABC S&L is reminded of its responsibility to insure that full and accurate disclosure is made in connection with the marketing of these Agreements, including disclosure of all information material to the investment risk assumed by the investors. In this regard, you may wish to consider Release No. 34–16321 (November 5, 1979), which deals with this issue, as well as Federal Home Loan Bank Board Memorandum No. R–51A (September 9, 1981). Also, it should be understood that the positions in this letter relate solely to the application of the federal securities laws and therefore do not affect the application of other laws or regulations to the Agreements.

Sincerely,

Peter J. Romeo,
Chief Counsel.

* * * * *

Mr. X.
XYZ Bank

Dear Mr. X: This is in response to your letters of August 16, 1979, January 10, 1980, August 5, 1980 and June 10, 1981 regarding the proposed issuance by XYZ Bank of certain "retail repurchase agreements" ("Agreements") without compliance with the registration provisions of the Securities Act of 1933 ("1933 Act") and the provisions of the Investment Company Act of 1940 ("1940 Act").

We understand the material facts, as more fully set forth in your letters and in telephone conversations with members of the staff, to be as follows. XYZ Bank proposes to issue the Agreements to various investors in accordance with exemptions from interest rate limitations and reserve requirements set forth in 12 CFR Parts 204 and 217 adopted by the Board of Governors of the Federal Reserve System. You state that the Agreements will be debt obligations of XYZ Bank which will be secured by the transfer to the purchaser of an interest in a pool of U.S. government securities ("government securities"). You have advised the staff that these Agreements will be issued in various denominations and are not negotiable.

The market value of the government securities used to collateralize the Agreements will be maintained at no less than 105 percent of the face amount of the Agreements. These securities will not leave the Federal Reserve Bank, and, upon repayment of the principal and interest due under the Agreements, the purchaser's interest in the government securities will cease and revert back to XYZ Bank.

It is XYZ Bank's opinion that the Agreements will constitute debt instruments of XYZ Bank, and that registration of these Agreements under the 1933 Act is not required in view of the exemption contained in Section 3(a)(2) of that Act. In support of this opinion, you have represented that (1) the purchaser of the Agreement obtains none of the economic characteristics of ownership of the underlying government securities, including no risk of loss or opportunity of gain from the capital value fluctuations of the government securities over the term of the Agreement; (2) the resale price of the Agreement to be paid by XYZ Bank represents a return of the purchaser's initial purchase price and interest to be paid in consideration of the initial purchase price; (3) the interest rate paid by XYZ Bank to the purchaser is not limited to, or dependent upon, the interest rate earned by the pool of government securities; and (4) the maturities of the government securities in the pool are not coterminous with the maturities of the Agreements which are secured by interests in the pool.

Based on the facts presented and the above representations, this Division will not recommend any enforcement action to the Commission if the Agreements are issued as proposed without registration under the 1933 Act.

In addition, the Division of Investment Management has advised us that it will not recommend that the Commission take any action against XYZ Bank under the 1940 Act if it enters into the proposed secured lending transactions in the form of Agreements secured by an interest in a pool of government securities. When a bank enters into an agreement relating to an interest in a pool of government securities, the Division of Investment Management, unless there are factors present which would suggest otherwise, such as the holding out of the arrangement as the conveyance of an investor's interest in a government security or pool of government securities, would insofar as the 1940 Act is concerned, regard the transaction as the issuance of a debt obligation of the bank which is collateralized by an interest in the pool. Based on the above representations, XYZ Bank's proposed Agreements seem to possess these characteristics. Therefore, the Division of Investment Management would not, insofar as the 1940 Act is concerned, regard the pool as an issuer of securities separate from XYZ Bank.

Finally, even though the registration provision of the 1933 Act and the provisions of the 1940 Act do not appear to be applicable to the Bank's proposed Agreements, the Bank should be aware that the antifraud provisions of the federal securities laws would apply to their offer and sale. In this regard, XYZ Bank should note that the staff has not passed upon the adequacy of any of the disclosure documents to be used in connection with the proposed offering of the Agreements, and XYZ Bank is reminded of its responsibility to insure that full and accurate disclosure is made in connection with the marketing of these Agreements, including disclosure of all information material to the investment risk assumed by the investors. In this regard, you may wish to consider Release No. 34-16321 (November 5, 1979), which deals with this issue, as well as Comptroller of the Currency Banking Circular No. 157 (May 13, 1981). Also, it should be understood that the positions in this letter relate to the application of the federal securities laws and therefore do not affect the application of other laws or regulations to the Agreements.

Sincerely,

Peter J. Romeo,

Chief Counsel.

* * * * *

Accordingly, 17 CFR Parts 231, 241, 261 and 271 are amended by adding thereto reference to this release.

By the Commission.

George A. Fitzsimmons,

Secretary.

September 25, 1981.

[FR Doc. 81-28750 Filed 10-1-81; 8:45 am]

BILLING CODE 8010-01-M

17 CFR Parts 231 and 271

[Release No. 33-6352 and IC-11960]

Effect of Revenue Ruling 81-225 on Issuers and Holders of Certain Variable Annuity Contracts

AGENCY: Securities and Exchange Commission.

ACTION: General statement of policy.

SUMMARY: The Securities and Exchange Commission announces a general statement of policy of its Division of Investment Management ("Division") concerning the effects and implications under the federal securities laws of an Internal Revenue Service revenue ruling that discusses the federal income tax status of earnings and/or gains derived from shares of one or more investment companies which constitute the funding media for certain variable annuity contracts offered through insurance company separate accounts organized and registered as unit investment trusts. This statement of policy expresses the views of the Division respecting certain disclosure requirements under the Securities Act of 1933 and certain matters relating to the Investment Company Act of 1940 which should be considered by the sponsors of such variable annuity separate accounts and the investment advisers and boards of directors of the underlying funding media.

EFFECTIVE DATE: September 28, 1981.

FOR FURTHER INFORMATION CONTACT: S. Elliott Cohan, Assistant Director (202-272-2060), or Mark J. Mackey, Special Counsel (202-272-2060), with respect to legal questions; Melville B. Cox, Jr., Branch Chief (202-272-2060), with respect to disclosure questions; or Lawrence A. Friend, Senior Accountant (202-272-2095), with respect to financial questions, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: Pursuant to the Internal Revenue Code of 1954, as amended [26 U.S.C. 1 et seq.] (the "Code"), the Internal Revenue Service ("IRS") on September 25, 1981, issued a ruling (Revenue Ruling 81-225) describing certain variable annuity contracts and reaching certain conclusions as to whether earnings and/or gains derived from certain underlying funding media are currently includable in the contractowner's gross income under Section 61(a) of the Code [26 U.S.C. 61(a)]. Essentially, the ruling deals with variable annuity contracts funded through an insurance company separate account organized and registered as a unit investment trust, which invests in shares of one or more open-end management investment companies, whether such investment companies (hereinafter referred to as "mutual funds") are advised by the insurance company, an affiliate of the insurance company, or an outside investment adviser.

Impact of Revenue Ruling

This general statement of policy is meant to apprise insurance company sponsors of unit investment trusts registered under the Investment Company Act of 1940 [15 U.S.C. 80a-1 et seq.] (the "1940 Act") which fund variable annuity contracts, and advisers and directors of the mutual funds underlying such trusts, of the Division's views regarding some of the disclosure responsibilities under the federal securities laws that arise from the IRS ruling, and certain other matters. This statement is not intended to be exhaustive; the burden remains on the sponsors, investment advisers, directors and others involved to consider the ramifications of the ruling and to take appropriate steps to ensure compliance with the securities laws.

Termination of Sales

A prospectus relating to a security issued by a unit investment trust separate account shall not be deemed to meet the requirements of Section 10 [15 U.S.C. 77j] of the Securities Act of 1933 [15 U.S.C. 77a et seq.] (the "1933 Act") unless the information contained therein is complete and accurate in all material respects. In this regard, it is the view of the Division that a prospectus that does not fully describe all of the tax consequences arising out of a contractowner's participation in a variable annuity omits to state material facts required to be stated therein or necessary to make the statements therein not misleading. Therefore, the Division believes that the prospectuses of those variable annuity separate accounts, the interests of which are affected by Revenue Ruling 81-225, will be inaccurate and incomplete with respect to disclosures regarding federal income tax consequences until such prospectuses are amended to disclose the effect of the ruling. Accordingly, registrants should discontinue all sales of securities described in such prospectuses until appropriate disclosures are made. Initial purchase payments for affected variable annuity contracts received after the close of business on September 24, 1981, i.e., the day preceding the ruling date, must, until adequate disclosure is made, be returned to contract purchasers.

The Division believes that the acceptance of periodic purchase payments under existing variable annuity contracts and the reinvestment of dividends from the underlying mutual funds might constitute the sale of a security under the securities laws. However, the Division recognizes that the failure to accept and invest periodic purchase payments and reinvest dividends could impose hardships on affected contractowners. Therefore, if the registrant decides that such action is appropriate in light of the revenue ruling, the Division will not recommend that the Commission take any enforcement action against registrants who accept and invest periodic purchase payments or reinvest dividends from underlying mutual funds subsequent to the issuance of the ruling without appropriate disclosure. The Division's position is subject to the condition that, as soon as reasonably possible and in no event later than thirty days after the date of the ruling, the required disclosure to affected contractowners is made. This no-action assurance is limited to situations arising out of the extraordinary circumstances brought about by the IRS ruling and should not be considered applicable for any other purposes.

Combination Contracts

Some insurance company sponsors of variable annuity separate accounts sell interests in such accounts in a combination arrangement with the insurance company's fixed annuity funded through the general account. The purchaser receives only the variable annuity prospectus but is permitted to allocate purchase payments between the separate and general accounts. These insurance companies are advised to consider the appropriateness of offering new contracts involving payments into the general account for the purchase of the fixed annuity portion of the combination contract when the prospectus describing the variable portion of the annuity contract omits material information until that prospectus is properly amended to disclose the effects of the IRS ruling.

Disclosure

Issuers upon whom the obligation of disclosure falls may revise their prospectus disclosure in order to resume sales either by updating their current prospectus pursuant to rule 424(c) under the 1933 Act [17 CFR 230.424(c)] or by filing a post-effective amendment. The Division believes that, regardless of which form is used, prospectuses sent to existing contractowners should highlight the changes made.

It is the view of the Division that adequate disclosure must include a complete reference to the revenue ruling, the date of the ruling, the effects of the ruling on the tax treatment of earnings and/or gains attributable to purchase payments made before and after the ruling, the effects on any reinvestment of dividends, and a statement concerning any plans the insurance company might have to change, or to offer a substitute for, the variable annuity contract in the future. These suggested areas of disclosure should not be considered as all-inclusive. Additional disclosure may be appropriate depending on the circumstances.

Responsibility of Mutual Funds

As a result of the revenue ruling, some underlying mutual funds might decide to terminate sales of their securities to either public shareholders or variable annuity separate accounts. If such a decision is made, the investment adviser and board of directors of each such fund should consider whether such termination should be disclosed in the fund's prospectus together with the ramifications of such decision. Among other things, any effect on the level of advisory fees and the fund's expense ratio should be considered.

Other Matters

The Division recognizes that variable annuity separate accounts, the contractowners of which are affected by the ruling, may need to modify their methods of operation in order to continue to issue new variable annuity contracts and service existing contractowners. These modifications may result in the need for exemptive relief from certain provisions of the 1940 Act. In this regard, if appropriate, the Division will recommend that the Commission grant emergency temporary relief. Moreover, in order to avoid disruption of the investment plans of variable annuity contractowners or purchasers, the Division will expedite the processing of disclosure documents so that separate account issuers can resume sales as quickly as possible.

In accordance with the foregoing, 17 CFR Parts 231 and 271 are amended by adding reference to this release thereto.

By the Commission.

George A. Fitzsimmons,

Secretary.

September 28, 1981.

[FR Doc. 81-28760 Filed 10-1-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 510, 520, 522, and 548

New Animal Drugs, Change of Drug Labeler Code

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect a change of drug labeler code for Wellcome Animal Health Division, Burroughs Wellcome Co.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: David L. Gordon, Bureau of Veterinary Medicine (HFV-238), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-6243.

SUPPLEMENTARY INFORMATION: In the Federal Register of February 3, 1981 (46 FR 10463), FDA issued a document changing the sponsor of several NADA's held by two divisions of Burroughs Wellcome Co., Wellcome Veterinary Division, and Jensen-Salsbery Laboratories, to Wellcome Animal Health Division. The document inadvertently identified the labeler code of the parent firm as that of the new entity. This document provides the correct labeler code.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052, May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Parts 510, 520, 522, and 548 are amended as follows:

PART 510—NEW ANIMAL DRUGS

1. In Part 510, § 510.600 is amended in paragraph (c)(1) in the entry "Welcome Animal Health Division" by removing drug labeler code "000081" and inserting in its place "017220", and in paragraph (c)(2) by removing the entry for "000081", and numerically adding a new entry "017220", 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
* * * * *	
Wellcome Animal Health Division, Burroughs Wellcome Co., Kansas City, MO 64106	017220
* * * * *	

(2) * * *

Drug labeler code	Firm name and address
*	* * * *
017220	Wellcome Animal Health Division, Burroughs Wellcome Co., Kansas City, MO 64106.
*	* * * *

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

2. Part 520 is amended:

§ 520.82a [Amended]

a. In § 520.82a *Aminopropazine fumarate tablets,* in paragraph (b) by removing "000081" and inserting in its place "017220".

§ 520.82b [Amended]

b. In § 520.82b *Aminopropazine fumarate, neomycin sulfate tablets,* in paragraph (b) by removing "000081" and inserting in its place "017220".

§ 520.222 [Amended]

c. In § 520.222 *Bunamidine hydrochloride,* in paragraph (c) by removing "000081" and inserting in its place "017220".

§ 520.784 [Amended]

d. In § 520.784 *Doxylamine succinate tablets,* in paragraph (b) by removing "000081" and inserting in its place "017220".

§ 520.863 [Amended]

e. In § 520.863 *Ethylisobutrazine hydrochloride tablets,* in paragraph (b) by removing "000081" and inserting in its place "017220".

§ 520.1120a [Amended]

f. In § 520.1120a *Haloxon drench,* in paragraph (c) by removing "000081" and inserting in its place "017220".

§ 520.1120b [Amended]

g. In § 520.1120b *Haloxon boluses,* in paragraph (c) by removing "000081" and inserting in its place "017220".

§ 520.1720a [Amended]

h. In § 520.1720a *Phenylbutazone tablets and boluses,* in paragraph (b)(1) by removing "000081" and inserting in its place "017220".

§ 520.1720b [Amended]

i. In § 520.1720b *Phenylbutazone granules,* in paragraph (b) by removing "000081" and inserting in its place "017220".

§ 520.2362 [Amended]

j. In § 520.2362 *Thenium closylate tablets,* in paragraph (c) by removing "000081" and inserting in its place "017220".

§ 520.2610 [Amended]

k. In § 520.2610 *Trimethoprim and sulfadiazine tablets,* in paragraph (b) by removing "000081" and inserting in its place "017220".

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

3. Part 522 is amended:

§ 522.82 [Amended]

a. In § 522.82 *Aminopropazine fumarate sterile solution injection,* in paragraph (b) by removing "000081" and inserting in its place "017220".

§ 522.784 [Amended]

b. In § 522.784 *Doxylamine succinate injection,* in paragraph (b) by removing "000081" and inserting in its place "017220".

§ 522.863 [Amended]

c. In § 522.863 *Ethylisobutrazine hydrochloride injection,* in paragraph (b) by removing "000081" and inserting in its place "017220".

§ 522.1155 [Amended]

d. In § 522.1155 *Imidocarb dipropionate sterile powder,* in paragraph (b) by removing "000081" and inserting in its place "017220".

§ 522.1720 [Amended]

e. In § 522.1720 *Phenylbutazone injection,* in paragraph (b)(1) by removing "000081" and inserting in its place "017220".

PART 548—CERTIFIABLE PEPTIDE ANTIBIOTIC DRUGS FOR ANIMAL USE

4. Part 548 is amended:

§ 548.314a [Amended]

a. In § 548.314a *Bacitracin, bacitracin zinc—neomycin sulfate—polymyin B sulfate ophthalmic ointment,* in paragraph (c)(2)(ii) by removing "000081" and inserting in its place "017220".

§ 548.314b [Amended]

b. In § 548.314b *Bacitracin zinc—polymyxin B sulfate—neomycin sulfate—hydrocortisone, hydrocortisone acetate ophthalmic ointment,* in paragraph (c)(2) by removing "000081" and inserting in its place "017220".

Effective date: October 2, 1981.

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

Dated: September 25, 1981.

Edward J. Ballitch,

Acting Associate Director for Surveillance and Compliance, Bureau of Veterinary Medicine.

[FR Doc. 81-28662 Filed 10-1-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs Not Subject to Certification; Tylosin Injection, Tylosin Tartrate for Injection

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 supplemental new animal drug application (NADA) filed by Elanco Products Co. providing revised labeling for use of tylosin injection for treating certain infections of cattle, swine, dogs, and cats. The supplemental NADA reflects the conclusions of the National Academy of Sciences/National Research Council (NAS/NRC) evaluation of the products. The regulations are further amended to increase the preslaughter withdrawal periods for cattle and swine.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Richard A. Carnevale, Bureau of Veterinary Medicine (HFV–125), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–1788.

SUPPLEMENTARY INFORMATION: Elanco Products Co., Division of Eli Lilly & Co., P.O. Box 1750, Indianapolis, IN 43206, is sponsor of several NADA'S for tylosin injection products which were the subject of the NAS/NRC evaluation published in the **Federal Register** of July 22, 1970 (35 FR 11714). The evaluation stated, and the agency concurred, that the products were probably effective for treating infections in cattle, swine, dogs, and cats when caused by pathogens sensitive to tylosin. The evaluation acknowledged tylosin's antimicrobial effect but required that each disease claim be properly qualified and that more information be collected on blood concentration levels to support the dosage schedule and claims.

Elanco responded to the NAS/NRC evaluation by submitting a supplemental NADA (12-965) for increasing the withdrawal period and dosage. The application provided data, information and revised labeling, specifically: (1) data qualifying each disease claim by specifying the causative organism, (2) data showing susceptibility of the causative organisms to tylosin, (3) published clinical investigations that support the effectiveness of tylosin against the disease conditions in cattle, swine, dogs, and cats, and (4) blood concentration studies, the results of which support a new dosage schedule.

Elanco's submission of revised labeling and supportive data and information supports upgrading the drug's NAS/NRC status from probably effective to effective. The supplemental NADA is approved and the regulation is amended to reflect the approval and to indicate the NAS/NRC approved conditions of use. This regulation also assigns the codification of the approved conditions of use to a new section in the Code of Federal Regulations.

The approval increases the slaughter withdrawal time from 8 to 21 days for cattle and 4 to 14 days for swine. The approval also increases the approved dosage of the drug.

In accordance with the Bureau of Veterinary Medicine's supplemental approval policy (42 FR 64367; December 23, 1977), the increases in withdrawal time and dosage correspond to a Category II supplemental change. Approval of this supplement will not result in increased exposure to residues of the drug because the drug has been regulated under conditions that result in greater, or at least comparable, exposure. Accordingly, approval has not required a full review of the underlying human safety data for tylosin before 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 (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, from 9 a.m. to 4 p.m., Monday through Friday.

The Bureau of Veterinary Medicine has 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.

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FROM NEW ANIMAL DRUGS NOT SUBJECT TO CERTIFICATION

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)) and redelegated to the Bureau of Veterinary Medicine (21 CFR 5.83), Part 522 is amended by redesignating § 522.2640 as § 522.2640a and revising it; and by adding new §§ 522.2640 and 522.2640b, to read as follows:

§ 522.2640 Tylosin injectable dosage forms.

§ 522.2640a Tylosin injection.

(a) *Specifications.* Each milliliter of sterile solution of 50 percent propylene glycol with 4 percent benzyl alcohol contains 50 or 200 milligrams of tylosin activity (as tylosin base).

(b) *Sponsor.* See No. 000986 in § 510.600(c) of this chapter.

(c) *NAS/NRC status.* These conditions of use are NAS/NRC reviewed and found effective. NADA's for these uses need not include effectiveness data as specified by § 514.111 of this chapter but may require bioequivalency and safety information.

(d) *Related tolerances.* See § 556.740 of this chapter.

(e) *Conditions of use*—(1) *Nonlactating cattle*—(i) *Amount.* 8 milligrams per pound of body weight once daily.

(ii) *Indications for use.* Treatment of bovine respiratory complex (shipping fever, pneumonia) usually associated with *Pasteurella multocida* and *Corynebacterium pyogenes;* foot rot (necrotic pododermatitis) and calf diphtheria caused by *Fusobacterium necrophorum* and metritis caused by *Corynebacterium pyogenes.*

(iii) *Limitations.* Administer intramuscularly for not more than 5 consecutive days. Continue treatment 24 hours after symptoms disappear. Do not inject more than 10 milliliters per site. Do not use in lactating dairy cattle. Use a 50-milligram-per-milliliter solution for nonlactating cattle weighing less than 200 pounds. Do not administer within 21 days of slaughter.

(2) *Swine*—(i) *Amount.* 4 milligrams per pound of body weight twice daily.

(ii) *Indications for use.* Treatment of swine arthritis caused by *Mycoplasma hyosynoviae;* swine pneumonia caused by *Pasteurella* spp.; swine erysipelas caused by *Erysipelothrix rhusiopathiae;* swine dysentery associated with *Treponema hyodysenteriae* when followed by appropriate medication in the drinking water and/or feed.

(iii) *Limitations.* Administer intramuscularly for not more than 3 consecutive days. Continue treatment 24 hours after symptoms disappear. Do not inject more than 5 milliliters per site. Use a 50-milligram-per-milliliter solution for treating swine weighing less than 200 pounds. Do not administer within 14 days of slaughter. If tylosin medicated drinking water is used as followup treatment for swine dysentery, the animal should thereafter receive feed containing 40 to 100 grams of tylosin per ton for 2 weeks to assure depletion of tissue residues.

(3) *Dogs and cats*—(i) *Amount.* 3 to 5 milligrams per pound of body weight at 12- to 24-hour intervals.

(ii) *Indications for use*—(*a*) *Dogs.* Treatment of upper respiratory infections such as bronchitis, tracheobronchitis, tracheitis, laryngitis, tonsillitis, and pneumonia caused by *Staphylococci* spp., hemolytic *Streptococci* spp., and *Pasteurella multocida.*

(*b*) *Cats.* Treatment of upper respiratory infections when caused by *Staphylococci* spp. and hemolytic *Streptococci* spp. and for feline pneumonitis when caused by tylosin susceptible organisms.

(iii) *Limitations.* For intramuscular use only. If there is no response to therapy in 5 days, diagnosis and treatment should be reassessed. Use a 50-milligram-per-milliliter solution only. Dogs and cats receiving a dose of less than 50 milligrams (1 milliliter) should be dosed with a tuberculin syringe. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

§ 522.2640b Tylosin tartrate for injection.

(a) *Specifications.* The drug is a sterile powder containing a mixture of tylosin tartrate and sodium citrate which is reconstituted to provide 25 milligrams of tylosin activity per milliliter.

(b) *Sponsor.* See No. 000986 in § 510.600(c) of this chapter.

(c) *Related tolerances.* See § 556.740 of this chapter.

(d) *Conditions of use*—(1) *Chickens*—(i) *Amount.* 25 milligrams per 2 pounds of body weight.

(ii) *Indications for use.* As an aid in the control and treatment of chronic respiratory disease caused by *Mycoplasma gallisepticum* sensitive to tylosin.

(iii) *Limitations.* Not for use in laying chickens producing eggs for human consumption; inject under the loose skin of the neck behind the head; if no improvement is noted within 5 days, diagnosis should be reevaluated; do not treat within 3 days of slaughter.

(2) *Turkeys*—(i) *Amount.* 6.25 to 12.5 milligrams per sinus.

(ii) *Indications for use.* As an aid in the control and treatment of infectious sinusitis caused by *Mycoplasma gallisepticum* sensitive to tylosin.

(iii) *Limitations.* Do not use in laying turkeys producing eggs for human consumption; inject 6.25 milligrams to 12.5 milligrams per sinus depending on severity of condition; treatment may be repeated in 10 days if the swelling persists; do not treat within 5 days of slaughter; may be used in conjunction with tylosin in drinking water as indicated in § 520.2640(e)(2) of this chapter.

Effective date. October 2, 1981.

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

Dated: September 25, 1981.

Robert A. Baldwin,

Associate Director for Scientific Evaluation.

[FR Doc. 81-28489 Filed 10-1-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Government National Mortgage Association

24 CFR Part 300

[Docket No. R-81-939]

Addition to List of Attorneys-in-Fact

AGENCY: Department of Housing and Urban Development.

ACTION: Final rule.

SUMMARY: This amendment updates the current list of attorneys-in-fact by amending paragraph (c) of 24 CFR 300.11. These attorneys-in-fact are authorized to act for the Association by executing documents in its name in conjunction with servicing GNMA's mortgage purchase programs, all as more fully described in paragraph (a) of 24 CFR 300.11.

EFFECTIVE DATE: November 12, 1981.

ADDRESS: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Mr. William J. Linane, Office of General Counsel, on (202) 755-7186.

SUPPLEMENTARY INFORMATION: Notice and public procedure on this amendment are unnecessary and impracticable because of the large volume of legal documents that must be executed on behalf of the Association.

PART 300—GENERAL

Paragraph (c) of § 300.11 is amended by adding the following name to the current list of attorneys-in-fact:

§ 300.11 Power of Attorney

* * * * *

(c) * * *

Name and Region

Robert J. Mahn, Washington, D.C.

* * * * *

(Sec. 309(d), National Housing Act, (12 U.S.C. 1723a(d)); sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., September 17, 1981.

R. Frederick Taylor,

Executive Vice President, Government National Mortgage Association.

[FR Doc. 81-28788 Filed 10-1-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 290

[T.D. ATF-92]

Incorporations by Reference and Referenced Materials; Approval and Editorial Changes

Correction

In the FR Doc. 81-27654 appearing on page 46910 in the issue of Wednesday, September 23, 1981, make the following correction:

On page 46923, middle column, in the first line at the top of the page, the section heading now designated "§ 290.19 . . ." should have been designated "§ 290.129 . . .".

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

29 CFR Part 56

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Human Development Services

45 CFR Part 224

Work Incentive Program for AFDC Recipients Under Title IV of the Social Security Act

Note.—This document originally appeared in the **Federal Register** for Thursday, October 1, 1981. It is reprinted in this issue to meet requirements for publication on the Tuesday/Friday schedule assigned to the Department of Labor.

AGENCIES: Employment and Training Administration, Labor; and Office of Human Development Services, Health and Human Services.

ACTION: Interim Final rules with a 60-day comment period.

SUMMARY: The Secretary of Labor, and the Secretary of Health and Human Services, are jointly revising on an interim basis the regulations for the Work Incentive Program. These rules are made necessary by the Social Security Disability Amendments of 1980. Other necessary technical changes are also being made.

DATE: Effective October 1, 1981, except that sections 45 CFR 224.41 and 29 CFR 56.41 will not become effective until approval after that date by the Office of Management and Budget pursuant to provisions of Executive Order 12291. However, consideration will be given to comments received before November 2, 1981. These will be carefully considered, and any changes to these regulations or our reasons for not accepting recommendations for change will be published in the **Federal Register.**

ADDRESSES: Mail or deliver comments to the Executive Director, Work Incentive Program, Patrick Henry Building, Room 5102, 601 D Street NW., Washington, D.C. 20213. Agencies and organizations are requested to submit comments in duplicate. Beginning October 15, 1981, these comments shall be available for public review at the above address, between the hours of 9 a.m. and 4 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Robert Easley, (202) 376-7030.

SUPPLEMENTARY INFORMATION:

Backgound

The purpose of the WIN program is to utilize all available employment and social services, including those authorized under provisions of other laws, so that individuals receiving Aid to Families with Dependent Children (AFDC) under Part A of Title IV of the Social Security Act will be furnished incentives, opportunities, and necessary services for (1) the employment of such individuals in the regular economy, (2) the training of such individuals for work in the regular economy, and (3) the participation of such individuals in WIN public service employment, thus assisting the families of such individuals to achieve economic independence and to assume useful roles in their communities.

History of the WIN Program

Enactment of amendments to Title IV of the Social Security Act in 1967, authorizing the Work Incentive Program (Pub. L. 90–248), was a recognition of the need for an employment program directed to the special needs of public assistance recipients and their families. Earlier measures funded under the Manpower Development and Training Act of 1962 (Pub. L. 87–415) and the Economic Opportunity Act of 1964 (Pub. L. 88–452) provided some assistance to this group but did not address the multiple problems of the public assistance population, and had limited impact.

Under the 1967 legislation, registration in WIN was by referral of persons deemed by public welfare agencies to be appropriate for participation. An employment plan tailored to the specific needs and goals of each individual was developed jointly by the registrant and WIN staff. Emphasis tended to be on the provision of classroom training and other aids to employability development, rather than on immediate job placement.

Amendments to Title IV of the Social Security Act (Act) in December 1971 (Pub. L. 92–223) changed the administration and focus of the program. WIN registration was mandated for all persons at least 16 years of age receiving or applying for AFDC, unless legally exempt. Exemption were provided under Section 402(a)(19)(A) of the Act (42 U.S.C. 602(a)(19)(A)) for full-time students, the ill and disabled, persons too remote from WIN program sites, and certain persons needed to care for a family member in the home.

The emphasis was shifted from employability development to employment at the earliest point feasible in the registrant's WIN experience. Changes in regulations which became effective in 1976 further increased the emphasis on direct placement into unsubsidized employment. See, e.g., 41 FR 47700 (October 29, 1976).

Employment-related social services are arranged for or provided by separate administrative unit (SAU) staff who participate with WIN sponsor staff to develop individual employability plans with registrants. These services can include child care, remedial medical services, home management, counseling, family planning, and transportation to needed services.

Administration

The WIN program is administered by the National Coordinating Committee (NCC) at the National level (which is composed of the Assistant Secretary for Employment and Training, Department of Labor (DOL) and the Assistant Secretary for Human Development Services, Department of Health and Human Services (DHHS)) and the Regional Coordination Committees (RCCs) (which is composed of Regional Administrators from both Departments) in each Region. The RCC reviews and approves State WIN plans and oversees the operational and administrative procedures of state programs.

At the State level, the State WIN sponsor and the State welfare agency develop an annual State WIN plan for operation of the WIN program in the State and submit it to the appropriate Regional Coordination Committee for approval. The State WIN sponsor and State welfare agency also administer and supervise the administration of the WIN program in each State.

At the local level, there are three units involved—the income maintenance unit (IMU), the WIN sponsor, and the separate administration unit (SAU). The IMU determines AFDC eligibility and exemption status and refers suitable persons to the WIN program. The WIN sponsor (usually part of the State job service) registers referred individuals and provides work and training services. The WIN sponsor and the SAU appraise registrants and develop an employability plan for each registrant found suitable for participation in the program. The SAU furnishes social services to enable registrants to engage in employment, training, and employment-related activities.

Summary of the 1980 Amendments

Section 401 of the Social Security Disability Amendments of 1980 (Pub. L. 96–265) includes amendments to update and introduce changes to the WIN legislation to make the program more effective for WIN registrants.

The changes, as follow, also reflect WIN operational experience over the years, research findings, and the legislative intent to help welfare recipients to become employed:

(1) The 1980 amendments provide authority for requiring employment search activities for WIN registrants, including applicants; and authorize reimbursement of employment search expenses of all participants.

(2) The 1980 amendments authorize, for the first time, the provision of supportive services to applicants as well as recipients, when needed to support employment-related activities;

(3) The amendments also exempt AFDC applicants and recipients who work not less than 30 hours a week from registration. This will eliminate the WIN registration requirements for those working individuals and reduce paperwork requirements of local WIN staff;

(4) The amendments authorize the Secretaries of DOL and DHHS to define sanction periods in cases where individuals fail or refuse to participate in WIN, terminate or refuse to accept employment, or reduce earnings without good cause;

(5) The amendments eliminate the 60-day counseling period previously required for individuals refusing to participate without good cause;

(6) Other changes are designed to bring the public employment agencies and the public welfare agencies, which are respectively responsible for administering the employment-related and social services-related aspects of WIN, into closer cooperation and communication by encouraging the collocation of their local offices;

(7) The legislation provides that individuals not be referred to employment which does not meet the appropriate work criteria;

(8) In the past, a State's 10 percent match for social services expenditures had to be in cash. Under the new legislation, this share may also be "in-kind" which conforms to the State's employment and training expenditures match; and

(9) The 1980 amendments clarify that there is no disregard of income from WIN public service employment in the calculation of the standard of need for an AFDC grant.

Discussion of Amendments to WIN Regulations Implementing Section 401 of the 1980 Amendments (Pub. L. 96–265)

1. *Authorization of Employment-related Activities.*

a. *The Statute: Section 402(a)(19)(A) of the Social Security Act.*

Before the 1980 amendments, an AFDC applicant or recipient had to register under the WIN program for employment services, training, and employment.

The amendments now also authorize an AFDC applicant or recipient to participate in employment-related activities, including employment search. This new activity is supported by research and demonstration findings that the potential for registrants' success in obtaining employment is increased if registrants are exposed to jobs and job-finding skills as quickly as possible.

The Senate Finance Committee reported that:

> Despite growing success in placing AFDC recipients in employment, the committee believes that the present statutory requirements should be strengthened in such a way as to provide additional encouragement for welfare recipients to move into employment. The committee further believes that AFDC recipients who are able to work should be required to actively seek employment and that this should be made explicit in the law. The committee amendment therefore would amend Title IV-A to provide that AFDC recipients who are not excluded from WIN registration by law will be required, as a condition of continuing eligibility for AFDC, to participate in the full range of employment-related activities which are part of the WIN program, including employment search activities * * *. The committee anticipates that with such an employment search requirement, substantial numbers of AFDC recipients will find jobs and welfare costs will be reduced.
>
> [S. Rep. No. 96-408, 96th Cong., 1st Sess., 63 (1979).]

b. *The Rule: 29 CFR 56.41 and 45 CFR 224.41 of the regulations.*

The "intensive manpower services" (IMS) component previously established in 29 CFR 56.41 (1980) and 45 CFR 224.41 (1980) has been discontinued. IMS activities have been incorporated into the new "employment-related activities," which is an umbrella activity for WIN job-seeking, designed to enable staff to work with more registrants, including AFDC applicants.

This rule will enable a larger number of WIN registrants to engage in employment search supported by instruction, counseling, and guidance. WIN participants in employment-related activities will have access to the full range of WIN jobseeking services, and will be able to take part on a schedule developed for each individual on consecutive or intermittent days, based on the person's needs and goals.

States will have the flexibility to design the employment-related activities, and to establish the criteria for selection of WIN registrants and the level of services to be provided.

The 1980 amendments provide that employment search not exceed eight weeks each year. DHHS and DOL interpret eight weeks of employment search to mean 40 work days. This definition gives the flexibility needed at the local level to provide for individual registrants' differing needs and situations. The 40-day limit is on *required* employment search. Additional voluntary participation on the part of the WIN registrant is encouraged.

Although an AFDC applicant or recipient must register with the WIN program for employment services, training, employment, and other employment-related activities (including employment search), participation in employment-related activities is not required of all WIN registrants. Local WIN offices will select the registrants for this activity on an individual basis in accordance with established practices.

2. *Social Services for Employment-related Activities for AFDC Applicants and Recipients.*

a. *The Statute: Section 402(a)(19)(G)(ii)(II) of the Social Security Act.*

The 1980 amendments require that social services needed to support WIN registrants in employment-related activities be provided. The major change is the authorization that permits the extension of the provision of purchased social services to AFDC *applicants*, as well as recipients, to enable them to participate.

This change enables WIN to provide immediate services to WIN registrants, and in many cases, to assist them to obtain a job before they become AFDC recipients. Research findings show that the faster a WIN registrant is assisted the more likely he or she is to be successful in getting a job and become self-supporting. Research reports and the results of demonstrations have been made available to the States to enable them to incorporate the "immediate services" concept into program operations.

b. *The Rule: 29 CFR 56.22 and 45 CFR 224.22; and 29 CFR 56.30 and 45 CFR 224.30 of the regulations.*

Under the revision of the regulations WIN will now be enabled to pay for social services for AFDC *applicants* so that applicants can participate in employment-related activities. Applicants may be certified, or services can be arranged for or provided on an occasional basis without certification so that applicants can participate in employment-related activities. This flexibility enables local staff to assist appropriate individuals as soon as possible after registration.

Whether to certify an applicant or wait for eligibility determination before certification will be a local program decision. The issue is to plan what is in the best interest of the participant to successfully obtain employment, with or without services, as the individual case may require.

3. *Exemption from WIN Registration for Working AFDC Applicants and Recipients*

a. *The Statute: Section 402(a)(19)(A)(vii) of the Social Security Act.*

The amendments add another exemption from the WIN registration requirements for AFDC applicants and recipients who are working not less than 30 hours per week.

b. *The Rule: 29 CFR 56.20 and 45 CFR 224.20; and 29 CFR 56.21(a)(5) and 45 CFR 224.21(a)(5) of the regulations.*

In the revisions of the regulations, DHHS and DOL have interpreted this amendment to apply to only those persons working in unsubsidized employment. Subsidized employment is considered to be temporary in WIN, and individuals in such employment remain registrants so that services can be provided to assist them to obtain unsubsidized employment. This exemption is used only for employment expected to last at least 30 days since employment of less than 30 days is not regular full-time employment.

The WIN sponsor is required to include, as part of its notification to the Income Maintenance Unit (IMU) of a registrant's employment, the number of hours, and expected duration of employment.

The purpose of this is to assist the IMU to determine whether the employment is full-time, and to apply the appropriate exemption criterion.

Individuals in full-time unsubsidized employment will no longer lose their AFDC assistance payments for not being registered. They may volunteer to register for WIN or to stay in WIN if they choose.

This new exemption will result in the deregistration from WIN of mandatory registrants who are working substantially full-time.

This change will free staff, who now register employed applicants and recipients, to work with WIN registrants who are not already employed and are more in need of WIN services. In addition, working individuals will no longer have to take time away from their jobs to register.

4. *Determination of Sanction Periods*

a. *The Statute: Section 402(a)(19)(F) of the Social Security Act.*

The sanction period is the time during which an individual, deregistered for failure or refusal to participate, is not permitted to reregister for WIN and therefore is not eligible for the AFDC grant unless he or she is a voluntary WIN registrant.

The WIN regulations originally contained fixed sanction periods of three and six months respectively for the first and subsequent failures or refusals of a WIN registrant to participate in WIN without good cause. This was to assure compliance with the Congressional intent at the time the legislation was enacted that WIN registrants participate in the WIN program in order to be eligible to continue to receive an AFDC grant.

However, specific authority for the Secretaries of Labor and Health and Human Services to prescribe the sanction period(s) was not contained in the law. The law previously stated that the mandatory WIN registrant's portion of the AFDC grant be removed "for so long as" the individual failed or refused to participate in the WIN program without good cause. The Federal courts in *McLean* v. *Califano*, 458 F. Supp. 285 (S.D.N.Y. 1977); *Crosby* v. *Califano*, Civil Action No. 73 (S.D.Ill. 1979); and other cases nullified the section of the WIN regulations which prescribed fixed sanction periods. The courts found that fixed sanction periods did not comport with the law. To comply with these decisions and orders the WIN regulations were amended in April 1980 to provide for flexible sanctions based on the length of time that the individual failed or refused to participate without good cause. See 45 FR 27414 (April 22, 1980).

DHHS and DOL believe that Congress intended in the 1980 amendments to permit fixed sanction periods to be imposed for those individuals who without good cause fail or refuse to participate or terminate or refuse to accept employment or reduce earnings. The 1980 amendments to section 402 (a)(19)(F) of the Act (42 U.S.C. 602 (a)(19)(F) expressly permit sanction periods to be prescribed by joint regulations of the Secretaries of Labor and Health and Human Services. In accordance with section 402(a) (19) (F) of the Act, the sanctions also apply when an individual refuses to accept employment offered through the State public employment offices or a bona fide offer of employment from any source. The regulations make clear that terminating employment or reducing earnings without good cause invokes the sanctions, since such actions are, as a practical matter, equivalent to a refusal to accept employment.

b. *The Rule: 29 CFR 56.51 and 45 CFR 224.51 of the regulations.*

The revision to the regulations provides for a three "payment-month" sanction period when a registrant without good cause first fails or refuses to participate, terminates or refuses to accept employment, or reduces earnings and a six "payment-month" period for subsequent failures, refusals, terminations, or reductions. The three- and six-month sanction periods which applied before the court decisions were effective deterrents against individuals who tried to avoid participation in WIN while remaining on AFDC. A payment month is defined in 45 CFR 233.21 (b)(4) as the fiscal or calendar month for which an agency shall pay assistance.

Following an initial sanction period, the six "payment-month" suspension is an even greater deterrent for an individual who may again contemplate failing or refusing to participate or terminating or refusing to accept employment or reducing earnings. Previous experiences with more stringent sanctions show that they improve compliance with program requirements, standards and objectives.

The six "payment-month" sanction period also reflects the opinion of both Departments that individuals who again fail or refuse to participate, terminate or refuse to accept employment, or reduce earnings without good cause after having regained eligibility should receive a harsher sanction.

The use of "payment-month" periods will facilitate implementation of the grant adjustment, since most States' AFDC grant payments are paid on a "payment-month" basis. The sanction will become effective on the first day of the first payment month that the sanctioned individual's needs are removed from the grant.

5. *Elimination of the 60-Day Counseling Period*

a. *The Statute: Section 402(a)(19)(F) of the Social Security Act.*

Before the 1980 amendments, AFDC payments continued to be paid during a counseling period even though the recipient had failed to participate in a WIN program, or refused employment, without good cause.

The requirement for a 60-day counseling period has been stricken from the Act by the 1980 amendments. Elimination of the counseling streamlines case processing following an adverse determination or decision. It also emphasizes the importance of conciliating grievances and disputes informally, before positions become polarized, and before it becomes necessary for a registrant to request a hearing.

b. *The Rule: The provisions of 29 CFR 56.76 and 45 CFR 224.76 of the old regulations have been deleted.*

The revision to the regulations deletes the requirement for a 60-day counseling period.

6. *Collocation of Social Services Staff and Employment and Training Staff*

a. *The Statute: Section 402(a)(19)(G)(i) of the Social Security Act.*

The amendments provide that the local Separate Administrative Unit (SAU) staff and WIN employment and training staff be located in the same facility, "to the maximum extent feasible."

b. *The Rule: 29 CFR 56.30(a) and 45 CFR 224.30(a) of the regulations.*

It has been the policy of WIN to encourage local SAU staff and local WIN sponsor staff to be located in the same office for the convenience of the WIN registrant, and to improve the communication and working relationship between the staff of the two agencies. Although research has not been conclusive on this, the program administrators believe that proximity does foster more efficient working arrangements for jointly appraising and developing employability plans for individuals, and for providing other WIN services.

Under the revision of the regulations, collocation is not required, but will be encouraged to the maximum extent feasible. The WIN National Coordinating Committee will issue guidelines dealing with methods for accomplishing consolidation of staff offices and improving program performance.

7. *Prohibition of Referral to Jobs Known Not to Meet Appropriate Work Criteria*

a. *The Statute: Section 402(a)(19) (H) of the Social Security Act.*

This provision requires that individuals participating in employment search activities will not be referred to employment opportunities which do not meet the criteria for appropriate work.

b. *The Rule: 29 CFR 56.34 and 45 CFR 224.34 of the regulations.*

WIN registrants are not required to take jobs which do not meet established appropriate work criteria. This revision will prohibit WIN staff from referring registrants to jobs which are known not to meet the appropriate work criteria.

8. *Authorization of State In-Kind Match for Social Services*

a. *The Statute: Section 403(d)(1) of the Social Security Act.*

This authorization eliminates a disparity in matching provisions for

Federal funds for the State welfare agency and the State WIN sponsor. In the past, the WIN sponsor was allowed an in-kind match under Section 435 of the Social Security Act, but the welfare agency was not.

b. *The Rule: 29 CFR 56.16 and 45 CFR 224.16 of the regulations.*

The revision to the regulations allows an in-kind match for social services and thereby brings conformity to the matching funds provisions for both the State welfare agency and the State WIN sponsor.

9. *Clarification of Treatment of WIN Public Service Employment (PSE) Income in the Calculation of AFDC Grants*

a. *The Statute: Section 402(a)(19)(D) of the Social Security Act.*

This provision specifies that incentive payments and allowances for transportation and other job related training costs paid to a family member participating in employment training will be disregarded in the calculation of an AFDC grant.

The 1980 amendments deleted the requirement that income derived from a special work project under the WIN public service employment program also be disregarded. This means that income from WIN public service employment must be counted.

b. *The Rule: 29 CFR 56.40 and 45 CFR 224.40 of the regulations.*

This clarifying amendment does not affect WIN regulations which already provide that the disregards are not available to registrants in WIN PSE.

Technical and Clarifying Changes to Definitions

29 CFR 56.1 and 45 CFR 224.1 of the regulations.

The definitions below have been revised, deleted, or added to explain, clarify, change, or redefine certain terms in the previous regulations which were affected by changes resulting from the 1980 amendments.

"*Component*" now identifies the WIN components such as on-the-job training and public service employment. However, employment-related activities and social services are not components.

"*Employability-related activities*" has been added. This term is defined as services to assist registrants in locating and securing unsubsidized employment.

"*Employment search*" has been added; this activity is now part of the new "*employment-related activities*" in which registrants are provided with group job seeking, job seeking skills, job development assistance, and referrals, and in which they actively contact employers in their effort to secure jobs.

"*Intensive manpower services (IMS)*" has been eliminated because the IMS component has been discontinued. (See the definition of the new "*employment-related activities*").

Justification for Dispensing With Prior Notice of Proposed Rulemaking and 30-Day Implementation Period

These regulations implement Section 401 of the Social Security Disability Amendments of 1980 (Pub. L. 96–265), by conforming the regulations to the statutes.

The terms of Section 401 are, for the most part, clear and do not permit the exercise of discretion by the Secretary. Accordingly, it is unnecessary to utilize notice and comment procedures with respect to those revisions in the regulations that simply incorporate the provisions of Section 401 and make conforming changes.

The only significant exercise of discretion embodied in these regulations is determination of the sanction periods authorized by Section 401. As described above, the sanction periods selected are the same periods as were established in the Department's regulations prior to the court cases that were overturned by the 1980 Amendments. These sanction periods were adopted through notice-and-comment procedures, and the Department has thus previously obtained and considered the views of the public on this matter. In light of this fact and the fact that Section 401 was effective on September 30, 1980, the Secretary has concluded that it would be contrary to the public interest further to delay the implementation of Section 401 through issuance of a notice of proposed rulemaking. However, the comments of the public are requested on these Interim Final Rules.

We will carefully consider all comments. We will then publish in the **Federal Register** a final regulation. The final regulation will include a summary of the comments, together with any revision of these regulations resulting from comments or our reasons for not accepting suggested revisions.

We are dispensing with the 30-day delay in effective date after publication. Both agencies have found that good cause exists for these regulations to become effective on October 1, 1981 since publication of these regulations has been delayed.

Regulatory Flexibility Act

The Secretaries certify in accordance with Section 603 of the Regulatory Flexibiity Act, Pub. L. 96–354 (5 U.S.C. 603) 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. Consequently, an initial regulatory flexibility analysis has not been prepared for this rule. Most of the provisions of the rule impose conditions for Federal financial participation on State agencies and do not impact on small entities.

Executive Order 12291

The Secretaries have also determined in accordance with Executive Order 12291 that the rule does not constitute a major rule requiring the preparation of a regulatory impact analysis. The regulation is not likely to result in: (1) An annual effect on the economy of $100 million or more; (2) a major increase in cost prices for consumers, individual industries, Federal, State or local government agencies or geographic regions; or (3) significant adverse effects on competition, employment, investment and innovation.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1980, Pub. L. 96–511, all Departments are required to submit to the Office of Management and Budget for review and approval any reporting or recordkeeping requirements inherent in a proposed and final rule. This rule increases the Federal paperwork burden for WIN State agencies. 15 CFR 224.41 and 29 CFR 56.41 specify that each state WIN sponsor must establish a program of employment related activities in each WIN site to assist registrants to obtain employment. This requires the development of standards of participation which must be included in the State WIN plan. The Department will submit this section of the final regulation to OMB for review.

(Catalog of Federal Domestic Assistance Program No. 13.646, "Work Incentive Program (WIN)".)

(402 (a)(7), 402(a)(19), 430–444, 1102 of the Social Security Act, as amended. 49 Stat. 647 (42 U.S.C. 602(a)(7), 630–644, 1302))

Dated: August 14, 1981.

Dorcas R. Hardy,

Assistant Secretary for Human Development Services.

Approved: September 17, 1981.

Richard S. Schweiker,

Secretary, Health and Human Services.

Dated: September 23, 1981.

Albert Angrisani,

Assistant Secretary.

Approved: September 29, 1981.

Raymond J. Donovan,

Secretary, Department of Labor.

For reasons set out in the preamble, Part 56 of Title 29 of the Code of Federal Regulations is amended as set forth below:

Title 29—Labor

Subtitle A—Office of the Secretary

PART 56—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Subpart A—Purpose and Scope and Definitions

1. Section 56.1 is amended as follows:

§ 56.1 Definitions [Amended]

(a) By revising certain definitions as follows:

* * * * *

Certification means a written notice from the SAU that necessary supportive services have been arranged or are available to enable a WIN registrant to accept employment, training, manpower services, or other employment-related activities, or that no supportive services are needed and that the individual is at that time ready for employment or training.

* * * * *

Component means a structured regularly scheduled program activity for certified registrants such as OJT, WIN PSE, institutional training, and work experience, but not employment-related activities or supportive services.

* * * * *

Exempt refers to an AFDC applicant or recipient who is not required by the Act to register for employment, training, or other employment-related activities under the WIN program as a condition of eligibility for AFDC.

* * * * *

Mandatory or Nonexempt Registrant means an AFDC applicant or recipient who is required by the Act to register for manpower services, training, employment, or other employment-related activities, as a condition of eligibility for AFDC.

* * * * *

Registrant means an AFDC applicant or recipient who has registered with the WIN sponsor for manpower services, training, employment, and other employment-related activities.

* * * * *

State WIN Plan means the Statewide operational plan for WIN, covering AFDC applicants and recipients who register for employment, other employment-related activities, manpower services and training under WIN, developed by the WIN sponsor and SAU in each state and approved and supervised by the RCC under title IV, of the Act.

* * * * *

Supportive Services means those social services provided or arranged by the SAU, necessary to enable an individual to engage in employment, other employment-related activities, or training.

* * * * *

Volunteer means an AFDC applicant or recipient who, though exempt from WIN registration, volunteers for WIN and registers for employment, other employment-related activities, manpower services and training.

* * * * *

WIN Incentive Payment means a cash payment of up to $30 per month, paid to an individual who is participating in an institutional or work experience component.

* * * * *

Work Experience Training means a clearly defined, well-supervised assignment with a public or nonprofit private employer.

(b) By removing the term "Intensive Manpower Services Component";

(c) By adding the following two terms in proper alphabetical sequence:

* * * * *

Employment-related Activities means activities providing employment and training services to WIN registrants to assist them in locating and securing unsubsidized employment. Employment-related activities include employment search.

Employment Search is the part of employment-related activities where registrants are provided with job seeking skills, job development assistance and referrals, and actively contact employers in their effort to secure jobs.

* * * * *

Subpart B—Administration

2. In § 56.16 paragraph (b) is revised to read as follows:

§ 56.16 Non-Federal contribution.

* * * * *

(b) The State welfare agency shall assure a non-Federal cash or in-kind contribution of 10 percent of the cost of supportive services and related administrative expenses incurred by the SAU under Title IV-A of the Act.

* * * * *

Subpart C—Requirements and Procedures for Registration, for Appraisal and Certification

3. In § 56.20 paragraphs (a) and (c)(4) are revised and paragraph (b)(10) is added to read as follows:

§ 56.20 Registration requirements for AFDC applicants and recipients; State plan requirements.

A State plan under Title IV-A of the Social Security Act must provide that:

(a) All applicants and recipients who are required to register by section 402(a)(19)(A) of the Act shall register for manpower services, training, employment, and other employment-related activities as a condition of eligibility for AFDC, except as otherwise provided under paragraph (b) of this section;

(b) * * *

(10) A person who is working not less than 30 hours per week in unsubsidized employment expected to last a minimum of 30 days. This exemption continues to apply if there is a temporary break in full-time employment expected to last no longer than 10 work days.

(c) * * *

(4) Exempt applicants and recipients in WIN project areas may choose to register voluntarily for manpower services, training employment, and employment-related activities, and may withdraw such registration at any time without loss of AFDC benefits, provided their status has not changed in a way which would require registration; and

* * * * *

4. In § 56.21, Paragraph (a)(5) is revised to read as follows:

§ 56.21 Registration procedures.

(a) * * *

(5) Notify the IMU of any employment or other change of status which may affect an individual's AFDC eligibility or the amount of the AFDC payment. Included in this notification will be the hours and expected duration of employment.

* * * * *

5. Section 56.22 is amended by revising paragraph (e), adding a new paragraph (f) and redesignating existing paragraphs (f) and (g) as (g) and (h) to read as follows:

§ 56.22 Appraisal and certification.

* * * * *

(e) The SAU shall certify in writing that the necessary immediate and ongoing supportive services have been provided or arranged, or that no such services are required for those individuals who have been selected for participation in a WIN component. The SAU shall also certify registrants who are recipients who are selected to participate in employment-related activities. When certified, the individual shall be placed in employment if appropriate work that the individual can perform is available. If the individual cannot be immediately placed in employment, he shall be placed in employment-related activities, on-the-job training, public service employment, institutional training or in any other manpower program or activity.

(f) The SAU may provide or arrange for social services for AFDC applicants to enable them to participate in employment-related activities. Such applicants may be certified, or services may be provided or arranged on an occasional basis without certification.

* * * * *

Subpart D—Supportive and Manpower Services and Protective Provisions

6. Section 56.30 is amended by removing paragraph (b)(5) and by revising paragraphs (a), (b)(2), (b)(3), and (e) to read as follows:

§ 56.30 Supportive services; State plan requirements.

A State plan under Part A of title IV of the Act must provide that:

(a) Within the State agency there will be separate administrative units which will, to the maximum extent possible, perform functions only in connection with the WIN program. To the maximum extent feasible, local SAU staff and WIN employment and training staff should be located together to foster more efficient working arrangements for joint appraisals, the development of employability plans, and the provision of services to registrants.

(b) * * *

(2) Developing and supplying social services necessary to enable a registrant, to accept employment, training for employment, or other employment-related activities. Necessary services shall continue for a period of 30 days after the start of unsubsidized employment and may continue for a maximum of 90 days at the discretion of the SAU. Such services may be provided even after the AFDC grant has been discontinued due to employment. In an emergency such services may also be provided for a period of up to 30 days to enable a registrant to continue existing employment;

(3) Participating with the WIN sponsor in appraisal and certification, in the development of employability plans pursuant to § 56.22, and in efforts to resolve grievances and disputes informally.

* * * * *

(e) Supportive services may be provided for up to two weeks to a registrant between participation in WIN components or between participation in a component or employment-related activities and the start of employment in order to avoid interruption of the employability process.

7. In § 56.32 paragraphs (a) through (g) are redesignated as paragraphs (b) through (h); a new paragraph (a) is added; and paragraphs (b) and (h) are revised as follows:

§ 56.32 Pay and allowances for WIN registrants.

(a) An individual assigned to employment search shall receive an allowance for necessary expenses for participation.

(b) An individual assigned to a WIN institutional or work experience training component, in which no salary is paid, shall receive an allowance for necessary training related expenses. He shall also receive incentive payments at a rate not to exceed $30 a month provided he meets the requirements of the component relative to hours of participation.

(c) Individuals placed in employment, OJT, or PSE shall be authorized training related expenses for not in excess of two WIN pay periods; or until they receive their first full paycheck or the cash from a grant adjustment reflecting new work related expenses, whichever occurs first.

(d) Reasonable subsistence allowance, in addition to a training-related expense payment, shall be paid to individuals for separate maintenance when in training facilities beyond daily commuting distance from their homes for each calender day within the training payment period during which they are participating in such training and are residing away from home.

(e) An individual shall be paid transportation allowance to a training facility located beyond commuting distance for the cost of his initial trip to the training facility and for his final trip home at the completion or other termination of such training.

(f) Individuals may be paid allowances for nonrecurring expenses as authorized by the Secretary of Labor.

(g) WIN sponsor offices may establish petty cash funds or another acceptable method to meet needs for cash for allowable expenditures for all registrants.

(h) Registrants referred to employment may receive an allowance for necessary expenses.

8. In § 56.34 paragraph (a) is revised to read as follows:

§ 56.34 Appropriate work and training criteria.

(a) WIN registrants may not be referred to employment which is known not to meet the criteria of this paragraph. Certified recipients shall accept assignment to employment, WIN training or employment-related activities, as determined appropriate by the WIN sponsor or face deregistration action. The following standards must be met before any such individuals can be required to accept a work or training assignment including PSE and OJT:

* * * * *

Subpart E—The WIN Components and Activities

9. In § 56.41 the section heading is revised, paragraphs (a) and (b) are removed and new paragraphs (a), (b), (c), and (d) are added to read as follows:

§ 56.41 Employment-related activities (EA).

(a) Each State WIN sponsor shall establish a program of employment-related activities in each WIN site to assist registrants, who are either AFDC applicants or recipients, to obtain employment. The State WIN sponsor shall develop standards of participation taking into account local conditions, including, but not limited to, geographic factors, availability of public transportation, and local labor market characteristics. These standards of participation shall be included in the State WIN plan.

(b) Employment-related activities shall provide employment search. Included may be group job seeking, job development, exposure to labor market information, referrals, and job placement, to assist individuals in obtaining unsubsidized employment.

(c) Participation in required employment search may not exceed a total of 40 work days in any calendar year for any individual.

(d) Assignment of registrants to employment-related activities shall occur only after appraisal and the development of an employability plan. Recipients must be certified prior to participation. AFDC applicants may be certified, but lacking certification must be provided any supportive services

necessary to permit effective participation.

Subpart F—Deregistration and Sanctions

10. Section 56.50 is amended by revising paragraph (e) and adding a new paragraph (h) as follows:

§ 56.50 Deregistration.

* * * * *

(e) Any WIN recipient, except a volunteer, who is determined to have failed or refused without good cause to appear for appraisal; or any certified WIN recipient, except a volunteer, who has failed or refused to participate in the WIN program without good cause shall be deregistered from WIN and removed from the AFDC grant for failure to participate. Any individual who without good cause terminates or refuses to accept employment, or reduces earnings shall be deregistered and removed from the AFDC grant.

* * * * *

(h) The sanction in 29 CFR 56.51 shall become effective on the first day of the first payment-month that the sanctioned individual's needs are removed from the AFDC grant.

11. Section 56.51 is revised as follows:

§ 56.51 Sanctions.

A State plan under Title IV–A of the Act shall provide that:

(a) When an AFDC recipient, who is a mandatory registrant in the WIN program, has been found to have failed or refused without good cause to participate in the program, or has terminated employment or refused to accept employment, or reduced earnings without good cause, the following sanctions shall apply:

(1) For the first such occurrence the individual shall be deregistered for three payment-months.

(2) For the second and subsequent occurrences, the individual shall be deregistered for six payment-months.

(b) During the sanction period:

(1) If the individual is a caretaker relative receiving AFDC benefits, the State will not take into account his or her needs in determining the family's need for assistance, but the State will provide assistance in the form of protective or vendor payments or foster care for the remaining members of the assistance unit. When the State makes protective or vendor payments, the nonparticipating caretaker relative may not be the protective payee.

(2) If the individual is the only dependent child in the family, the State will deny assistance for the family.

(3) If the individual is one of several dependent children in the family, the State will deny assistance for the child and will not take into account the child's needs in determining the family's need for assistance.

(c) When the State finds that an AFDC recipient who is a voluntary registrant has failed or refused to participate in the WIN program without good cause, the State will deregister the individual for three or six payment-months depending on whether this was the first or a subsequent deregistration for failure or refusal to participate. However, the individual's AFDC grant shall not be affected.

(d) An individual may manifest failure or refusal to participate in the WIN program or may manifest termination of or refuses to accept employment or reduction in earnings either by an overt act (express) or by a de facto action.

(1) An overt (express) refusal is a written or oral statement by an individual that he or she will not participate in the WIN program.

(2) A de facto refusal is any current act or pattern of behavior consisting of a series of current events from which failure or refusal to participate can be implied. Where the failure or refusal to participate or termination of employment or refusal to accept employment or reduction in earnings is implied, the WIN sponsor shall send a notice setting an appointment for the individual to come to the WIN office and discuss the act or pattern of behavior in question. The notice shall explain the reasons for the appointment and the consequence of failure to keep the appointment.

(e) In the event a registrant is referred back to the IMU as having good cause for not continuing on a training plan or a job, the IMU shall promptly restore the assistance payment to the individual or make other necessary payment adjustments.

Subpart G—The WIN Adjudication System

12. Section 56.63 is amended by revising paragraph (a) and (b)(3); removing paragraph (b)(2) and redesignating paragraph (b)(3) as (b)(2); and redesignating the remaining paragraphs as (b)(3), (b)(4), (b)(5), (b)(6), and (b)(7) as follows:

§ 56.63 Requirement of conciliation and notice.

(a) The WIN staff must exhaust efforts toward conciliatory resolution of disputes between the WIN staff and the registrant before the WIN staff issues a "Notice of Intended Deregistration." This conciliation effort shall begin as soon as possible, but no later than 10 days following the date of failure or refusal to participate as determined under § 56.51(d) of this Part, and may continue for a period not to exceed 30 days. However, either the WIN staff, or the regisrant upon written request, *may* terminate this period sooner when either believes that the dispute cannot be resolved by conciliation. The WIN staff shall advise the registrant of the right to terminate the conciliation effort and, where necessary, assist in preparing the written statement.

(b) * * *

(2) Notification of the registrant's right to a hearing if the registrant believes that the proposed action is incorrect, or the length of the sanction period is incorrect, provided a request for a hearing is filed as prescribed in § 56.64 of this Part;

(3) Notice that the proposed action will be implementated if a hearing request is not received within the prescribed time;

(4) Instructions and required forms for requesting a hearing;

(5) An offer to assist with preparation of the hearing request;

(6) Notice that he may be represented at the hearing by counsel or other authorized representative appointed by him and that he and his representative will have the opportunity to confront and cross-examine opposing witnesses;

(7) Notice that he will be permitted to present material evidence and testimony at the hearing that is not already in the record.

* * * * *

§ 56.76 [Removed and Reserved]

13. Section 56.76 is removed and reserved.

For reasons set out in the preamble, Part 224 of Title 45 of the Code of Federal Regulations is amended as set forth below:

Title 45—Public Welfare

Subtitle B—Regulations Pertaining to Public Welfare

PART 224—WORK INCENTIVE PROGRAMS FOR AFDC RECIPIENTS UNDER TITLE IV OF THE SOCIAL SECURITY ACT

Subpart A—Purpose of Scope and Definitions

1. Section 224.1 is amended as follows:

§ 224.1 Definitions [Amended]

(a) by revising certain definitions as follows:

* * * * *

Certification means a written notice from the SAU that necessary supportive services have been arranged or are available to enable a WIN registrant to accept employment, training, manpower services, or other employment related activities, or that no supportive services are needed and that the individual is at that time ready for employment or training.

* * * * *

Component means a structured regularly scheduled program activity for certified registrants such as OJT, WIN, PSE, institutional training, and work experience, but not employment-related activities or supportive services.

* * * * *

Exempt refers to an AFDC applicant or recipient who is not required by the Act to register for employment, training, or other employment-related activities under the WIN program as a condition of eligibility for AFDC.

* * * * *

Mandatory or Nonexempt Registrant means an AFDC applicant or recipient who is required by the Act to register for manpower services training, employment, or other employment-related activities as a condition of eligibility for AFDC.

* * * * *

Registrant means an AFDC applicant or recipient who has registered with the WIN sponsor for manpower services, training, employment, and other employment-related activities.

* * * * *

State WIN Plan means the Statewide operational plan for WIN, covering AFDC applicants and recipients who register for employment, other employment-related activities, manpower services and training under WIN, developed by the WIN sponsor and SAU in each state and approved and supervised by the RCC under title IV, of the Act.

* * * * *

Supportive Services means those social services provided or arranged by the SAU, necessary to enable an individual to engage in employment, other employment-related activities, or training.

* * * * *

Volunteer means an AFDC applicant or recipient who, though exempt from WIN registration, volunteers for WIN and registers for employment, other employment-related activities, manpower services and training.

* * * * *

WIN Incentive Payment means a cash payment of up to $30 per month, paid to an individual who is participating in an institutional or work experience component.

* * * * *

Work Experience Training means a clearly defined, well-supervised assignment with a public or nonprofit private employer.

(b) By removing the term "Intensive Manpower Services Component".

(c) By adding the following two terms in proper alphabetical sequence:

* * * * *

Employment-related Activities means activities providing employment and training services to WIN registrants to assist them in locating and securing unsubsidized employment. Employment-related activities include employment search.

Employment Search is the part of employment-related activities where registrants are provided with job seeking skills, job development assistance and referrals, and actively contact employers in their effort to secure jobs.

* * * * *

Subpart B—Administration

2. In § 224.16 paragraph (b) is revised to read as follows:

§ 224.16 Non-Federal contribution.

* * * * *

(b) The State welfare agency shall assure a non-Federal cash or in-kind contribution of 10 percent of the cost of supportive services and related administrative expenses incurred by the SAU under Title IV–A of the Act.

* * * * *

Subpart C—Requirements and Procedures for Registration, Appraisal and Certification

3. In § 224.20 paragraphs (a) and (c)(4) are revised and paragraph (b)(10) is added to read as follows:

§ 221.20 Registration requirements for AFDC applicants and recipients; State plan requirements.

A State plan under Title IV–A of the Social Security Act must provide that:

(a) All applicants and recipients who are required to register by section 402(a)(19)(A) of the Act, shall register for manpower services, training, employment, and other employment-related activities as a condition of eligibility for AFDC, except as otherwise provided under paragraph (b) of this section:

(b) * * *

(10) A person who is working not less than 30 hours per week in unsubsidized employment expected to last a minimum of 30 days. This exemption continues to apply if there is a temporary break in full-time employment expected to last no longer than 10 work days.

(c) * * *

(4) Exempt applicants and recipients in WIN project areas may choose to register voluntarily for manpower services, training, employment, and employment-related activities, and may withdraw such registration at any time without loss of AFDC benefits, provided their status has not changed in a way which would require registration; and

* * * * *

4. In § 224.21, paragraph (a)(5) is amended to read as follows:

§ 224.21 Registration procedures.

(a) * * *

(5) Notify the IMU of any employment or other change of status which may affect an individual's AFDC eligibility or the amount of the AFDC payment. Included in this notification will be the hours and expected duration of employment.

* * * * *

5. Section 224.22 is amended by revising paragraph (e), adding a new paragraph (f) and redesignating existing paragraphs (f) and (g) as (g) and (h) to read as follows:

§ 224.22 Appraisal and certification.

* * * * *

(e) The SAU shall certify in writing that the necessary immediate and on-going supportive services have been provided or arranged, or that no such services are required for those individuals who have been selected for participation in a WIN component. The SAU shall also certify registrants who are recipients who are selected to participate in employment-related activities. When certified, the individual shall be placed in employment if appropriate work that the individual can perform is available. If the individual cannot be immediately placed in employment, he shall be placed in employment-related activities, on-the-job training, public service employment, institutional training or in any other manpower program or activity.

(f) The SAU may provide or arrange for social services for AFDC applicants to enable them to participate in employment-related activities. Such applicants may be certified, or services may be provided or arranged on an occasional basis without certification.

* * * * *

Subpart D—Supportive and Manpower Services and Protective Provisions

6. Section 224.30 is amended by removing paragraph (b)(5) and by revising paragraphs (a), (b)(2), (b)(3), and (e) to read as follows:

§ 224.30 Supportive services; State plan requirements.

A State plan under Part A of title IV of the Act must provide that:

(a) Within the State agency there will be separate administrative units which will, to the maximum extent possible, perform functions only in connection with the WIN program. To the maximum extent feasible, local SAU staff and WIN employment and training staff should be located together to foster more efficient working arrangements for joint appraisals, the development of employability plans, and the provision of services to registrants.

(b) * * *

(2) Developing and supplying social services necessary to enable a registrant to accept employment, training for employment, or other employment-related activities. Necessary services shall continue for a period of 30 days after the start of unsubsidized employment and may continue for a maximum of 90 days at the discretion of the SAU. Such services may be provided even after the AFDC grant has been discontinued due to employment. In an emergency such services may also be provided for a period of up to 30 days to enable a registrant to continue existing employment;

(3) Participating with the WIN sponsor in appraisal and certification, in the development of employability plans pursuant to § 224.22, and in efforts to resolve grievances and disputes informally.

* * * * *

(e) Supportive services may be provided for up to two weeks to a registrant between participation in WIN components or between participation in a component or employment-related activities and the start of employment in order to avoid interruption of the employability process.

7. In § 224.32 paragraphs (a) through (g) are redesignated as paragraphs (b) through (h); a new paragraph (a) is added; and paragraphs (b) and (h) are revised as follows:

§ 224.32 Pay and allowances for WIN registrants.

(a) An individual assigned to employment search shall receive an allowance for necessary expenses for participation.

(b) An individual assigned to a WIN institutional or work experience training component, in which no salary is paid, shall receive an allowance for necessary training related expenses. He shall also receive incentive payments at a rate not to exceed $30 a month provided he meets the requirements of the component relative to hours of participation.

(c) Individuals placed in employment, OJT, or PSE shall be authorized training related expenses for not in excess of two WIN pay periods; or until they receive their first full paycheck or the cash from a grant adjustment reflecting new work related expenses, whichever occurs first.

(d) Reasonable subsistence allowance, in addition to a training-related expense payment, shall be paid to individuals for separate maintenance when in training facilities beyond daily commuting distance from their homes for each calendar day within the training payment period during which they are participating in such training and are residing away from home.

(e) An individual shall be paid transportation allowance to a training facility located beyond commuting distance for the cost of his initial trip to the training facility and for his final trip home at the completion or other termination of such training.

(f) Individuals may be paid allowances for nonrecurring expenses as authorized by the Secretary of Labor.

(g) WIN sponsor offices may establish petty cash funds or another acceptable method to meet needs for cash for allowable expenditures for all registrants.

(h) Registrants referred to employment may receive an allowance for necessary expenses.

8. In § 224.34 paragraph (a) is revised to read as follows:

§ 224.34 Appropriate work and training criteria.

(a) WIN registrants may not be referred to employment which is known not to meet the criteria of this paragraph. Certified recipients shall accept assignment to employment, WIN training or employment-related activities, as determined a appropriate by the WIN sponsor or face deregistration action. The following standards must be met before any such individuals can be required to accept a work or training assignment including PSE and OJT:

* * * * *

Subpart E—The WIN Components and Activities

9. In § 224.41 the section heading is revised, paragraphs (a) and (b) are removed and new paragraphs (a), (b), (c), and (d) are added to read as follows:

§ 224.41 Employment-related activities (EA).

(a) Each State WIN sponsor shall establish a program of employment-related activities in each WIN site to assist registrants, who are either AFDC applicants or recipients, to obtain employment. The State WIN sponsor shall develop standards of participation taking into account local conditions, including, but not limited to, geographic factors, availability of public transportation, and local labor market characteristics. These standards of participation shall be included in the State WIN plan.

(b) Employment-related activities shall provide employment search. Included may be group job seeking, job development, exposure to labor market information, referrals, and job placement, to assist individuals in obtaining unsubsidized employment.

(c) Participation in required employment search may not exceed a total of 40 work days in any calendar year for any individual.

(d) Assignment of registrants to employment-related activities shall occur only after appraisal and the development of an employability plan. Recipients must be certified prior to participation. AFDC applicants may be certified, but lacking certification must be provided any supportive services necessary to permit effective participation.

Subpart F—Deregistration and Sanctions

10. Section 224.50 is amended by revising paragraph (e) and adding a new paragraph (h) as follows:

§ 224.50 Deregistration.

* * * * *

(e) Any WIN recipient, except a volunteer, who is determined to have failed or refused without good cause to appear for appraisal; or any certified WIN recipient, except a volunteer, who has failed or refused to participate in the WIN program without good cause shall be deregistered from WIN and removed from the AFDC grant for failure to participate Any individual who without good cause terminates or refuses to accept employment or reduces earnings

shall be deregistered and removed from the AFDC grant.

* * * * *

(h) The sanction in 45 CFR 224.51 shall become effective on the first day of the first payment-month that the sanctioned individual's needs are removed from the AFDC grant.

11. Section 224.51 is revised as follows:

§ 224.51 Sanctions.

A State plan under Title IV–A of the Act shall provide that:

(a) When an AFDC recipient, who is a mandatory registrant in the WIN program, has been found to have failed or refused without good cause to participate in the program or has terminated employment, or has refused to accept employment or reduced earnings without good cause, the following sanctions shall apply:

(1) For the first such occurrence the individual shall be deregistered for three payment-months.

(2) For the second and subsequent occurrences, the individual shall be deregistered for six payment-months.

(b) During the sanction period:

(1) If the individual is a caretaker relative receiving AFDC benefits, the State will not take into account his or her needs in determining the family's need for assistance, but the State will provide assistance in the form of protective or vendor payments or foster care for the remaining members of the assistance unit. When the State makes protective or vendor payments, the non-participating caretaker relative may not be the protective payee.

(2) If the individual is the only dependent child in the family, the State will deny assistance for the family.

(3) If the individual is one of several dependent children in the family, the State will deny assistance for the child and will not take into account the child's needs in determining the family's need for assistance.

(c) When the State finds that an AFDC recipient who is a voluntary registrant has failed or refused to participate in the WIN program without good cause, the State will deregister the individual for three or six payment-months depending on whether this was the first or a subsequent deregistration for failure or refusal to participate. However, the individual's AFDC grant shall not be affected.

(d) An individual may manifest failure or refusal to participate in the WIN program or may manifest termination of employment or may refuse to accept employment or reduction in earnings either by an overt act (express) or by a de facto action.

(1) An overt (express) refusal is a written or oral statement by an individual that he or she will not participate in the WIN program.

(2) A de facto refusal is any current act or pattern of behavior consisting of a series of current events from which failure or refusal to participate can be implied. Where the failure or refusal to participate or termination of employment, or refusal to accept employment, or reduction in earnings is implied, the WIN sponsor shall send a notice setting an appointment for the individual to come to the WIN office and discuss the act or pattern of behavior in question. The notice shall explain the reasons for the appointment and the consequences of failure to keep the appointment.

(e) In the event a registrant is referred back to the IMU as having good cause for not continuing on a training plan or a job, the IMU shall promptly restore the assistance payment to the individual or make other necessary payment adjustments.

Subpart G—The WIN Adjudication System

12. Section 224.63 is amended by revising paragraphs (a) and (b)(3); removing paragraph (b)(2) and redesignating paragraph (b)(3) as (b)(2); and redesignating the remaining paragraphs as (b)(3), (b)(4), (b)(5), (b)(6), and (b)(7) as follows:

§ 224.63 Requirement of conciliation and notice.

(a) The WIN staff must exhaust efforts toward conciliatory resolution of disputes between the WIN staff and the registrant before the WIN staff issues a "Notice of Intended Deregistration." This conciliation effort shall begin as soon as possible, but no later than 10 days following the date of failure or refusal to participate as determined under § 224.51(d) of this Part, and may continue for a period not to exceed 30 days. However, either the WIN staff, or the registrant upon written request, *may* terminate this period sooner when either believes that the dispute cannot be resolved by conciliation. The WIN staff shall advise the registrant of the right to terminate the conciliation effort and, where necessary, assist in preparing the written statement.

(b) * * *

(2) Notification of the registrant's right to a hearing if the registrant believes that the proposed action is incorrect, or the length of the sanction period is incorrect, provided a request for a hearing is filed as prescribed in § 224.64 of this part.

(3) Notice that the proposed action will be implemented if a hearing request is not received within the prescribed time;

(4) Instructions and required forms for requesting a hearing;

(5) An offer to assist with preparation of the hearing request;

(6) Notice that he may be represented at the hearing by counsel or other authorized representative appointed by him and that he and his representative will have the opportunity to confront and cross-examine opposing witnesses;

(7) Notice that he will be permitted to present material evidence and testimony at the hearing that is not already in the record.

* * * * *

§ 224.76 [Removed and Reserved]

13. Section 224.76 is removed and reserved.

[FR Doc. 81-28801 Filed 9-30-81; 8:45 am]
BILLING CODE 4510-30-M, 4110-92-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1625

Final Interpretations: Age Discrimination in Employment Act

Correction

In FR Doc. 81–28222, appearing at page 47724, in the issue of Tuesday, September 29, 1981, make the following change, on page 47726, in the second column, change the part heading to read,

PART 1625—AGE DISCRIMINATION IN EMPLOYMENT ACT

BILLING CODE 1505-01-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H–004M]

Occupational Exposure to Lead, Notice of Grant of Interim Orders

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Grant of interim orders on variance applications.

SUMMARY: OSHA hereby gives notice of interim orders granted from certain provisions of the standard for Occupational Exposure to Lead. These interim orders are being granted to the companies who were granted conditional interim orders in the Federal

Register notice of July 23, 1981, 46 FR 37891. The conditions under which the interim orders were granted were that each company submit a variance application, certify that notice had been given to affected employees and submit written acceptance of the requirements of the terms of the interim orders. This notice lists the companies that have complied with these conditions.

DATES: The effective date of the interim orders was July 21, 1981. The last date for affected employers, employees and appropriate state authorities to request a hearing on the applications was September 30, 1981. Written comments must have been submitted by September 30, 1981.

ADDRESSES: Send written comments or requests for a hearing to: Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3662, Third Street and Constitution Avenue, NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Mr. James J. Concannon, Director, Office of Variance Determination, at the above address, telephone: (202) 523-7144.

SUPPLEMENTARY INFORMATION:

A. Background

On July 23, 1981, 46 FR 37891, OSHA denied petitions for stay of the new trigger levels for medical removal protection (MRP) under the lead standard for primary and secondary smelters and battery manufacturers. The petitions were based upon an assertion that the companies would be unable to fully comply with the MRP provisions because of the anticipated removal and resulting unavailability of certain employees under the 60/40 triggers for MRP. The petitions were denied because the data submitted by the industries involved did not support a conclusion that there was a general industry-wide inability to comply with the MRP provisions of the lead standard. Thus, the available evidence did not demonstrate a need for any industry-wide stays of the MRP triggers. However, OSHA did find that on a plant-by-plant basis, there were some feasibility problems. Thus, OSHA announced that the temporary variance mechanism, set out in section 6(b)(6)(A) of the OSHA Act and covered by regulations in 29 CFR Part 1905, would be used to afford relief to companies on a plant-by-plant basis, if warranted.

Therefore, in the July 23, 1981 **Federal Register** notice OSHA granted conditional interim orders to certain primary and secondary smelting and lead battery manufacturing companies. A list of those companies was included in that notice. The companies which were granted the conditional interim orders were required to submit the following:

(1) Application for a temporary variance and interim order for a particular plant; (2) written acceptance of the conditions and requirements of the interim order; (3) certification that affected employees had been notified of the variance application and of their right to petition the Assistant Secretary for a hearing. In addition, certain data was requested from the companies which would support each request for temporary variance.

Companies were given until August 3, 1981 to comply with the three enumerated conditions, in order to continue to receive interim relief from the MRP provisions of the lead standard. As of August 3, 1981, OSHA has received the required information from all but two of the companies which had been granted conditional interim orders. The two companies from which no information was received are New Castle Battery Co., New Castle, Pennsylvania, and Surrette Battery, Tilton, New Hampshire. The New Castle Battery Company informed OSHA that it was not longer in need of a variance since its employees' blood-leads are now below the 60 ug/100g removal trigger. Surrette Battery decided that it would prefer to comply with the lead standard and therefore did not want an interim order.

When OSHA published the list of companies which were granted conditional interim orders, Gulf Coast Lead Company was inadvertently not included in the listing. In order to correct this oversight and in view of the fact that Gulf Coast Lead has met the conditions imposed for the granting of the interim orders, OSHA is hereby including Gulf Coast Lead among the list of companies to whom an interim order has been granted.

OSHA hereby gives notice that the following plants are authorized to comply with the requirements of the Interim Order set forth in the **Federal Register** of July 23, 1981 at 46 FR 37891, in lieu of complying with the requirements of 29 CFR 1910.1025(k)(1)(i)(c) and 1910.1025(k)(1)(iii)(A)(3). Each plant must continue to comply with all of the remaining provisions of the lead standard which are unaffected by this grant of Interim Order. All of the companies listed below, who were granted conditional interim orders, have complied with the conditions that were imposed for the continuation of this interim relief.

Primary Smelters

Bunker Hill-Idaho Plant
St. Joe, Missouri Plant
ASARCO, Glover Plant
ASARCO, East Helena Plant
ASARCO, Omaha Plant

Secondary Smelters

Sanders Lead Company, Alabama
Tonolli Corp., Nesquehoning
Houston Lead Co., Texas
Chloride Metals—Tampa
Chloride Metals—Columbus
Chloride Metals—Florence
Gulf Coast Lead—Tampa

Battery Manufacturers

Mule Emergency Lighting, Inc., Cranston, RI
East Penn Manufacturing Co., Inc., Lyon Station, PA
Crown Battery Manufacturing Company, Fremont, OH
Miami Battery and Electric Corp., Miami, FL
Standard Industries, San Antonio, TX

Other Industries

Associated Lead, Inc., Philadelphia, PA
Associated Lead, Inc., Brooklyn, NY

The companies listed above shall give notice of this final grant of Interim Order to all affected employees by the same means required to be used to inform them of the applications for variance.

The Assistant Secretary may revoke this Interim Order at any time if the applicant does not comply with any requirement of the Order or the relevant standards, or if other information indicates that revocation of the Interim Order is warranted. Unless revoked, the Interim Order will remain in effect until a decision is made on the application for variance.

The period of time for the submission of written comments by all interested persons, including affected employers and employees remains open until September 30, 1981. Affected employers, employees and appropriate state authorities having jurisdiction over the plants listed in this notice also have until September 30, 1981, to request a hearing on the applications. All such information should be submitted to the Office of Variance Determination at the address given above.

Signed at Washington, D.C. this 29th day of September, 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-28802 Filed 10-1-81; 8:45 am]

BILLING CODE 4510-26-M

DEPARTMENT OF THE INTERIOR

Geological Survey

30 CFR Parts 211, 222, 231, and 241

Coal Mining Operating Regulations; Connally Act Regulations; Operating Regulations for Exploration, Development, and Production; and Acquisition and Leasing of Water Wells

AGENCY: Geological Survey, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking will remove some U.S. Geological Survey regulations not considered necessary to the effective administration of mineral operations. This action is being taken to fulfill, in part, the policies contained in Executive Order 12291. The intended effect is to reduce reporting requirements, minimize duplication, and remove outdated regulations.

EFFECTIVE DATE: November 2, 1981.

FOR FURTHER INFORMATION CONTACT: Cecil R. Feeney, (703) 860–6259, (FTS) 928–6259. Branch of Onshore Rules and Procedures, Conservation Division, U.S. Geological Survey, National Center, Mail Stop 650, Reston, Virginia 22092.

SUPPLEMENTARY INFORMATION: The principal author of this final rulemaking is Cecil R. Feeney, Branch of Rules and Procedures, Office of the Deputy Division Chief for Onshore Minerals Regulation, Conservation Division, U.S. Geological Survey, Reston, Virginia.

This final rulemaking is intended to remove regulations that the Department of the Interior has identified as unnecessary to the effective operation of mineral development. The Department has also determined that it is unnecessary, under 5 U.S.C. 553(b)(B), to require public comments on these changes through prior publication as a proposed rulemaking. The Department is reducing the regulatory burden to the public by deleting regulations which have become obsolete due to statutory amendments or changed conditions. Other deletions are related purely to matters which are internal and administrative in nature.

Paragraph (c) of § 211.1 states that the responsibility for enforcing the coal mine health and safety law and regulations is vested in the Mining Enforcement and Safety Administration, Department of the Interior. That Agency no longer exists, and the responsibility for coal mining health and safety has been transferred to the Department of Labor. Since the provision does not affect Geological Survey responsibilities, it is being removed.

Paragraph (d) of § 211.1 relates to conditions that were required to be met by existing or new operations either upon the effective date of the regulations or shortly thereafter. Since these events occurred many years ago, these regulations no longer require enforcement and are therefore excessive and are being removed.

Paragraph (a)(1)(vi) of § 211.3 requires a mining supervisor to make reports that are basically of an internal management nature and more appropriately controlled through Geological Survey manuals. Therefore, these regulations should not be contained in the Code of Federal Regulations and are being removed.

The regulations in Part 222 were promulgated pursuant to the Connally "Hot Oil" Act of February 22, 1935 (15 U.S.C. 715–715(c)), to reinforce State regulations to prevent excessive domestic oil production. Enforcement of the regulations was suspended on June 30, 1965, because of the increased capabilities of the States in enforcing their own oil conservation regulations. There has been no occasion to date to resume active enforcement of the regulations after their enforcement was suspended, and we do not anticipate any reason for reinstating them in the future. Accordingly, they are being removed.

Paragraph (b) of § 231.3 declares that the responsibility for health and safety inspections of mines is vested in the Bureau of Mines. Since the responsibilities for safety and health were transferred to the Secretary of Labor by the Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95–164, 30 U.S.C. 801 et seq., paragraph (b) is being removed.

Paragraph (g) of § 231.3 sets forth the persons to whom a Mining Supervisor is responsible. This regulation is internal in nature and belongs in a U.S. Geological Survey manual and is being removed.

The last 26 words of paragraph (a) in § 231.4 require a lessee or permittee to prevent injury to life or health and to provide for the health and welfare of employees. With the enactment of Federal Mine Safety and Health Amendments Act of 1977, Pub. L. 95–164, 30 U.S.C. 801 et seq., the requirements were transferred to the Secretary of Labor and are not the responsibility of the U.S. Geological Survey, thus the paragraph is being revised.

The requirements contained in §§ 231.42 and 231.43 concerning flammable gas and dust, and fire protection are responsibilities of the Mine Safety and Health Administration. Therefore, these sections are being removed.

Part 241 which prescribes procedures for the acquisition and leasing of water wells was promulgated in 1934. It has not been used for many years and now serves no useful purpose. Furthermore, there are internal administrative procedures to carry out the purposes of this part. The Department does intend to undertake rulemaking at a later date to establish the reasonable value of well casings purchased by the Department, however, such rules may be proposed for a more appropriate part of the Department's regulations. Therefore, it is being removed.

It is hereby determined that this final rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (43 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is not a major rule and does not require a regulatory analysis under Executive Order 12291 and 43 CFR Part 14. The Department has also certified that this rulemaking will not have a significant economic impact on a substantial number of small entities, thus a small entity flexibility analysis is not required.

Under the authority of 5 U.S.C. 301, the Act of February 25, 1920 (30 U.S.C. 189), and Executive Order 12291 (46 FR 13193), Parts 211, 222, 231, and 241, Chapter II, Title 30 of the Code of Federal Regulations are amended as set forth below.

Dated: September 11, 1981.

William P. Pendley,

Acting Assistant Secretary of the Interior.

PART 211—COAL MINING OPERATING REGULATIONS

§ 211.1 [Amended]

1. Section 211.1 is amended by removing paragraphs (c) and (d), and redesignating paragraphs (e) through (h) as (c) through (f), respectively.

§ 211.3 [Amended]

2. Section 211.3 is amended by removing paragraph (a)(1)(vi) and redesignating paragraphs (a)(1)(vii) through (a)(1)(x) as paragraphs (a)(1)(vi) through (a)(1)(ix), respectively.

PART 222—[REMOVED]

3. Chapter II is amended by removing Part 222.

PART 231—OPERATING REGULATIONS FOR EXPLORATION, DEVELOPMENT, AND PRODUCTION

§ 231.3 [Amended]

4. Section 231.3 is amended by removing paragraphs (b) and (g), and redesignating paragraphs (c) through (f) as (b) through (e), respectively.

5. Section 231.4 is amended by revising paragraph (a) to read as follows:

§ 231.4 General obligations of lessees and permittees.

(a) Operations for the discovery, testing, development, mining, or processing of minerals shall conform to the provisions of applicable regulations, the terms and conditions of the lease or permit, the requirements of approved exploration or mining plans, and the orders and instructions issued by the Mining Supervisor or his subordinates under the regulations in this part. Lessees and permittees shall take precautions to prevent waste and damage to mineral-bearing formations.

* * * * *

§§ 231.42–231.43 [Removed]

6. Part 231 is amended by removing sections 231.42 and 231.43.

PART 241—[REMOVED]

7. Chapter II is amended by removing Part 241.

[FR Doc. 81-28693 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-31-M

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

33 CFR Part 204

Pacific Ocean Between Point Sal and Point Conception, California, Danger Zone

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: The Department of the Army is amending the regulations which establish the danger zones in the Pacific Ocean near Vandenberg Air Force Base (VAFB) California. This amendment extends the period of use for the danger zones, combines all danger zones previously under 33 CFR 204.202a with 33 CFR 204.202, deletes 33 CFR 204.202a and makes editorial changes to reflect a recent reorganization and redesignation by the Air Force.

EFFECTIVE DATE: November 2, 1981.

ADDRESS: HQDA, DAEN–CWO–N, Washington, D.C. 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Roman Zawadski at (213) 688–5606 or Mr. Ralph T. Eppard at (202) 272–0200.

SUPPLEMENTARY INFORMATION: Proposed revisions were published in the Proposed Rules Section of the **Federal Register** on 24 February 1981 (46 FR 13733) and in a public notice, dated 4 March 1981, distributed by the Commander, Los Angeles District Corps of Engineers. No comments were received in response to the Notice of Proposed Rulemaking published in the **Federal Register**. The local public notice resulted in comments from the State of California, State Lands Commission and the Los Angeles County Natural History Museum concerning the extension of the review period from three years to ten years. In view of these comments, the Corps discussed the extended review period with the Air Force and decided that a lesser time would be acceptable to all involved. We are extending the review period from 3 years to 5 years in lieu of 10 years as proposed. A coordinate in Zone 10 is also corrected. Accordingly, we are amending 33 CFR 204.202 by adding new paragraphs (a)(2)(IX), (X), and (XI), correcting longitude in (X) from 129°28'10" to read 120°28'10", removing (b)(2), renumbering subsections in paragraph (b) and removing § 204.202a as set forth below. For clarity 204.202 is reprinted in its entirety.

Note.—This regulation is issued with respect to a military function of the Defense Department and the provisions of EO 12291 do not apply. The Department of the Army has determined that this regulation will not have a significant economic impact on a substantial number of entities and thus does not require preparation of a regulatory flexibility analysis.

PART 204—DANGER ZONE REGULATIONS

§ 204.202 Pacific Ocean, Western Space and Missile Center (WSMC), Vandenberg AFB, California; danger zones.

(a) The area. (1) The waters of the Pacific Ocean in an area extending seaward from the shoreline a distance of about three nautical miles and basically outlined as follows:

Station	Latitude	Longitude
Point Sal	34°54'08"	120°40'15"
1	34°54'08"	120°44'00"
2	34°52'48"	120°44'00"
3	34°50'00"	120°40'30"
4	34°44'50"	120°42'15"
5	34°41'50"	120°40'12"
6	34°35'12"	120°42'45"
7	34°33'00"	120°41'05"
8	34°30'40"	120°37'29"
9	34°30'40"	120°30'10"
10	34°30'40"	120°37'29"
11	34°24'18"	120°30'00"
12	34°23'34"	120°27'05"
13	34°24'21"	120°24'40"
14	34°27'20"	120°24'40"
Point Sal	34°54'08"	120°40'15"

(2) The danger area described in paragraph (a)(1) of this section will be divided into zones in order that certain firing tests and operations, whose characteristics as to range and reliability permit, may be conducted without requiring complete evacuation of the entire area. These zones are described as follows:

(i) *Zone 1.* An area extending seaward about three nautical miles from the shoreline beginning at latitude 34°30'40", longitude 120°30'10" thence due west to latitude 34°30'40", longitude 120°37'29"; thence due north to the shoreline at latitude 34°33'15", longitude 120°37'29".

(ii) *Zone 2.* An area extending seaward about three nautical miles from the shoreline beginning at latitude 34°33'15", longitude 120°37'29"; thence due south to latitude 34°30'40", longitude 120°37'29"; thence to latitude 34°33'00", longitude 120°41'05"; thence to latitude 34°34'32", longitude 120°42'30"; thence due east to the shoreline at latitude 34°34'32", longitude 120°39'03".

(iii) *Zone 3.* An area extending seaward about three nautical miles from the shoreline beginning at latitude 34°34'32", longitude 120°39'03"; thence due west to latitude 34°34'32", longitude 120°42'15"; thence to latitude 34°35'12", longitude 120°42'45"; thence to latitude 34°37'15", longitude 120°41'55"; thence due east to the shoreline at latitude 34°37'15"; longitude 120°38'00".

(iv) *Zone 4.* An area extending seaward about three nautical miles from the shoreline beginning at latitude 34°37'15", longitude 120°38'00"; thence due west to latitude 34°37'15", longitude 120°41'55"; thence to latitude 34°40'00"; longitude 120°40'50"; thence due east to the shoreline at latitude 34°40'00", longitude 120°36'45".

(v) *Zone 5.* An area extending seaward about 3 nautical miles from the shoreline beginning at latitude 34°40'00", longitude 120°36'45"; thence due west to latitude 34°40'00"; longitude 120°40'50"; thence to latitude 34°41'50", longitude 120°40'12"; thence to latitude 34°44'50", longitude 120°42'15"; thence to latitude 34°45'28", longitude 120°42'05"; thence due east to the shoreline at Purisima Point latitude 34°45'28", longitude 120°38'15".

(vi) *Zone 6.* An area extending seaward about 3 nautical miles from the shoreline beginning at Purisima Point

latitude 34°45'28", longitude 120°38'15"; thence due west to latitude 34°45'28", longitude 120°42'05"; thence to latitude 34°50'00", longitude 120°40'30" thence due east to the shoreline at latitude 34°50'00", longitude 120°36'30".

(vii) *Zone 7.* An area extending seaward about 3 nautical miles from the shoreline beginning at latitude 34°50'00", longitude 120°36'30"; thence due west to latitude 34°50'00", longitude 120°40'30"; thence to latitude 34°52'48", longitude 120°44'00"; thence to latitude 34°54'08", longitude 120°44'00"; thence due east to Point Sal latitude 34°54'08", longitude 120°40'15".

(viii) *Zone 8.* An area extending seaward with a radius of 3 nautical miles centered at Purisima Point latitude 34°45'28", longitude 120°38'15".

(ix) *Zone 9.* An area extending seaward about 3 nautical miles from the shoreline beginning at latitude 34°30'40", longitude 120°30'10"; then due west to latitude 34°30'40", longitude 120°37'29"; thence to latitude 34°26'56", longitude 120°33'06"; thence due east to the shoreline at latitude 34°26'56", longitude 120°28'10".

(x) *Zone 10.* An area extending seaward about 3 nautical miles from the shoreline beginning at latitude 34°26'56", longitude 120°28'10"; thence due west to latitude 34°26'56", longitude 120°33'06"; thence to latitude 34°24'18", longitude 120°30'00"; thence to latitude 34°23'34", longitude 120°27'05"; thence shoreward to latitude 34°26'56", longitude 120°28'10".

(xi) *Zone 11.* An area extending seaward about 3 nautical miles from the shoreline beginning at latitude 34°26'56", longitude 120°28'10"; thence seaward to latitude 34°23'34"; longitude 120°27'05"; thence to latitude 34°24'21", longitude 120°24'40"; thence due north to the shoreline at latitude 34°27'20", longitude 120°24'40".

(b) The regulations. (1) Except as prescribed in this section or in other regulations, danger zones will be open to fishing, location of fixed or movable oil drilling platforms and general navigation without restrictions.

(2) The impacting of missile debris from launch operations will take place in any one or any group of zones in the danger areas at frequent and irregular intervals throughout the year. The Commander, WSMC, will announce in advance, the closure of zones hazarded by missile debris impact. Such advance announcements will appear in the weekly "Notice to Mariners." For the benefit of fishermen, small craft operators and drilling platform operators, announcements will also be made on radio frequency 2182 kc, 2638 kc, VHF channel 6 (156.30 MHZ), VHF channel 12 (156.60 MHZ), and VHF channel 16 (156.80 MHZ) for daily announcements. Additionally, information will be posted on notice boards located outside Port Control Offices (Harbormasters) at Morro Bay, Port San Luis, Santa Barbara, Ventura, Channel Islands, and Port Hueneme Harbors, and any established harbor of refuge between Santa Barbara and Morro Bay.

(3) All fishing boats, other small craft, drilling platforms and shipping vessels with radios are requested to monitor radio frequency 2182 kc 2638 kc, VHF channel 6 (156.30 MHZ), channel 12 (156.60 MHZ), or channel 16 (156.80 MHZ) while in these zones for daily announcements of zone closures.

(4) When a scheduled launch operation is about to begin, radio broadcast notifications will be made periodically, starting at least 24 hours in advance. Additional contact may be made by surface patrol boats or aircraft equipped with a loudspeaker system. When so notified, all vessels shall leave the specified zone or zones immediately by the shortest route.

(5) The Commander, WSMC, will extend full cooperation relating to the public use of the danger area and will consider every reasonable request for its use in light of requirements for national security and safety of persons and property.

(6) Where an established harbor of refuge exists, small craft may take shelter for the duration of zone closure.

(7) Fixed or movable oil drilling platforms located in zones identified as hazardous and closed in accordance with this regulation shall cease operations for the duration of the zone closure. The zones shall be closed continuously no longer than 72 hours at any one time. Such notice to evacuate personnel shall be accomplished in accordance with procedures as established between the Commander WSMC and the oil industry in the adjacent waters of the outer Continental Shelf.

(8) No seaplanes, other than those approved by the Commander, WSMC, may enter the danger zones during launch closure periods.

(9) The regulations in this section shall be enforced by personnel attached to WSMC and by such other agencies as may be designated by the Commander, WSMC.

(10) The regulations in this section shall be in effect until further notice. They shall be reveiwed again during September 1986.

§ 204.202a [Removed]

Section 204.202a Pacific Ocean, Space and Missile Test Center (SAMTEC) Vandenberg AFB, California: danger zone (Removed).

(33 U.S.C. 1, 3.)

Date: 28 September 1981

John O. Roach, II,

Department of the Army Liaison Officer with the Federal Register.

[FR Doc. 81-28309 Filed 10-1-81; 8:45 am]

BILLING CODE 3710-92-M

PANAMA CANAL COMMISSION

35 CFR Parts 9 and 10

Freedom of Information Act and Privacy Act of 1974; Organization, Functions and Availability of Records and Access to Information about Individuals

AGENCY: Panama Canal Commission.

ACTION: Final rule.

SUMMARY: The purpose of this final rule is to amend the Panama Canal Commission regulations implementing the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act of 1974 (5 U.S.C. 552a).

The Executive Secretary of the Panama Canal Commission (the official vested with certain authority under the Acts) has been redesignated the Director, Office of Executive Administration, and the Office of Public Information has been redesignated the Office of Public Affairs. The regulations are being amended to reflect the change in name of these offices and in the title of the official vested with appeal authority for both Acts.

Further, the sections of Part 10 exempting systems of records from certain provisions of the Privacy Act are being amended to reflect revisions to the Commission's systems that are published in the **Federal Register** on December 24, 1980 (45 FR 85256). The revisions pertain to the deletion of systems that have been discontinued or transferred to other U.S. Government agencies, and changes to the alphanumerical designations and names of Commission systems of records.

EFFECTIVE DATE: October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mrs. Hazel M. Murdock, Assistant to the Secretary, Panama Canal Commission, Room 312, Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004 (Telephone: 202-724-0104).

SUPPLEMENTARY INFORMATION: In view of the fact that these changes are minor

and administrative in nature, the Commission finds it unnecessary and impracticable to follow the notice and public procedures contained in 5 U.S.C. 553. For the same reasons, the rule is not considered to be a major rule under E.O. 12291 of February 19, 1981.

Dated: September 18, 1981.

D. P. McAuliffe,

Administrator, Panama Canal Commission.

Accordingly, the following amendments to Title 35, Code of Federal Regulations are adopted:

PART 9—ORGANIZATION, FUNCTION, AND AVAILABILITY OF RECORDS—PANAMA CANAL COMMISSION

1. Section 9.4 is revised to read as follows:

§ 9.4 How to request general information or publications.

The Commission has an Office of Public Affairs which is responsible for providing information about the agency to members of the public and the press. If you are interested in general information about the Commission's activities, or copies of its publications, you should write, visit, or call this office. Address letters to: Panama Canal Commission, Office of Public Affairs, APO Miami 34011 (or Balboa, Republic of Panama).

2. Section 9.8, paragraph (b)(1) is revised to read as follows:

§ 9.8 How to make an appeal under the Freedom of Information Act.

* * * * *

(b) * * *

(1) Write to the Panama Canal Commission, Director, Office of Executive Administration, APO Miami 34011 (or Balboa, Republic of Panama); and

* * * * *

3. Section 9.9, paragraphs (a) and (b) are revised to read as follows:

§ 9.9 How your Freedom of Information Act appeal will be handled.

(a) The official responsible for deciding whether to grant your appeal is the Director, Office of Executive Administration of the Panama Canal Commission. That official must make that decision and send you notification of it within 20 working days after receiving your appeal. In unusual circumstances, the Commission may extend the time for responding to your appeal. For details, see § 9.10 of this subpart.

(b) If the Director, Office of Executive Administration denies your appeal, in whole or in part, the letter sent to you to notify you of this decision must:

* * * * *

PART 10—ACCESS TO INFORMATION ABOUT INDIVIDUALS

4. Section 10.3, paragraph (c) is revised to read as follows:

§ 10.3 Definitions

* * * * *

(c) Director of Executive Administration means the Director, Office of Executive Administration of the Panama Canal Commission.

* * * * *

5. Section 10.14, paragraph (b)(1) is revised to read as follows:

§ 10.14 How to appeal a refusal to amend a record under the Privacy Act.

* * * * *

(b) * * *

(1) Write to the Panama Canal Commission, Director, Office of Executive Administration, APO Miami 34011 (or Balboa, Republic of Panama); and

* * * * *

6. Section 10.15, paragraph (a), introductory texts of paragraphs (b) and (c) are revised to read as follows:

§ 10.15 How your Privacy Act appeal will be handled.

(a) The official responsible for deciding whether to grant your appeal is the Director of Executive Administration of the Panama Canal Commission. The Director of Executive Administration will review the refusal to amend your record and will advise you of his decision within 30 working days or receipt of your appeal.

(b) If the Director of Executive Administration grants your appeal, in whole or in part:

* * * * *

(c) If the Director of Executive Administration denies your appeal, in whole or in part, the letter sent to notify you of this decision must:

* * * * *

7. In § 10.21, paragraphs (a)(1)—(16) are revised and paragraphs (a)(17)—(30) are removed to read as follows:

§ 10.21 General exemptions.

(a) * * *

(1) PCC/AEPR–1, Probation and Parole Unit Child Custody Reports;

(2) PCC/AEPR–2, Presentence and Pre-Parole Investigation Reports;

(3) PCC/AEPR–3, Probation and Parole Unit Statistical File;

(4) PCC/AMSE–2, Cardex File— Contraband Violations;

(5) PCC/GSCP–2, Canal Protection Division Activity Report Files;

(6) PCC/GSIS–1, Personnel Security Files;

(7) PCC/GSPL–1, Law Enforcement Case Report Files;

(8) PCC/GSPL–2, Police Headquarters Confidential File;

(9) PCC/GSPL–3, Detective Confidential Files;

(10) PCC/GSPL–4, Convict Files;

(11) PCC/GSPL–5, Prisoner Record Cards;

(12) PCC/GSPL–6, Police Photo Files;

(13) PCC/GSPL–7, Fingerprint File;

(14) PCC/GSPL–8, Pending Detective Investigation;

(15) PCC/GSPL–9, Informant Name File;

(16) PCC/GSPL–10, Master Name File;

(17)—(30) [Removed].

* * * * *

8. In § 10.22, paragraphs (a) (1)(i), (2)(i)—(xxvii), (4)(i), (5)(i)—(vi) and (6)(i)—(iv) are revised and paragraphs (a)(1)(ii)—(iv), (2)(xxviii)—(xli) and (5)(vii)—(x) are removed to read as follows:

§ 10.22 Specific exemptions.

(a) * * *

(1) * * *

(i) PCC/GSIS–1, Personnel Security Files.

(ii)—(iv) [Removed].

(2) * * *

(i) PCC/AEPR–1, Probation and Parole Unit Child Custody Reports;

(ii) PCC/AEPR–2, Presentence and Pre-Parole Investigation Reports;

(iii) PCC/AEPR–3, Probation and Parole Unit Statistical File;

(iv) PCC/AMSE–2, Cardex File—Contraband Violations;

(v) PCC–CZG/BRAE–1, Canal Zone Board of Registration for Architects and Professional Engineers Reference Files;

(vi) PCC/CZG/CALS–7, Driver's License Investigatory File;

(vii) PCC/CZG/CAPS–2, Case Investigations;

(viii) PCC/EO–2, Equal Employment Opportunity Complaint File;

(ix) PCC/FMAC–1, Embezzlements, Burglaries, and Cash Shortages;

(x) PCC/FMAK–1, Claims Files;

(xi) PCC/FMGA–1, Cash Audit Files;

(xii) PCC/GSCS–2, Housing Complaints File;

(xiii) PCC/GSCP–2, Canal Protection Division Activity Report Files;

(xiv) PCC/GSIS–1, Personnel Security Files;

(xv) PCC/GSPL–1, Law Enforcement Case Report Files;

(xvi) PCC/GSPL–2, Police Headquarters Confidential File;

(xvii) PCC/GSPL–3, Detective Confidential Files;

(xviii) PCC/GSPL–4, Convict Files;

(xix) PCC/GSPL–5, Prisoner Record Cards;
(xx) PCC/GSPL–6, Police Photo Files;
(xxi) PCC/GSPL–7, Fingerprint File;
(xxii) PCC/GSPL–8, Pending Detective Investigation Records;
(xxiii) PCC/GSPL–9, Informant Name File;
(xxiv) PCC/GSPL–10, Master Name File;
(xxv) PCC/GSPL–12, Youth Unit Name Index File;
(xxvi) PCC/CZG/HL–2, Medical Administration System;
(xxvii) PCC/PB–3, Personnel Investigation Records;
(xxviii)—(xli) [Removed].
(3) * * *
(4) * * *
(i) PCC/PR–11, Minority Group Designator Records;
(5) * * *
(i) PCC/FMAC–1, Embezzlements, Burglaries, and Cash Shortages;
(ii) PCC/GSIS–1, Personnel Security Files;
(iii) PCC/PB–1, Merit System Recruiting, Examining, and Placement Records;
(iv) PCC/PB–2, Appeals, Grievances, Complaints, and Assistance Records;
(v) PCC/PB–3, Personnel Investigation Records;
(vi) PCC/PR–5, Recruiting and Placement Records;
(vii)—(x) [Removed].
(6) * * *
(i) PCC–CZG/BRAE–1, Canal Zone Board of Registration for Architects and Professional Engineers Reference Files;
(ii) PCC/MRBL–1, Marine License Files;
(iii) PCC/MRPA–1, Admeasurer Examination File;
(iv) PCC/PB–1, Merit System Recruiting, Examining, and Placement Records;
* * * * *

[FR Doc. 81–28594 Filed 10–1–81; 8:45 am]
BILLING CODE 3640–01–M

LIBRARY OF CONGRESS

36 CFR Parts 701, 702 and 703

Organization, Policies and Procedures

AGENCY: Library of Congress.

ACTION: Final rule.

SUMMARY: In the interest of providing members of the public and other interested parties with information reflecting current organization, policies, and procedures, the Library is revising the text of its regulations as published in Chapter VII, Title 36 of the Code of Federal Regulations.

EFFECTIVE DATE: July 1, 1981.

FOR FURTHER INFORMATION CONTACT: Howard Blancheri, Executive Officer, Office of the Associate Librarian for Management (287–5560)

SUPPLEMENTARY INFORMATION: For reasons set out in the preamble, Chapter VII, Title 36 of the Code of Federal Regulations is amended as shown:

1. The table of contents for Part 701 is revised to read as follows:

PART 701—PROCEDURES AND SERVICES

Sec.
701.1 Application for employment.
701.2 Access to Library buildings.
701.3 Removal of materials from Library buildings.
701.4 Information about the Library.
701.5 The Library's reading rooms and public use thereof.
701.6 Service of the general collections.
701.7 Reference and bibliographic assistance.
701.8 Special study facilities.
701.9 Loans of library materials.
701.10 Loans of library materials for blind and other physically handicapped persons.
701.11 Lending of materials from the Library for exhibition.
701.12 Photoduplication service.
701.13 Service of African and Middle Eastern materials.
701.14 Service of Asian materials.
701.15 Service of European materials.
701.16 Service of folklife materials.
701.17 Service of Hispanic materials.
701.18 Service of legal materials.
701.19 Service of local history and genealogical materials.
701.20 Service of manuscript materials.
701.21 Service of maps.
701.22 Service of microfilmed materials.
701.23 Service of motion pictures and television materials.
701.24 Service of music materials.
701.25 Service of prints and photographs.
701.26 Service of rare books and special collections.
701.27 Service of scientific and technical materials and the National Referral Center.
701.28 Service of serial materials.
701.29 Service of sound recordings.
701.30 Cataloging distribution.
701.31 Library of Congress publications.
701.32 Offers of materials for purchase.
701.33 Acquisition of library materials by non-purchase means and disposition of surplus library materials.
701.34 Contracting officers.

Authority: Sec. 1, 29 Stat. 544, 546; 2 U.S.C. 136.

2. *Section 701.1* is revised to read as follows:

§ 701.1 Application for employment.

The Library of Congress is an Excepted Service Legislative Branch agency. As such, it has its own independent merit system, and applicants do not need Civil Service status to apply for its positions. The Library has a wide range of clerical, technical, and professional positions (the latter being primarily oriented to library operations such as processing, cataloging, and reference, but with some positions in non-librarian occupations such as computer, subject area and research analyst specialists). The Library's Employment Office is located in Room LM–107, James Madison Building, First Street and Independence Avenue, S.E., Washington, D.C. 20540. Information about current employment needs and the procedure for application may be obtained by either visiting this office (Monday–Friday, 8:30 a.m. to 4:30 p.m.), calling during these hours at (202) 287–JOBS, or writing to the above address. A 24-hour recording of general information is available at (202) 287–5295.

§ 701.2 [Amended]

3. *Section 701.2* is amended by removing the words "Director of the Administrative Department" and inserting, in their place, the words "Associate Librarian for Management".

§ 701.4 [Amended]

4. *Section 701.4* is amended by removing the words "Main Building" and inserting, in their place, the words "Thomas Jefferson Building".

5. *Section 701.5* is revised to read as follows:

§ 701.5 The Library's reading rooms and public use thereof.

Materials in the general classified collections of the Library are serviced in the Library's general reading rooms: the Main Reading Room (Thomas Jefferson Building) and the Thomas Jefferson Room (John Adams Building). Special collections, as explained further in subsequent sections, are serviced in the following reading rooms: Asian, European, Geography and Map, Law Library, Local History and Genealogy, Manuscript, Microform, Motion Pictures, Music, Newspaper and Current Periodical, Prints and Photographs, Rare Book and Special Collections, and Science and Technology. Investigators requiring materials from other collections in the Library for use with materials in the custody of a special division (such as Manuscript, Geography and Map, Music, etc.) may requisition and use such materials in the reading room of the special division insofar and on such conditions as they are available for use therein. (Special collections are also serviced in the Congressional Reading Room and in the

Law Library in the Capitol, but these are not open to the general public.) Access to all reading rooms is governed by regulations established by the Librarian of Congress. Persons under 16 years of age are not admitted to the reading rooms unless they are accompanied by an adult. High school students are not admitted regardless of age, but exceptions will be made, under specified conditions, when material cannot be obtained in other libraries.

§ 701.6 [Amended]

6. *Section 701.6* is amended by removing the words "Stack and Reader Division" and inserting, in their place, the words "Collection Management Division".

7. *Section 701.7* is amended by revising paragraph (b) to read as follows:

§ 701.7 Reference and bibliographic assistance.

* * * * *

(b) Readers requiring reference and bibliographic assistance in the general collections and aid in the use of the catalogs may request help from the staff on duty in the general reading rooms. Requests for such assistance in special collections are referred to the appropriate specialized division and reading rooms.

* * * * *

§ 701.8 [Amended]

8. *Section 701.8* is amended by removing the words "Stack and Reader Division" and inserting, in their place, the words "General Reading Rooms Division".

§ 701.9 [Amended]

9. *Section 701.9* is amended by removing the words "or the Director of the Reference Department" in the first sentence.

10. *In § 701.10 paragraph (a)* is amended by removing the words "Division for the Blind and Physically Handicapped" and inserting, in their place, the words "National Library Service for the Blind and Physically Handicapped" and by removing the words "the Division" and inserting, in their place, the words "The National Library Service"; *paragraph (c)* is amended by removing the words "or prospective readers" and inserting, in their place, the words "of prospective readers"; *paragraph (f)* is amended by removing the words "the Division" and inserting, in their place, the words "The National Library Service"; *paragraph (h)* is amended by removing the words "Chief, Division for the Blind and Physically Handicapped" and inserting, in their place, the words "Director, National Library Service for the Blind and Physically Handicapped"; and paragraphs (b)(2)(i), (d), and (e) are revised to read as follows:

§ 701.10 Loans of library materials for blind and other physically handicapped persons.

* * * * *

(b) * * *

(2) * * *

(i) In cases of blindness, visual disability, or physical limitations "competent authority" is defined to include doctors of medicine, doctors of osteopathy, ophthalmologists, optometrists, registered nurses, therapists, professional staff of hospitals, institutions, and public or welfare agencies (e.g., social workers, case workers, counselors, rehabilitation teachers, and superintendents). In the absence of any of these, certification may be made by professional librarians or by any persons whose competence under specific circumstances is acceptable to the Library of Congress.

* * * * *

(d) *National Collections.* The Librarian of Congress, through the National Library Service for the Blind and Physically Handicapped, defines regions and determines the need for new regional libraries in cooperation with other libraries or agencies whose activities are primarily concerned with the blind and physically handicapped. It serves as the center from which books, recordings, sound reproducers, and other specialized materials are lent to eligible blind and physically handicapped readers who may be temporarily domiciled outside the jurisdictions enumerated by the act. It maintains a special collection of books in raised characters and on sound reproduction recordings not housed in regional libraries and makes these materials available to eligible borrowers on interlibrary loan.

(e) *Institutions.* The reading materials and sound reproducers for the use of blind and physically handicapped persons may be loaned to individuals who qualify, to institutions such as nursing homes and hospitals, and to schools for the blind or physically handicapped for the use of such persons only. The reading materials and sound reproducers may also be used in public or private schools where handicapped students are enrolled; however, the students in public or private schools must be certified as eligible on an individual basis and must be the direct and only recipients of the materials and equipment.

* * * * *

§ 701.13 [Redesignated as § 701.28 and amended.]

11. *Section 701.13* is amended by removing the words "Serial Division" and inserting, in their place, the words "Serial and Government Publications Division" and is redesignated as § 701.28.

12. *Section 701.14* is redesignated as § 701.27 and revised to read as follows:

§ 701.27 Service of scientific and technical materials and the National Referral Center.

(a) Readers requesting reference and bibliographic assistance in science and technology may consult the staff on duty in the Science Reading Room. Inquiries are referred when necessary to subject specialists in the Science and Technology Division. A special collection of technical reports is available in the Science Reading Room. Materials on science in the Library's subject-classified collections are also served in either of the Library's general reading rooms.

(b) A referral service for persons seeking sources of scientific and technical information is provided by the National Referral Center. Functioning as an intermediary, the Center directs persons who have a need for information about a particular subject to organizations or individuals with specialized knowledges of that subject. In answer to requests for referral service, the Center provides names, addresses, telephone numbers, and brief descriptions of appropriate information resources, which may include professional societies, university research bureaus and institutes, Federal and State agencies, industrial laboratories, museums, testing stations, and individual experts as well as more traditional sources of information, such as technical libraries, information and document centers, and abstracting and indexing services. Inquiries concerning the widest possible spectrum of science and technology are handled, including those relating to the social sciences. The Center also publishes directories of selected information resources in the physical, biological, and social sciences, and engineering which are available from the Superintendent of Documents.

13. *Section 701.15* is redesignated as § 701.17 and revised to read as follows:

§ 701.17 Service of Hispanic materials.

Readers requesting reference and bibliographic assistance on Hispanic materials may consult the staff on duty in the general reading rooms. Inquiries are referred when necessary to specialists in the Hispanic Division who provide reference and bibliographic

services for all materials pertaining to the cultural, political, social, and economic life of Spain, Portugal, Latin America, and the Caribbean, as well as for materials pertaining to the social and cultural life of Hispanics in the United States. Legal materials, prints and photographs, films, and recorded literature, maps, and music relating to Hispanic culture, and reference service thereon, are provided by the Law Library; Prints and Photographs Division; Motion Picture, Broadcasting, and Recorded Sound Division; Geography and Map Division; and Music Division, respectively. Reference service on Hispanic science and technology is provided by the Science and Technology Division.

§ 701.16 [Redesignated as § 701.20]

14. *Section 701.16* is redesignated as § 701.20.

§ 701.17 [Redesignated as § 701.21]

15. *Section 701.17* is redesignated as § 701.21.

16. *Section 701.18* is redesignated as § 701.24 and revised to read as follows:

§ 701.24 Service of music materials.

Service to readers in the Music Division's reading room is provided in accordance with prevailing regulations governing the use of materials in the Division's custody. Numerous catalogs, on cards and in bound volumes, afford access to the Division's holdings; a professional assistant is always on duty to give assistance and advice. The stacks of the Division are closed, but special permission granting access to them may be obtained from the Head, Reference Section.

17. *Section 701.19* is redesignated as § 701.29 and revised to read as follows:

§ 701.29 Service of sound recordings.

(a) Sound recordings of all kinds (except recordings for the blind) are in the custody of the Motion Picture, Broadcasting and Recorded Sound Division, and may be used only for serious research; permission to use them must be sought in advance by application to the Motion Picture, Broadcasting, and Recorded Sound Division. The Division also answers reference inquiries by correspondence.

(b) Reference and information pertaining to folk music and ethnomusicology are available from the Archive of Folk Song, American Folklife Center.

(c) A list of recordings of poetry and folk music issued by the Library of Congress and available for sale may be obtained from the Public Services Coordinator, Motion Picture, Broadcasting, and Recorded Sound Division, Library of Congress, Washington, D.C. 20540.

18. *Section 701.20* is redesignated as § 701.14 and revised to read as follows:

§ 701.14 Service of Asian materials.

(a) Services to readers in the Asian Division are provided in accordance with prescribed conditions of use of the materials in the custody of the Asian Division: materials written or printed in Bengali, Burmese, Chinese, Hindi, Indonesian, Japanese, Korean, Thai, Urdu, Vietnamese, etc.

(b) Readers requiring reference and bibliographic assistance in the general area of Asian cultures are assisted in the Asian Division. Asian legal materials, prints and photographs, maps, music, and reference service thereon are provided by the Law Library; the Prints and Photographs Division; the Geography and Map Division; and the Music Division, respectively. Reference service in Asian science is provided by the Science and Technology Division.

19. *Section 701.21* is redesignated as § 701.25 and revised to read as follows:

§ 701.25 Service of prints and photographs.

The Prints and Photographs Division provides reference services in person, by telephone, and by correspondence on its vast collection of fine and historical prints, drawings, photographs, posters, and architectural drawings and photographs. The collections which may be consulted in the Prints and Photographs Reading Room include artists' prints from the 15th through the 20th centuries, historical prints, original drawings by architects, artists, and illustrators, American graphic humor, posters of more then 70 countries, and master and documentary photographs, 1845 to the present, etc.

20. *Section 701.22* is redesignated as § 701.26 and revised to read as follows:

§ 701.26 Service of rare books and special collections.

(a) Service to readers in the Rare Book Reading Room are provided in accordance with prescribed conditions of registration and use of the materials in the custody of the Rare Book Division.

(b) Service to readers in the Law Library and the Music Division of the rare books in their custody are subject to similar regulations.

21. *Section 701.23* is redesignated as § 701.22 and revised to read as follows:

§ 701.22 Service of microfilmed materials.

(a) Service to readers in the Microform Reading Room is provided in accordance with prescribed conditions governing the use of microfilm and microprint material in the custody of the Microform Reading Room. Investigators may requisition inkprint materials from other collections of the Library for use in the Microform Reading Room, but such requests will be subject to limitations consistent with the care and service of the collections, and with regard for service to readers in other reading rooms.

(b) Other units have custody of microfilmed materials, such as manuscripts, newspapers, music, law, and orientalia, and render service on these materials.

22. *Section 701.24* is redesignated as § 701.15 and revised to read as follows:

§ 701.15 Service of European materials.

The professional staff of the European Division renders reference and bibliographic services pertaining to the cultural, political, social, and economic life of Albania, Austria, Belgium, Bulgaria, Cyprus, Czechoslovakia, Denmark, Estonia, Finland, France, the German Democratic Republic, the Federal Republic of Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, The Netherlands, Norway, Poland, Romania, San Marino, the Soviet Union, Sweden, Switzerland, the Vatican City, and Yugoslavia. Public reference service and bibliographic assistance concerning European materials is provided by the Division's European Reading Room, which maintains a 9,000 volume reference collection and pertinent informational files.

23. *Section 701.25* is redesignated as § 701.19 and revised to read as follows:

§ 701.19 Service of local history and genealogical materials.

Readers requesting reference and bibliographic assistance on materials in local history and genealogy may consult the staff in the Local History and Genealogy Room.

24. *Section 701.26* is redesignated as § 701.18 and revised to read as follows:

§ 701.18 Service of legal materials.

(a) Legal materials are served in the reading room of the Law Library in the James Madison Building. Those volumes which are not on the open shelves may be obtained for reading room use by filling out and presenting to a reference assistant a slip provided for the purpose.

(b) The collections of the Law Library are available in part, for use outside the Library for a limited period, to

authorized borrowers in Washington, D.C., and through interlibrary loan to the general public residing in other parts of the country, in conformity with Loan Division procedures. Books which are lent for use outside of the Law Library must be charged in the Law Library. Books which are lent for use outside the Library building must be charged in the Loan Division, where a formal charge is made and a door pass is issued.

25. *Section 701.27* is redesignated as § 701.30 and revised to read as follows:

§ 701.30 Cataloging distribution.

Cards are printed and supplied to the Library of Congress and other libraries by the Cataloging Distribution Service. The Service sells bibliographic data in the form of proofsheets, printed cards, machine-readable tapes (MARC), book catalogs, and technical publications to libraries, learned societies, professional institutions, government agencies, private institutions, and cooperative and commercial processing centers. Information may be obtained from the Cataloging Distribution Service, Library of Congress.

26. *Section 701.28* is redesignated as § 701.31 and revised to read as follows:

§ 701.31 Library of Congress publications.

Publications of the Library include guides to its collections and services, catalogs of materials in the Library of Congress and other libraries, lists and descriptions of serials and monographs received, registers of personal papers of American public figures, bibliographies, facsimiles of rare items in its collections, exhibit catalogs, annual reports, a quarterly journal, acquisitions reports, and various other issuances relating to the Library and its programs. Most of the Library's publications are sold by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. A complete list of available publications, *Library of Congress Publications in Print*, is distributed free by the Central Services Division, Library of Congress, Washington, D.C. 20540.

§ 701.29 [Redesignated as 701.32]

27. *Section 701.29* is redesignated as § 701.32.

28. *Section 701.30* is redesignated as § 701.34 and revised to read as follows:

§ 701.34 Contracting officers.

The following officers are authorized to procure materials and services on behalf of the Library of Congress and to execute contracts in the particular areas specified:

Officer	Area in which Officer has contract responsibility
The Librarian of Congress	All areas.
The Deputy Librarian of Congress	All areas.
The Associate Librarian of Congress	All areas.
Associate Librarian for Management	All areas except materials for the Library's collections.
Director, Congressional Research Service	Agreements for temporary/intermittent assistance of experts/consultants in specialized fields of knowledge.
Executive Director, The Center for the Book and Editor-in-Chief, *LC: The Journal of the Library of Congress.*	Exclusive agreements with authors for articles in *LC: The Journal of the Library of Congress.*
Chief, Procurement and Supply Division	All areas except materials for the Library's collections.
Director for Acquisitions and Overseas Operations.	Agreements for bibliographic services.
Chief and Assistant Chief, Order Division	Materials for the Library's collections.
Chief and Assistant Chief, Exchange and Gift Division.	Agreements involving all nonpurchase materials for the Library's collections (exchanges, gifts, deposits, etc.).
Chief, Financial Management Office	Interdepartmental charges and entertainment.
Exhibits Officer	Agreements involving loans of exhibits.
Chief, Manuscript Division	Agreements involving the Library's literature programs (non-appropriated funds).
Chief, Music Division	Agreements involving the Library's musical programs (non-appropriated funds).
Staff Training and Development Officer	Training agreements with educational institutions.
Other officers who are delegated specific procurement powers by The Librarian in specific situations.	As specifically delegated.

§ 701.31 [Redesignated as § 701.33]

29. *Section 701.31* is redesignated as § 701.33.

30. A new section *701.13* is added to read as follows:

§ 701.13 Service of African and Middle Eastern materials.

(a) Services to readers in the African and Middle Eastern Division are provided in accordance with prescribed conditions of use of the materials in the custody of the division: materials written or printed in Arabic, Hebrew, Persian, Turkish, Yiddish, etc.

(b) Readers requiring reference and bibliographic assistance in the general areas of African and Middle Eastern studies are assisted in the African and Middle Eastern Division. Legal materials, prints and photographs, films and recorded literature, maps, and music relating to Africa and the Middle East, and reference service thereon, are provided by the Law Library; Prints and Photographs Division; Motion Picture, Broadcasting, and Recorded Sound Division; Geography and Map Division; and Music Division, respectively. Reference service on African and Middle Eastern science and technology is provided by the Science and Technology Division.

31. A new § *701.16* is added to read as follows:

§ 701.16 Service of folklife materials.

(a) The American Folklife Center renders specialized reference, bibliographic and consulting services pertaining to "preserving and presenting" folk cultural traditions in the United States. The Center is not a grant-giving agency but concentrates on varied services to the field—coordination of folk cultural activities, local, state, federal and at the Library of Congress; field projects, technical and consultant services; research and archival service; and publications, exhibits and live presentations designed to disseminate ideas and materials pertaining to American folk culture.

(b) The Center's Archive of Folk Song provides reference and referral services concerning folklife and ethnomusicology by telephone, through correspondence, and directly to readers in the Archive's Reading Room on the Library's pertinent collection of books, periodicals, recordings, manuscripts, etc. Printed descriptions of the Archive's published reference and findings aids, recordings, intern program, and other services, are available from the Archive of Folk Song, Library of Congress, Washington, D.C. 20540.

32. A new § *701.23* is added to read as follows:

§ 701.23 Service of motion pictures and television materials.

The Motion Picture, Broadcasting and Recorded Sound Division provides reference services in person, by telephone, and by correspondence on its motion pictures dating from 1894. The collection includes videotapes. Tabletop viewing machines are available for research by qualified scholars.

PART 702—CONDUCT ON LIBRARY PREMISES

1. The *table of contents* is amended by (1) removing the words "Preservation of property" and inserting, in their place, the words "Protection of property" and (2) removing the words "Space for meeting" and inserting, in their place, the words "Space for meetings and special events."

§ 702.2 [Amended]

2. *Section 702.2* is amended by removing the words "Director of the Administrative Department" and

inserting, in their place, the words "Associate Librarian for Management".

§ 702.6 [Amended]

3. *Section 702.6* is amended by removing the words "Director, Administrative Department" and inserting, in their place, the words "Associate Librarian for Management".

§ 702.10 [Amended]

4. The title of § *702.10* is amended by removing the words "Preservation of property" and inserting, in their place, the words "Protection of property".

5. *Section 702.12* is revised to read as follows:

§ 702.12 Space for meetings and special events.

The use of "meeting places" in the Library shall be limited to official staff functions, or functions sponsored by the Library. The Library's facilities are not available for meetings, performances or special events that: (a) involve any organization practicing or promoting discrimination based upon race, religion, color, sex, age, marital status, handicap, national origin, or political affiliation; (b) have a partisan political, sectarian, or similar nature or purpose; (c) are sponsored by profit-making organizations that promote commercial enterprises or commodities.

§ 702.13 [Amended]

6. *Section 702.13* is amended by removing the words "Director of the Administrative Department" and inserting, in their place, the words "Associate Librarian for Management".

PART 703—AVAILABILITY OF LIBRARY OF CONGRESS RECORDS

1. *Section 703.3(a)* is amended by revising paragraph (4) to read as follows:

§ 703.3 Exemptions.

(a) * * *

(4) Related to copyrights except as provided by 37 CFR 201.2, 203.4 and 203.5;

* * * * *

§ 703.4 [Amended]

2. *Section 703.4(a)* is amended by removing the words "and processed pursuant to the provisions of LCR 1014" and inserting, in their place, the words "for processing".

§ 703.6 [Amended]

3. *Section 703.6(a)(1)* is amended by (1) removing the words "fee of $5 per hour" and inserting, in their place, the words "fee of $7 per hour" and (2) removing the words "$8 per hour" and inserting, in their place, the words "$10 per hour".

4. *Section 703.6(a)(3)* is amended by removing the words "Assistant Director for Management Services, Administrative Department" and inserting, in their place, the words "Associate Librarian for Management".

5. *Section 703.6(b)* is amended by removing the words "Assistant Director for Management Services" and inserting, in their place, the words "Associate Librarian for Management".

(Sec. 1, 29 Stat. 544, 546; 2 U.S.C. 136)

Effective date.—The amendments set forth above are effective July 1, 1981.

Issued in Washington, D.C., September 21, 1981.

Glen A. Zimmerman,

Associate Librarian for Management, Library of Congress.

[FR Doc. 81-28551 Filed 10-1-81, 8:45 am]

BILLING CODE 1410-01-M

VETERANS ADMINISTRATION

38 CFR Part 21

Veterans Education; Time Limit To Submit Mitigating Circumstances

AGENCY: Veterans Administration.

ACTION: Final Regulation.

SUMMARY: This regulation sets a time limit for a veteran to submit mitigating circumstances surrounding a withdrawal from a course or receipt of a nonpunitive grade which does not count toward meeting graduation requirements. The veteran must do this in order to receive educational assistance allowance for these courses. In assuring the orderly administration of benefits, the Veterans Administration may require a measure of diligence from the veteran. This regulation makes such a requirement.

EFFECTIVE DATE: September 10, 1981.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW, Washington, D.C. (202-389-2092).

SUPPLEMENTARY INFORMATION: On pages 28679 and 28680 of the **Federal Register** of May 28, 1981 there was published a notice of intent to amend part 21 to put a time limit on reporting mitigating circumstances.

Interested persons were given 60 days in which to submit comments, suggestions or objections regarding the proposal. The Veterans Administration received no comments. Accordingly, the agency is adopting the proposal.

The Administrator hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), this final rule therefore is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. The reason for this certification is that the rule will regulate only individual Veterans Administration benefit recipients. It will have no significant direct impact on small entities (i.e. small businesses, small private and nonprofit organizations, and small governmental jurisdictions).

The Veterans Administration has determined that this regulation is not a major rule as that term is defined by Executive Order 12291, Federal Regulation. The annual effect on the economy will be less than $100 million. It will not result in major increases in costs or prices for anyone. It will have no significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Catalog of Federal Domestic Assistance number for the program affected by this regulation is 64.111.

The proposed change to § 21.4136 is deemed proper and is hereby approved.

Approved: September 10, 1981.

Robert P. Nimmo,

Administrator.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

In § 21.4136, paragraph (k) is revised as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. Chapter 34.

* * * * *

(k) *Mitigating circumstances.* (1) The Veterans Administration will not pay benefits to any veteran for a course from which the veteran withdraws or receives a nonpunitive grade which is not used in computing the requirements for graduation unless—

(i) There are mitigating circumstances, and

(ii) The veteran submits the circumstances in writing to the Veterans Administration within 1 year from the date the veteran withdraws or the date he or she completes the course for which the nonpunitive grade is given.

(2) The following circumstances are representative of those which the Veterans Administration considers to be

mitigating provided they prevent the veteran or eligible person from pursuing the program of education continuously. This list is not all-inclusive.

(i) An illness of the veteran or other eligible person.

(ii) An illness or death in the veteran's or eligible person's family.

(iii) An unavoidable geographical transfer resulting from the veteran's or eligible person's employment.

(iv) An unavoidable change in the veteran's or eligible person's conditions of employment.

(v) Immediate family or financial obligations beyond the control of the veteran or eligible person which require him or her to suspend pursuit of the program of education to obtain employment.

(vi) Discontinuance of a course by the school.

(vii) Unanticipated active duty military service, including active duty for training.

(3) If the student fails to complete satisfactorily a course under subchapter V, chapter 34, title 38, United States Code, without fault, the Veterans Administration will consider the circumstances which caused the failure to be mitigating. This will be the case even if the circumstances were not so severe as to preclude continuous pursuit of a program of education. (38 U.S.C. 1780(a).)

[FR Doc. 81-28663 Filed 10-1-81; 8:45 am]

BILLING CODE 6320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 6E1872/R341; PH-FRL-1948-5]

Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Pyrethrins and Synergist Piperonyl Butoxide

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for the insecticide pyrethrins resulting from postharvest use on stored sweet potatoes at 0.05 part per (ppm) and the insecticide synergist piperonyl butoxide resulting from postharvest use on stored sweet potatoes at 0.25 ppm. This regulation was requested by the Interregional Research Project No. 4 (IR-4). This regulation establishes the maximum permissible level for residues of the subject insecticide and synergist on sweet potatoes.

EFFECTIVE DATE: Effective on October 2, 1981.

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

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 502B, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7123).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of June 23, 1981 (46 FR 32457) that the Interregional Research Project No. 4 (IR-4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers Univesity, New Brunswick, NJ 08903, had sumitted pesticide petition number 6E1872 to EPA on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of North Carolina.

This petition requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of tolerances for residues of the insecticide pyrethrins (insecticidally active principles of *Chrysanthemum cinerariaefolium*) resulting from post-harvest application to the raw agricultural commodity sweet potatoes at 0.05 ppm and the insecticide synergist piperonyl butoxide [(butyl carbityl) (6-propyl piperonyl) ether] at 0.25 ppm.

No comments or request for referral to an advisory committee were received in response to this notice of proposed rulemaking.

Therefore, it is concluded that the amendments to 40 CFR Part 180 will protect the public health, and they are established as set forth below.

Any person adversely affected by this regulation may, by November 2, 1981, file written objections with the Hearing Clerk, Environmental Protection Agency, Rm. M-3708, (A-110), 401 M St., SW., Washington, DC 20460. Such objections must be submitted in quintuplicate and specify the provisions of the regulation deemed 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 supported by grounds legally sufficient to justify the relief sought.

As required by Executive Order 12291, EPA has determined that this rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this regulation from the OMB review requirement of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that the regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities.

A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

Effective on October 2, 1981.

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

Dated: September 23, 1981.

James M. Conlon,

Acting Deputy Assistant Administrator for Pesticide Programs.

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

Therefore, Subpart C of 40 CFR Part 180 is amended by revising §§ 180.127 and 180.128 to read as follows:

§ 180.127 Piperonyl butoxide; tolerances for residues.

Tolerances for residues of the insecticide piperonyl butoxide [(butyl carbityl) (6-propyl piperonyl)ether] are established in or on the following raw agricultural commodities:

Commodities	Parts per million
Almonds (post-H)	8
Apples (post-H)	8
Barley (post-H)	20
Beans (post-H)	8
Birdseed mixtures (post-H)	20
Blackberries (post-H)	8
Blueberries (huckleberries) (post-H)	8
Boysenberries (post-H)	8
Buckwheat (post-H)	20
Cattle, fat	0.1(N)
Cattle, mbyp	0.1(N)
Cattle, meat	0.1(N)
Cherries (post-H)	8
Cocoa beans (post-H)	8
Copra (post-H)	8
Corn (including popcorn) (post-H)	20
Cottonseed (post-H)	8
Crabapples (post-H)	8
Currants (post-H)	8
Dewberries (post-H)	8
Eggs	1
Figs (post-H)	8
Flaxseed (post-H)	8
Goats, fat	0.1(N)
Goats, mbyp	0.1(N)
Goats, meat	0.1(N)
Gooseberries (post-H)	8
Grain sorghum (post-H)	8
Grapes (post-H)	8
Guavas (post-H)	8
Hogs, fat	0.1(N)
Hogs, mbyp	0.1(N)
Hogs, meat	0.1(N)
Horses, fat	0.1(N)
Horses, mbyp	0.1(N)

Commodities	Parts per million
Horses, meat	0.1(N)
Loganberries (post-H)	8
Mangoes (post-H)	8
Milk fat (reflecting negligible residues in milk)	0.25
Muskmelons (post-H)	8
Oats (post-H)	8
Oranges (post-H)	8
Peaches (post-H)	8
Peanuts (with shell removed) (post-H)	8
Pears (post-H)	8
Peas (post-H)	8
Pineapples (post-H)	8
Plums (fresh prunes) (post-H)	8
Potatoes (post-H)	0.25
Poultry, fat	3
Poultry, mbyp	3
Poultry, meat	3
Raspberries (post-H)	8
Rice (post-H)	20
Rye (post-H)	20
Sheep, fat	0.1(N)
Sheep, mbyp	0.1(N)
Sheep, meat	0.1(N)
Sweet potatoes (post-H)	0.25
Tomatoes (post-H)	8
Walnuts (post-H)	8
Wheat (post-H)	20

§ 180.128 Pyrethrins; tolerances for residues.

Tolerances for residues of the insecticide pyrethrins (insecticidally active principles of *Chrysanthemum cinerariaefolium)* are established in or on following the raw agricultural commodities:

Commodities	Parts per million
Almonds (post-H)	1
Apples (post-H)	1
Barley (post-H)	3
Beans (post-H)	1
Birdseed mixtures (post-H)	3
Blackberries (post-H)	1
Blueberries (huckleberries) (post-H)	1
Boysenberries (post-H)	1
Buckwheat (post-H)	3
Cattle, fat	0.1(N)
Cattle, mbyp	0.1(N)
Cattle, meat	0.1(N)
Cherries (post-H)	1
Cocoa beans (post-H)	1
Copra (post-H)	1
Corn (including popcorn) (post-H)	3
Cottonseed (post-H)	1
Crabapples (post-H)	1
Currants (post-H)	1
Dewberries (post-H)	1
Eggs	0.1(N)
Figs (post-H)	1
Flaxseed (post-H)	1
Goats, fat	0.1(N)
Goats, mbyp	0.1(N)
Goats, meat	0.1(N)
Gooseberries (post-H)	1
Grain sorghum (post-H)	1
Grapes (post-H)	1
Guavas (post-H)	1
Hogs, fat	0.1(N)
Hogs, mbyp	0.1(N)
Hogs, meat	0.1(N)
Horses, fat	0.1(N)
Horses, mbyp	0.1(N)
Horses, meat	0.1(N)
Loganberries (post-H)	1
Mangoes (post-H)	1
Milk fat (reflecting negligible residues in milk)	0.5
Muskmelons (post-H)	1
Oats (post-H)	1
Oranges (post-H)	1
Peaches (post-H)	1
Peanuts (with shell removed) (post-H)	1
Pears (post-H)	1
Peas (post-H)	1
Pineapples (post-H)	1
Plums (fresh prunes) (post-H)	1
Potatoes (post-H)	0.05
Poultry, fat	0.2
Poultry, mbyp	0.2
Poultry, meat	0.2
Raspberries (post-H)	1
Rice (post-H)	3
Rye (post-H)	3
Sheep, fat	0.1(N)
Sheep, mbyp	0.1(N)
Sheep, meat	0.1(N)
Sweet potatoes (post-H)	0.05
Tomatoes (post-H)	1
Walnuts (post-H)	1
Wheat (post-H)	3

[FR Doc. 81-28737 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-32-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Public Land Order 6021

[I-17255]

Idaho; Partial Revocation of Public Water Reserve No. 66

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes an Executive order that withdrew 200 acres as a public water reserve. Eighty acres will be restored to operation of the public land laws generally, including location for nonmetalliferous minerals under the mining laws. The remaining 120 acres are privately owned.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: William E. Ireland, Idaho State Office, 208-334-1597.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of August 15, 1919, creating Public Water Reserve No. 66, is hereby revoked insofar as it affects the following described lands:

Boise Meridian

T. 2 S., R. 17 E.,
Sec. 22, S½NE¼, NE¼NE¼;
Sec. 15, SE¼SW¼, SW¼SE¼.

The area described contains 200 acres in Camas County of which 80 acres are public lands. The remaining 120 acres are privately owned.

2. At 10 a.m. on October 29, 1981, the S½NE¼ sec. 22 shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on October 29, 1981, the lands described in paragraph 2 will be open to location for nonmetalliferous minerals. The lands have been and continue to be open to applications and offers under the mineral leasing laws and to location under the United States mining laws for metalliferous minerals.

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Service, Bureau of Land Management, P.O. Box 042, Boise, Idaho 83724.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28714 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6020

[I-12546]

Idaho; Amends Public Land Order No. 5844

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This document will amend the land description, and aggregate acreage of Public Land Order No. 5844 of February 20, 1981.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Ed Puchalla, 202-343-6486.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

A description of lands in Public Land Order No. 5844 of February 20, 1981, in FR Doc. 81-2488 appearing at page 7346 in the issue of Friday, January 23, 1981, in the first column under T. 8 S., R. 13 E., the penultimate line reads "Sec. 12, W½NW¼." It should be amended to read: "Sec. 12, W½NW¼" and T. 8 S., Sec. 7, N½ of Lot 6, N½SW¼NE¼," containing in the aggregate 148.4 acres. The amended lands are being restored subject to Section 24 of the Federal Power Act of June 10, 1920, supra, and are hereby made expressly subject to all

of the terms and conditions of Public Land Order No. 5844.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28715 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6005

[M-41524]

Montana; Revocation of Stock Driveway Withdrawal No. 142; Montana No. 6

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Secretarial order which withdrew 3,848.69 acres of land for use as a stock driveway. Part of the lands (208.69 acres) remain withdrawn for Public Water Reserve No. 62. The remaining 3,640 acres will be opened to operation of public land laws; they have been and continue to be open to mining and mineral leasing.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Roland F. Lee, Montana State Office, 406-657-6291.

By virtue of the authority vested in the Secretary of the Interior, by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order dated March 15, 1921, which withdrew the following described lands for a stock driveway is hereby revoked in its entirety:

Principal Meridian

T. 13 S., R. 6 W.,
Sec. 11, W½;
Sec. 14, W½;
Sec. 15, S½;
Sec. 19, lots 1 and 2, NE¼, E½NW¼;
Sec. 20, N½;
Sec. 21, N½N½;
Sec. 22, N½NW¼.
T. 13, S., R. 7 W.,
Sec. 8, E½SE¼, W½SE¼;
Sec. 17, W½E½, E½W½;
Sec. 20, NE¼, E½NW¼;
Sec. 21, N½;
Sec. 22, N½;
Sec. 23, N½;
Sec. 24, N½.

The area described aggregates 3,848.69 acres in Beaverhead County, Montana.

2. At 8 a.m. on October 29, 1981, the above described lands, excepting Lots 1 and 2, E½NW¼, sec. 19, T. 13 S., R. 6 W., and the NE¼NW¼, sec. 23, T. 13 S., R. 7 W., shall be open to operation of the public land law generally, subject to valid existing rights, the provision of existing withdrawals, and requirements of applicable law. All valid applications received at or prior to 8 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

3. The public lands described above, excepting lots 1 and 2, E½NW¼, sec. 19, T. 13 S., R. 6 W., and the NE¼NW¼, sec. 23, T. 13 S., R. 7 W., have been and continue to be open to location under the mining laws.

4. This action will not restore the following described lands to operation of the public land laws nor mining of nonmetalliferous minerals under the mining laws as they are withdrawn for Public Water Reserve No. 62:

Principal Meridian

T. 13 S., R. 6 W.,
Sec. 19, lots 1 and 2, E½NW¼.
T. 13 S., R. 7 W.,
Sec. 23, NE¼NW¼.

5. All the lands in Paragraph one have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28716 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6019

[NM 42946]

New Mexico; Partial Revocation of Executive Order No. 6815

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes Public Water Reserve No. 156 New Mexico, as to 55.25 acres. This action will restore the lands to the operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office, 505-988-6211.

By virtue of the authority vested in the Secretary of the Interior by section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order 6815 of August 10, 1934, which withdrew the following described public lands for use as a Public Water Reserve is hereby revoked insofar as it affects the following described land:

New Mexico Principal Meridian

T. 21 S., R. 1 W.,
Sec. 5, Lots 3 and 5.

The area described contains 55.25 acres in Dona Ana County.

2. At 8:00 a.m. on October 29, 1981, the lands will be open to operation of the public land laws generally, the subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:00 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 8:00 a.m. on October 29, 1981, the lands also will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28720 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6011

[NM-42917]

New Mexico; Partial Revocation of Public Water Reserve

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes an Executive order and a Secretarial order affecting 157.48 acres of lands withdrawn as public water reserves. This action will restore the lands to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office, 505-988-6211.

By virtue of the authority vested in the Secretary of the Interior by Section 204

of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Secretarial Order of April 4, 1932, as Interpretation No. 160, is hereby revoked insofar as it affects the following described lands:

New Mexico Principal Meridian

T. 31 N., R. 9 W.,
Sec. 25, lots 6 to 9, inclusive, (formerly SW¼).

The area described contains 157.48 acres in San Juan County.

2. At 8 a.m. on October 29, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisons of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 8 a.m. on October 29, 1981, the lands will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28721 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6016

[NM-42911]

New Mexico; Revocation of Public Water Reserve No. 85

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order which withdrew public lands for a public water reserve. This action will restore the lands to the operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office, 505-988-6211.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order dated November 27, 1922 which withdrew certain lands for public water reserve purposes, is hereby revoked in its entirety:

New Mexico Principal Meridian

Public Water Reserve No. 85

T. 16 N., R. 3 W.,
Sec. 29, lots 3 and 4.

The area described contains 95.20 acres in Sandoval County.

2. At 8:00 a.m. on October 29, 1981, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:00 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 8:00 a.m. on October 29, 1981, the lands also will be open to nonmetalliferous mineral location under the United States mining laws. The lands have been and continue to be open to metalliferous mineral location under the United States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands shall be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28717 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6017

[NM-032564]

New Mexico; Revocation of Public Land Order No. 1581

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a public land order which withdrew 1,680 acres as the San Luis (Rio Puerco) experimental watershed for use of the Bureau of Land Management. This action will restore 1,480 acres to the operation of the public land laws, including the mining and mineral leasing laws. The 200 acres of patented lands which reserved all minerals to the United States will be restored to the operation of the mining and mineral leasing laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office, 505-988-6211.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1581 of February 5, 1958, which withdrew the following described lands for use as the San Luis (Rio Puerco) Experimental Watershed is hereby revoked in its entirety:

New Mexico Principal Meridian

T. 17 N., R. 2 W.,
Sec. 4, N½N½NW¼;
Sec. 5, N½N½N½;
Sec. 6, NE¼NE¼.
T. 18 N., R. 2 W.,
Sec. 28, SW¼;
Sec. 29, S½SE¼;
Sec. 31, E½;
Sec 32;
Sec. 33, W½.

The area described contains 1,680 acres in Sandoval County.

2. At 8 a.m. on October 29, 1981, all the lands, except the N½N½NW¼ Sec. 4, T. 17 N., R. 2 W., and the SW¼ Sec. 33 T. 18 N., R. 2 W., containing 200 acres which are patented, shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 8 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. All of the public and patented lands will be open to applications and offers under the mineral leasing laws, and to location under the United States mining laws, at 8 a.m. on October 29, 1981.

Inquiries concerning the lands should be addressed to the Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28718 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6018

[NM-42919]

New Mexico; Partial Revocation of Public Water Reserve No. 107, Interpretation No. 209

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order and a Secretarial order affecting 20 acres of land withdrawn for a public water reserve. The land is privately owned therefore, it will not be restored to operation of the public land laws, including the mining and mineral leasing laws.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Stella V. Gonzales, New Mexico State Office, 505-988-6211.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Secretarial Order of September 27, 1934, as Interpretation No. 209, is hereby revoked insofar as it affects the following described land.

New Mexico Principal Meridian

T. 9 N., R. 4 E.,
Sec. 2, S½NE¼NE¼.

The area described contains 20 acres of privately owned land in Bernalillo County.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
September 23, 1981.

[FR Doc. 81-28719 Filed 10-1-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5998

[OR-20267]

Oregon; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Secretarial order in part as to 400 acres of land withdrawn for reclamation purposes. This action will restore the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of December 14, 1926, which withdrew certain lands for use by the Bureau of Reclamation for reclamation purposes in connection with the Vale Project, is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Vale Project

T. 17 S., R. 44 E.,
Sec. 14, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, and N½SE¼.

The area described contains 400 acres in Malheur County.

2. At 10 a.m. on October 29, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on October 29, 1981, the lands will be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
September 23, 1981.

[FR Doc. 81-28722 Filed 10-1-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6023

[U-41836]

Utah; Partial Revocation of Reclamation Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Commissioner's order which withdrew public lands for use of the Bureau of Reclamation in connection with the Bonneville Unit, Central Utah Project, and restores them to such disposition as may be made of national forest lands.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Ken Latimer, Utah State Office, 801-524-4245.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Commissioner's First Form Reclamation Withdrawal Order dated January 30, 1956, which withdrew lands for the Bonneville Unit, Central Utah Project, is hereby revoked as to the following described lands:

Uintah Meridian

T. 1 N., R. 8 W.,
Sec. 4;
Sec. 5, E½E½.
T. 2 N., R. 8 W.,
Sec. 34, S½S½.
Sec. 35, S½.

Containing 1,277.62 acres in Duchesne County.

2. At 10 a.m. on October 29, 1981, the lands shall be open to such forms of disposition as may by law be made of national forest lands.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
September 23, 1981.

[FR Doc. 81-28723 Filed 10-1-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 5996

[W-75545]

Wyoming; Partial Revocation of National Forest Administrative Site Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a public land order, as modified, which withdrew 30 acres of national forest land as a Forest Service administrative site. This action permits consummation of a pending Forest Service exchange.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: W. Scott Gilmer, Wyoming State Office, 307-778-2220, extension 2336.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 2278 of February 27, 1961, as modified by Public Land Order No. 4788 dated April 2, 1970, creating the Keystone Administrative Site, is hereby revoked insofar as it affects the following described lands:

Sixth Principal Meridian

Medicine Bow National Forest

T. 14 N., R. 79 W.,
Sec. 21, W½SW¼SE¼NE¼, S½SW¼NE¼, and E½SE¼SE¼NW¼.

The area described contains 30 acres in Albany County.

2. At 10 a.m. on October 29, 1981, the above described lands will be open to such forms of disposition as may by law be made of national forest lands.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
September 23, 1981.

[FR Doc. 81-28724 Filed 10-1-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6008

[A-13433]

Arizona; Partial Revocation of Public Water Reserve No. 24 (AR-3)

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes in part an Executive order which withdrew certain lands as a public water reserve. This action will restore the public lands to operation of the public land laws generally, except those in the Vermillion Cliffs Natural Area, which will remain segregated from operation of the public land laws, including the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION, CONTACT: Mario L. Lopez, Arizona State Office, 602-261-4774.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of January 13, 1915, which withdrew certain lands in Arizona for public water reserve purposes, is hereby revoked so far as it affects the following described lands:

Gila and Salt River Meridian

T. 38 N., R. 5 E.,
Sec. 6, lots 1, 2, 3, SW¼NE¼, SE¼NW¼, NE¼SW¼;
Sec. 29, NW¼NW¼;
Sec. 30, NE¼NE¼.

The areas described aggregate 320.90 acres in Coconino County, of which 200.72 acres are privately owned.

2. At 10 a.m. on October 29, 1981, the NE¼NE¼ sec. 30, T. 38 N., R. 5 E., shall be open to operation of the public land laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on October 29, 1981, the public land described in paragraph 2 shall be open to nonmetalliferous mineral location under the United States mining laws. The land has been and will continue to be open to metalliferous mineral location under the mining laws.

4. The public land described as lot 3, SE¼NW¼ sec. 6, T. 38 N., R. 5 E., has been designated as part of the Vermillion Cliffs Natural Area and remains closed to location, settlement or entry under the public land laws, including the mining laws.

5. The public lands described in this order have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the public lands should be addressed to the State Director, Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
September 23, 1981.

[FR Doc. 81-28737 Filed 10-1-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6012

[CA 7089]

California; Partial Revocation of Public Water Reserve

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes an Executive order and a Secretarial order affecting 40 acres of land withdrawn for public watering purposes. This action will restore the land to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Dianna Storey, California State Office, 916-484-4431.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Secretarial Order of February 10, 1933, as Interpretation No. 176, is hereby revoked insofar as it affects the following described land:

San Bernardino Meridian

T. 14 S., R. 5 E.,
Sec. 12, SE¼SW¼.

The area described contains 40 acres in San Diego County.

2. The land is wholly within a Wilderness Study Area, identification No. CA-060-024A, for management in accordance with Section 603(c) of the Federal Land Policy and Management Act of 1976, the Bureau of Land Management's Interim Management Policy and Guidelines for Lands Under Wilderness Review issued December 12, 1979, and mining regulations under 43 CFR 3802.

3. At 10 a.m. on October 29, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The land will be open to location for nonmetalliferous minerals under the United States mining laws at 10 a.m. on October 29, 1981. The land has been and continues to be open to location for metalliferous minerals under the United States mining laws, and to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, Room E-2841, Federal Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
September 23, 1981.

[FR Doc. 81-28735 Filed 10-1-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6013

[CA-7088]

California; Revocation of Public Water Reserve No. 151

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order and a public land order affecting 664.48 acres of public land withdrawn for public watering purposes. This action will restore the lands to operation of the public land laws

generally, and to nonmetalliferous mining under the United States mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Dianna Storey, California State Office, 916–484–4431.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Executive Order No. 6116 of April 29, 1933, and Public Land Order No. 814 of April 1, 1952, which withdrew the following described lands for public water reserve purposes, are hereby revoked:

San Bernardino Meridian

Public Water Reserve No. 151

T. 5 S., R. 6 E.,
Sec. 28, lots 12 and 14 (formerly the southern 10.04 acres of lot 5).
T. 6 S., R. 6 E.,
Sec. 4, lots 1 and 2, S½NE¼, S½;
Sec. 6, lot 7, E½SW¼, E½NW¼SW¼.

The area described aggregates 664.48 acres in Riverside County.

2. At 10 a.m. on October 29, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands will be open to location for nonmetalliferous minerals at 10 a.m. on October 29, 1981. The lands have been and will continue to be open to location for metalliferous minerals and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, Room E–2841, Federal Building, 2800 Cottage Way, Sacramento, California 95825.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28742 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6015

[SAC-024773]

California; Revocation of Recreation Withdrawal No. 24

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Secretarial order affecting 40 acres of public land. This action will restore the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Celia Anderson, California State Office, 916–484–4431.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order of July 15, 1929, which withdrew the following described land for Recreation Withdrawal No. 24, is hereby revoked in its entirety:

Mount Diablo Meridian

T. 24 N., R. 19 W.,
Sec. 10, NW¼NW¼.

The area described contains 40 acres in Mendocino County.

2. At 10 a.m. on October 29, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on October 29, 1981, the land will be open to location under the United States mining laws. It has been open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, Room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

Carrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28745 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6002

[C-012310]

Colorado; Modification of Public Land Order Nos. 1272 and 5161; Withdrawal of Badger Wash Study Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order modifies Public Land Order Nos. 1272 and 5161 to allow surface occupancy for oil and gas exploration and development. Special stipulations to protect the watershed study area will be issued prior to surface disturbance.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Richard D. Tate, Colorado State Office, 303–837–2535.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 1272 dated March 14, 1956, which withdrew the Badger Wash Study Area from all forms of appropriation under the public land laws, as modified by Public Land Order No. 5161 dated February 7, 1972, to permit mineral leasing under the Mineral Leasing Act of 1920, 41 Stat. 437; as amended and supplemented, 30 U.S.C. 181 et seq. (1976); but not allowing surface occupancy, in connection therewith, is hereby modified as follows:

The lands described below are hereby opened to surface occupancy for oil and gas exploration and development:

Sixth Principal Meridian

T. 8 S., R. 103 W.,
Tract 56, lots 10, 11 (section 30), lot 12 (section 19);
Sec. 19, lot 8;
Sec. 30, lot 5;
Sec. 31; lots 6 to 8, 10 to 15, inclusive.
T. 8 S., R. 104 W.,
Sec. 24, NE¼, S½NW¼, NW¼SW¼, N½NE¼SW¼, N½SE¼, SW¼SE¼, NW¼SE¼SE¼;
Sec. 25, W½NE¼NE¼, E½NW¼NE¼, S½NE¼, NW¼NW¼, S½NW¼, E½NE¼SW¼, NW¼NE¼SW¼, E½SE¼SW¼, SW¼SE¼SW¼, N½SE¼, SW¼SE¼, N½SE¼SE¼;
Sec. 26, SE¼NE¼, NW¼SE¼;
Sec. 35, SE¼NE¼NE¼, W½NE¼NE¼, NW¼NE¼, S½NE¼, E½SW¼, SE¼;
Sec. 36, NW¼NE¼NE¼, S½NE¼NE¼, NW¼NE¼, S½NE¼, E½NE¼NW¼, NW¼NE¼NW¼, S½NW¼, SW¼, W½NE¼SE¼, W½SE¼, SE¼SE¼.
T. 9 S., R. 103 W.,
Sec. 6, lots 3 and 4.

Lands described aggregate approximately 2,435.19 acres in Mesa County.

2. The following described lands, which are within the watershed areas will require autorization from the Bureau of Land Management, Grand Junction Resource Area Manager, and issuance of special stipulations prior to surface disturbance:

Sixth Principal Meridian

T. 8 S., R. 103 W.,
Sec. 19, lots 6 and 7;
Sec. 30, lots 6 and 7;

Sec. 31, lot 5.
T. 8 S., R. 104 W.,
Sec. 24, E½SE¼SE¼, SW¼SE¼SE¼, S½NE¼SW¼, SE¼SW¼;
Sec. 25, E½NE¼NE¼, W½NW¼NE¼, NE¼NW¼, W½SW¼, SW¼NE¼SW¼, NW¼SE¼SW¼, S½SE¼SE¼;
Sec. 26, E½SE¼, SW¼SE¼;
Sec. 35, NE¼NE¼NE¼;
Sec. 36, NE¼NE¼NE¼, NW¼NW¼, SW¼NE¼NW¼, E½NE¼SE¼.

Lands described aggregate approximately 684.82 acres in Mesa County.

3. All valid applications and offers for oil and gas exploration and drilling as specified in paragraphs 1 and 2, received at or prior to 7:45 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands remain withdrawn from all other appropriation and will continue to operate as a scientific research study area.

Inquiries concerning these lands should be directed to the Chief, Branch of Adjudication, Bureau of Land Management, 2000 Arapahoe, Denver, Colorado 80205.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-28732 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6010

[Idaho 07135]

Idaho; Modification of Public Land Order No. 1450

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will provide for the modification of a withdrawal made by Public Land Order No. 1450 of July 30, 1957, for a period of 20 years. It has been determined that these lands will continue to be used as an administration site by the Bureau of Land Management for a minimum of 20 years.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Vincent S. Strobel, Idaho State Office, 208-334-1417.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The jurisdiction over and use of the administrative site granted to the Bureau of Land Management by Public Land Order No. 1450 of July 30, 1957, shall continue for an initial period of 20 years from the date of this order. The land is described as follows:

Boise Meridian

T. 2 N., R. 38 E.,
Sec. 8, That part of the S½SE¼ described as follows: Beginning at a point from which the South Quarter Corner of said Section 8 bears South, 41.5 feet and West, 897 feet; thence East, 224 feet along the Utah-Idaho Sugar Company right-of-way; thence North 28°17' East, 617 feet along the Idaho Irrigation District West right-of-way canal; thence South 69°08' West, 566.7 feet; thence South 2°12' East, 341.7 feet to the point of beginning.

The area described aggregates 3.50 acres in Bonneville County.

2. This withdrawal will be reviewed within 20 years of the date of this order, and at subsequent 20-year intervals, if appropriate, to ensure that the lands are still being used for the purpose for which they were originally dedicated.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28743 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6004

[I-16850, I-17257, I-17334]

Idaho; Partial Revocation of Public Water Reserve No. 107

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order partially revokes an Executive order which withdrew 239.94 acres for public water reserve purposes. This action will open the lands to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: William E. Ireland, Idaho State Office, 208-340-1597.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of April 17, 1926, creating Public Water Reserve No. 107, as construed by Interpretation No. 160 dated April 8, 1932, and Bureau of Land Management Orders dated July 8, 1959, and January 26, 1968, are hereby revoked insofar as they affect the following described lands:

Boise Meridian

T. 12 S., R. 21 E.,
Sec. 28, SW¼SE¼.
T. 12 N., R. 24 E.,
Sec. 5, lot 7, SE¼SW¼;
Sec. 17, NW¼NE¼, and SE¼NW¼.
T. 8 S., R. 38 E.,
Sec. 35, SE¼NE¼.

The areas described contain 239.94 acres in Caribou, Cassia and Custer Counties.

2. At 10 a.m. on October 29, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on October 29, 1981, the lands will be open to location for nonmetalliferous minerals. The lands have been and continue to be open to applications and offers under the mineral leasing laws and to location under the United States mining laws for metalliferous minerals.

Inquiries concerning the lands should be addressed to the Chief, Division of Technical Services, Bureau of Land Management, P.O. Box 042, Boise, Idaho 83724.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28738 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

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43 CFR Public Land Order 6007

[I-10278]

Idaho; Revocation of Reclamation Project Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order will restore 1,360 acres of public lands withdrawn for the Jordan Valley Project. This action will restore the lands to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Larry Lievsay, Idaho State Office, 208-334-1735.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Bureau of Reclamation Order dated May 5, 1949, concurred in by the

Bureau of Land Management on March 31, 1950, withdrawing lands for the Jordan Valley Reservoir Site, is hereby revoked insofar as it affects the following described lands:

Boise Meridian

T. 6 S., R. 4 W.,
Sec. 31, NW¼NE¼, NE¼NW¼.
T. 6 S., R. 5 W.,
Sec. 21, SE¼SE¼;
Sec. 22, S½SE¼;
Sec. 23, SW¼SW¼;
Sec. 24, NE¼SW¼, SW¼SW¼;
Sec. 25, SW¼NE¼, E½NW¼;
Sec. 26, NE¼NE¼, SW¼NE¼, NW¼, NE¼SW¼, N½SE¼;
Sec. 27, E½NE¼, N½NW¼, NW¼SW¼;
Sec. 28, E½E½, W½NE¼, NE¼NW¼, NW¼SE¼;
Sec. 33, NE¼NE¼.

The area described contains 1,360 acres in Owyhee County.

2. At 8:00 a.m. on October 29, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:00 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 8:00 a.m. on October 29, 1981, the lands will be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Idaho State Office, Federal Building, Box 042, 550 West Fort Street, Boise, Idaho 83724.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28741 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6003

[M-41522]

Montana; Revocation of Stock Driveway Withdrawal No. 23; Montana No. 4

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order revokes a Secretarial order which withdrew lands for use as a stock driveway. This action will restore 951.58 acres to operation of the public land laws generally. A tract of 160 acres is privately owned. All the lands have been open to the mining and mineral leasing laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT:
Roland F. Lee, Branch of Lands and Minerals Operations, Montana State Office, 406-657-6291.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Secretarial Order dated January 19, 1921, which withdrew the following described lands for a stock driveway is hereby revoked:

Principal Meridian

T. 7 S., R. 6 W.,
Sec. 27, lot 16 (formerly lot 8).
T. 10 S., R. 6 W.,
Sec. 31, SE¼NE¼, NE¼SE¼, and S½SE¼.
T. 11 S., R. 6 W.,
Sec. 6, lots 1 and 2.
T. 8 S., R. 7 W.,
Sec. 12, N½.
T. 12 S., R. 7 W.,
Sec. 32, SE¼.
T. 13 S., R. 7 W.,
Sec. 5, lots 1, 2 and 4, SW¼NW¼, and SW¼.
T. 6 S., R. 10 W.,
Sec. 35, SE¼SW¼.

The areas described aggregate 1,111.58 acres in Madison and Beaverhead Counties.

2. At 8 a.m. on October 29, 1981, all the lands except the NE¼ sec. 12, T. 8 S., R. 7 W., which is privately owned, shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. The lands have been and continue to be open to location under the mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28739 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6014

[NM-42939]

New Mexico; Revocation of Public Water Reserve No. 39, New Mexico No. 2

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order which withdrew public lands for a public water reserve. This action will restore the land to operation of the public land laws generally, including nonmetalliferous mineral location under the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT:
Stella V. Gonzales, New Mexico State Office, 505-988-6211.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order dated October 17, 1916 which withdrew certain lands for public water reserve purposes is hereby revoked in its entirety:

New Mexico Principal Meridian

Public Water Reserve No. 39, New Mexico No. 2

T. 28 S., R. 16 W.,
Sec. 21, SW¼NE¼.

This area described contains 40.00 acres in Hidalgo County.

2. At 8:00 a.m. on October 29, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 8:00 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 8:00 a.m. on October 29, 1981, the land will be open to nonmetalliferous mineral location under the United States mining laws. The land has been and continues to be open to metalliferous mineral location under the Unitd States mining laws and to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Bureau of Land

Management, P.O. Box 1449, Santa Fe, New Mexico 87501.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28734 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6009

[NM-36466-OKLA]

Oklahoma; Public Land Order No. 5861; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This document will correct two errors in the land description of Public Land Order No. 5861 of May 6, 1981.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Stella Gonzales, New Mexico State Office, 505-988-6122.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

A description of lands in Public Land Order No. 5861 of May 6, 1981, in FR Doc. 81-14174 appearing at page 26061 in the issue of Monday, May 11, 1981, in the second column under T. 2 N., R. 11 W., line 3 reads "Southwest." It is corrected to read "South." Line 4 reads "Northwest." It is corrected to read "North."

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28744 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5999

[OR 19024]

Oregon; Powersite Restoration No. 735; Partial Revocation of Powersite Reserve No. 24

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order in part as to 680 acres of land withdrawn for a powersite reserve. This action will restore 160 acres of public land to operation of the public land laws generally. The remaining 520 acres are privately owned.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-562-Oregon, it is ordered as follows:

1. The Executive Order of July 2, 1910, which created Powersite Reserve No. 24, is hereby revoked insofar as it affects the following described lands:

Willamette Meridian

Powersite Reserve No. 24

T. 8 S., R. 19 E.,
Sec. 36, W½NE¼, SE¼NE¼, NW¼, and N½SE¼.
T. 8 S., R. 20 E.,
Sec. 31, SE¼NW¼.
T. 9 S., R. 20 E.,
Sec. 6, NE¼SE¼;
Sec. 36, S½S½.
T. 9 S., R. 22 E.,
Sec. 28, SW¼SE¼.
T. 9 S., R. 23 E.,
Sec. 17, NW¼NW¼.

The areas described aggregate 680 acres in Jefferson, Wasco and Wheeler Counties.

2. The State of Oregon has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

3. The lands in section 36, T. 8 S., R. 19 E., and in section 36, T. 9 S., R. 20 E., have been conveyed from United States ownership and are not open to operation of the public land laws, including the United States mining laws and mineral leasing laws.

4. At 10 a.m. on October 29, 1981, the lands described in paragraph 1, except as provided in paragraph 3, will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m., on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. The lands described in paragraph 1, except as provided in paragraph 3, have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955 (69 Stat. 682; 30 U.S.C. 621).

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28733 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6022

[ORE-015563-A]

Oregon; Revocation of Public Land Order No. 3917

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Public Land Order which withdrew 200.17 acres of public lands for material sites. This action will restore the lands to operation of the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. Public Land Order No. 3917 of January 18, 1966, which withdrew the following described public lands for use by the Bureau of Land Management as material sites is hereby revoked:

Willamette Meridian

Reconveyed Coos Bay Wagon Road Land
T. 28 S., R. 11 W.,
Sec. 29, Lot 10 and W½NE¼.
Revested Oregon and California Railroad Grant Land
T. 31 S., R. 12 W.,
Sec. 11, Lot 2;
Sec. 17, S½NW¼NE¼, N½SW¼NE¼, and NE¼SE¼NW¼.

The areas described aggregate 200.17 acres in Coos County, Oregon.

2. At 10 a.m., on October 29, 1981, the public lands described above will be open to location under the United States mining laws. The lands have been and continue to be open to applications and offers under the mineral leasing laws and to such forms of disposition as may by law be made of Reconveyed Coos Bay Wagon Road Land and Revested Oregon and California Railroad Grant Land.

Inquiries concerning the lands should be addressed to the State Director,

Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28746 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 5997

[OR-20354]

Oregon; Revocation of Stock Driveway Withdrawal

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Secretarial Order which withdrew 662.89 acres of lands for use as a stock driveway. The lands will not be restored to operation of the public land laws, including the mining laws, because they remain withdrawn for the Hart Mountain National Antelope Refuge.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Order of February 18, 1931, which withdrew the following described public lands for a stock driveway is hereby revoked:

Willamette Meridian

T. 35 S., R. 25 E.,
Sec. 33, Lot 12;
Sec. 34, Lots 1, 2, 7, 8, 9, 11, and 12, and NW¼SE¼;
Sec. 35, N½NW¼.
T. 36 S., R. 25 E.,
Sec. 4, Lots 1, 2, and 5, SW¼NE¼ and SE¼NW¼.

The areas described aggregate 662.89 acres in Lake County, Oregon.

2. The above described lands are withdrawn as part of the Hart Mountain National Antelope Refuge and remain segregated from operation of the public land laws, including the United States mining laws.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

September 23, 1981.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

[FR Doc. 81-28740 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6000

[OR-22116 (WASH)]

Washington; Revocation of Executive Order of Janaury 30, 1904

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes an Executive order which withdrew approximately one acre of land for lighthouse purposes. This action will restore the land to operation of the public land laws generally, including the mining laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office, 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, it is ordered as follows:

1. The Executive Order of January 30, 1904, which withdrew the following described land for use by the U.S. Coast Guard for lighthouse purposes is hereby revoked:

Willamette Meridian

T. 37 N., R. 2 W.,
Sec. 14, unsurveyed island known as Jap Island situated in Fishing Bay (formerly Buck Bay) of East Sound and offshore from lots 2, 3, and 4 of said section 14.

The area described contains approximately one acre in San Juan County, Washington.

2. At 10 a.m. on October 29, 1981, the land shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

3. At 10 a.m. on October 29, 1981, the land will be open to location under the United States mining laws. The land has been and continues to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,

Assistant Secretary of the Interior.

September 23, 1981.

[FR Doc. 81-28736 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

43 CFR Public Land Order 6001

[C-012673]

Colorado; Modification of Public Land Order 3026; Power Project No. 857

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order modifies a public land order by removing the restrictions of Section 24 of the Federal Power Act on portions of the lands in Power Project No. 857.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Richard D. Tate, Colorado State Office, 303-837-2535.

By virtue of the authority vested in the Secretary of the Interior by the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, and in accordance with a letter from the Federal Energy Regulatory Commission of May 8, 1981, it is ordered as follows:

1. Public Land Order 3026 dated April 8, 1963, which revoked Power Project No. 857 and opened the lands to operation of the public land laws subject to Section 24 of the Federal Power Act of June 10, 1920, 41 Stat. 1075; 16 U.S.C. 818, is hereby modified to remove the Section 24 restriction as to the following described lands:

New Mexico Principal Meridian

T. 47 N., R. 3 W.,
Sec. 5, lot 4, S½NW¼, NE¼SW¼, W½SE¼;
Sec. 8, W½E½, NE¼SE¼;
Sec. 17, E½NE¼, NE¼SE¼.
T. 48 N., R. 3 W.,
Sec. 7, lots 3 and 4;
Sec. 18, lots 1 to 3, inclusive, E½SW¼, SW¼SE¼;
Sec. 19, NE¼, NE¼SE¼;
Sec. 20, SW¼NW¼, W½SW¼;
Sec. 29, W½W½, SE¼SW¼;
Sec. 32, W½.
T. 44 N., R. 4 W.,
Sec. 11, lots 2, 4, and 7;
Sec. 27, lot 5, NE¼NE¼;
Sec. 32, lots 9 to 12, inclusive;
Sec. 33, lots 1, 2, 6 to 10, inclusive, NE¼SW¼;
Sec. 34, lots 4, 5, 9, and 10, SW¼SW¼.
T. 45 N., R. 4 W.,
Sec. 1, SW¼NW¼;
Sec. 2, SW¼NE¼;
Sec. 26, W½NE¼, NW¼SE¼;
Sec. 35, S½SE¼.
T. 48 N., R. 4 W.,
Sec. 1, NW¼SW¼, S½SW¼;
Sec. 2, lots 11, 12, 15, and 16, N½SE¼, SE¼SE¼;
Sec. 3, lot 3;
Sec. 12, NE¼, E½SE¼, NE¼NW¼.

The lands described aggregate approximately 3,302.31 acres.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
September 23, 1981.
[FR Doc. 81-28748 Filed 10-1-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6024

[I-8721]

Idaho; Revocation of Stock Driveway Withdrawal No. 86

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUBJECT: The order revokes two Secretarial orders, which withdrew 2,393.49 acres of lands as Stock Driveway Withdrawal No. 86. The lands will be restored to operation of the public land laws.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Larry Lievsay, Idaho State Office, 208-334-1735.

By virtue of the authority contained in Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751, 43 U.S.C. 1714, it is ordered as follows:

1. The Secretarial Orders of July 3, 1919, and February 16, 1924, creating Stock Driveway Withdrawal No. 86 are hereby revoked as far as they affect the following described lands:

Boise Meridian

T. 13 N., R. 41 E.,
Sec. 23, SE¼SE¼;
Sec. 24, S½.
T. 13 N., R. 42 E.,
Sec. 8, lot 6, N½SE¼;
Sec. 9, E½, N½SW¼, SE¼SW¼;
Sec. 10, N½;
Sec. 11, W½NE¼, NW¼;
Sec. 17, NE¼, E½SE¼;
Sec. 19, lots 3 and 4, E½SW¼, SE¼;
Sec. 20, E½NE¼, S½.

The area described above contains 2,393.49 acres in Fremont County.

2. At 10 a.m. on October 29, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 29, 1981, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been and continue to be open to applications and offers under the mineral leasing laws, and to location under the mining laws.

Inquiries concerning the lands should be addressed to the State Director, Idaho State Office, Bureau of Land Management, Federal Building, 550 West Fort Street, Boise, Idaho 83724.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
September 23, 1981.
[FR Doc. 81-28747 Filed 10-1-81; 8:45 am]
BILLING CODE 4310-84-M

43 CFR Public Land Order 6006

[OR-19147]

Oregon; Powersite Restoration No. 726; Partial Revocation of Powersite Classification No. 171

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order revokes a Secretarial order in part as to 131.95 acres of land withdrawn for a powersite classification. This action will restore 60 acres of public lands to operation of the public land laws generally. The remaining 71.95 acres are privately owned.

EFFECTIVE DATE: October 29, 1981.

FOR FURTHER INFORMATION CONTACT: Champ C. Vaughan, Jr., Oregon State Office 503-231-6905.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 90 Stat. 2751; 43 U.S.C. 1714, and pursuant to the determination by the Federal Energy Regulatory Commission in DA-560-Oregon, it is ordered as follows:

1. The Secretarial Order of February 26, 1927, which created Powersite Classification No. 171, is hereby revoked insofar as it affects the following described lands:

Willamette Meridian
Powersite Classification No. 171

T. 9 S., R. 10 W.,
Sec. 26, SW¼NW¼;
Sec. 27, lot 12.
T. 10 S., R. 10 W.,
Sec. 2, lot 20;
Sec. 10, lots 7 and 8.
The areas described aggregate 131.95 acres in Lincoln County.

2. The following described lands have been conveyed from United States ownership and will therefore not be restored to operation of the public land laws generally, including the mining laws and mineral leasing laws:

Willamette Meridian

T. 9 S., R. 10 W.,
Sec. 27, lot 12.
T. 10 S., R. 10 W.,
Sec. 10, lots 7 and 8.
The areas described aggregate 71.95 acres in Lincoln County.

3. The State of Oregon has waived its preference right for highway rights-of-way or material sites as provided by the Federal Power Act of June 10, 1920, 16 U.S.C. 818.

4. At 10 a.m. on October 29, 1981, the lands described in paragraph one, except as provided in paragraph two, shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on October 29, 1981 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. The lands described in paragraph one, except as provided in paragraph two, have been open to applications and offers under the mineral leasing laws and to location under the United States mining laws subject to the provisions of the Act of August 11, 1955, 69 Stat. 682; 30 U.S.C. 621.

Inquiries concerning the lands should be addressed to the State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon 97208.

Garrey E. Carruthers,
Assistant Secretary of the Interior.
September 23, 1981.
[FR Doc. 81-28749 Filed 10-1-81; 8:45 am]
BILLING CODE 4310-84-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA 6150]

List of Communities With Special Hazard Areas Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule identifies communities with areas of special flood, mudslide, or erosion hazards as authorized by the National Flood Insurance Program. The identification of such areas is to provide guidance to communities on the reduction of property losses by the adoption of appropriate flood plain management or other measures to minimize damage. It will enable communities to guide future construction, where practicable, away from locations which are threatened by flood or other hazards.

EFFECTIVE DATES: The effective date shown at the top right of the table or 30 days after the date of this **Federal Register** publication, whichever is later.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 287–0270 or EDS Toll Free Line 800–638–6620 for Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland. 500 C Street Southwest, Donohoe Building—Room 505, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The Flood Disaster Protection Act of 1973 (Pub. L. 93–234) requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community participating in the National Flood Insurance Program.

One year after the identification of the community as flood prone, the requirement applies to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply in respect to conventional mortgage loans by federally regulated, insured, supervised, or approved lending institutions.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. The six months period shall be considered to begin 30 days after the date of publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days after publication in the **Federal Register** or the effective date of the Flood Hazard Boundary Map, whichever is later.

This identification is made in accordance with Part 64 or Title 44 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128).

Pursuant to the provisions of 5 USC 605(b), the Associate Director, State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice of technical amendments made to designated special flood hazard areas on the basis of updated information or regarding the completed stages of engineering tasks in delineating the special flood hazard areas of the specified community. This rule imposes no new requirements or regulations on participating communities.

Section 65.3 is amended by adding in alphabetical sequence a new entry to the table:

§ 65.3 List of communities with special hazard areas (FHBMs in effect).

BILLING CODE 6718-03-M

EFFECTIVE DATE October 2, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF FHBM	9 STATUS OF FIRM	10 PREVIOUS MAP DATES FHBM	10 PREVIOUS MAP DATES FIRM	11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
OH	390853	Village of Quaker City (Guernsey County)	0001B	I	FL	B	1	3	1	9/29/78	N/A	10	N/A	N/A	Harry Tarlton, Mayor Village Hall Fair Street Quaker City, OH 43773 614 - 679-2345
VA	510017	Bland County (Uninc. Area)	Index 0001A thru 0008A	I	FL	B	1	3	1	2/7/75	N/A	9 10 16	N/A	N/A	Sam Powers County Administrator County Courthouse Box 276 Bland, VA 24315 703 - 688-4361
WV	540149	Ohio County (Uninc. Area)	Index 0001A 0002A	I	FL	B	1	3	1	11/29/74	N/A	9 10 16	N/A	N/A	Tom Samol County Administrator Ohio County Courthouse Room 215 City County Building Wheeling, WV 26003 304 - 234-3628
FL	120406	City of Lake City, (Columbia County)	0005 C	I	FL	B	1	3	1	10/29/76 1/11/80 10/02/81	N/A	8 9 10	N/A	N/A	Mr. Joe Haltiwanger City Hall City of Lake City Lake City, Florida 32055
KY	210288	Larue County	0025 A 0050 A 0075 A 0100 A 0125 A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Judge Joseph Pearman Court House Hodgenville, Kentucky 42748
													EFFECTIVE DATE	October 6, 1981	
UT	490232	Grand County Unincorporated Areas	0016A 0021A 2233A 0038A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	Harvey W. Merrel Grand County Commissioner 125 East Center St. Moab, Utah 84532 (801) 259-6545

EFFECTIVE DATE October 9, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (M AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES		11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM				
WV	540190	City of Grafton (Taylor County)	0001B	I	FL	B	1	3	1	6/28/74 6/18/76	N/A	10	N/A	N/A	John D. Murry, Mayor City Building One West Main Street Grafton, WV 26354 304-265-1412
WV	540139	Monongalia County (Uninc. Area)	INDEX 0001A 0002A 0003A 0004A 0005A 0006A 0007A	I	FL	B	1	3	1	7/18/75	N/A	9 10 16	N/A	N/A	Barry Goldbery County Administrator County Courthouse Morgantown, WV 26505 304-291-7200 or 304-291-7257
WI	550607	Village of Whiting (Portage County)	0001A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	Thomas M. Hagen Village President 323 Elm Street Stevens Point, WI 54481 715-344-3139
EFFECTIVE DATE: October 13, 1981															
MO	290280	Perry County (Unincorporated Areas)	0001-0009A	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	The Honorable Louis W. Meyer Perry County Judge County Courthouse Perryville, MO 63775 (314) 547-4242
OR	410038	City of Rainier (Columbia County)	0001B	I	FL	B	1	3	1	5-24-74 1-2-76	N/A	8 10	N/A	N/A	The Honorable Elizabeth R. Vilhauer Mayor, City of Rainier P.O. Box A Rainier, OR 97048 (503) 566-7301

EFFECTIVE DATE October 16, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES		11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM				
MI	260720	Township of Victor (Clinton Co.)	INDEX 0001A 0002A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Robert Remus, Supervisor Township Hall Pratt & Shepardsville Rds. St. Johns, MI 48879 517-651-5302 Home
WV	540146	Nicholas County (Uninc. Area)	INDEX 0001A 0002A 0003A 0004A 0005A 0006A 0007A 0008A 0009A 0010A 0011A	I	FL	B	1	3	1	7/25/75	N/A	9 10 16	N/A	N/A	Robert Odell President County Commissioners Nicholas County Courthouse Summersville, WV 26651 304-872-3630
WV	540211	Wirt County (Uninc. Area)	INDEX 0001A 0002A 0003A 0004A 0005A	I	FL	B	1	3	1	1/17/75	N/A	9 10 16	N/A	N/A	Roy Whited President County Commissioners Wirt County Courthouse Box 53 Elizabeth, WV 26143 304-275-4271 Courthouse 304-275-4445 Home

EFFECTIVE DATE October 20, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES		11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM				
CA	060284	San Diego County (Unincorporated Areas)	ID (1,2 & 3 of 3) 21,38,39, 55,56,58, 59,71,72, 74,75,86, 89,101, 102,104, 116-118, 130-132, 144,145, 158,162, 163,172, 173,176, 177,186, 191,200, 201,203-205,214, 215,217, 218,228-230,241-243,253 "B"	I & C	FL	B	1	3	1	7-19-77	N/A	8 9	N/A	N/A	Mr. Clifford W. Graves San Diego County Chief Administrative Officer County Courthouse 220 W. Broadway Street San Diego, CA 92101 (714) 236-3203
TX	480158	Crockett County (Unincorporated Areas)	ID, 1-29 "A"	I	FL	B	4	2	1	N/A	N/A	N/A	N/A	N/A	The Honorable John R. Jones Crockett County Judge P.O. Drawer C Ozona, TX 76943 (915) 392-2021
													EFFECTIVE DATE	October 23, 1981	
WV	540085	Lewis County (Uninc. Area)	INDEX 0001A Thru 0001A	I	FL	B	1	3	1	2/21/75	N/A	9 10 16	N/A	N/A	Richard Bonnett County Commissioner Lewis County Commissioners P.O. Box 466 Weston, WV 26454 304-269-3474

EFFECTIVE DATE October 23, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES		11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM				
NJ	340559	Township of Montague (Sussex Co.)	01 A 02 A 03 A 05 A	I	FL	B	1	3	1	3/28/75	N/A	9	N/A	N/A	Township Committee RD 5 Box 572 Montague, New Jersey 07827
VA	510314	Amelia County (Uninc. Area)	INDEX 0001A 0002A 0003A 0004A 0005A 0006A 0007A 0008A	I	FL	B	1	3	1	7/25/75	N/A	9 10 16	N/A	N/A	John A. Anzivino County Administrator Amelia County Courthouse Amelia, VA 23002 804-561-3039
WV	540063	Jackson County (Uninc. Area)	INDEX 0001A 0002A 0003A 0004A 0005A 0006A 0007A 0008A 0009A	I	FL	B	1	3	1	1/17/75	N/A	9 10 16	N/A	N/A	H.S. Rawlings President County Commissioners Jackson County Courthouse Ripley, WV 25271 304-372-2011
WV	540130	City of Keyser (Mineral County)	0001B	I	FL	B	1	3	1	6/28/74 3/26/76	N/A	10	N/A	N/A	Irving T. Athey Mayor P.O. Box 70 Keyser, WV 26726 304-788-1511

EFFECTIVE DATE October 23, 1981

1 STATE	2 IDENT. NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF		10 PREVIOUS MAP DATES		11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
								FHBM	FIRM	FHBM	FIRM				
NJ	340492	Township of Oxford (Warren Co.)	01 C 02 C 03 C	I	FL	B	1	3	1	6/21/74 3/05/76 10/15/76	N/A	10	N/A	N/A	Mayor Leonard Becker Township of Oxford Wall Street Oxford, New Jersey 07863
NJ	340532	Township of Lafayette (Sussex Co.)	01 B 02 B 05 B 06 B 07 B	I	FL	B	1	3	1	12/20/74 5/21/76	N/A	9	N/A	N/A	Mayor John Nafziger Township of Lafayette Municipal Building P.O. Box 285 Lafayette, New Jersey 07848
NJ	340542	Borough of Andover (Sussex Co.)	01 B 02 B 03 B	I	FL	B	1	3	1	2/25/77	N/A	9	N/A	N/A	Mayor H. Francisco Borough of Andover P.O. Box 388 Andover, New Jersey 07821
TX	480937	Mitchell County	0025 A 0050 A 0075 A 0100 A 0125 A 0150 A 0175 A 0200 A 0225 A 0250 A 0275 A 0300 A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	Mitchell County Mitchell County Court House 3rd and Oak Street Colorado City, Texas 79512 Att: Judge Bill Carter
NJ	340265	Township of Old Bridge (Middlesex Co.)	0005 B 0010 B 0015 B	I	FL	B	1	3	1	6/28/74 4/30/76	N/A	9 10	N/A	N/A	Township Hall Township of Old Bridge One Old Bridge Plaza Old Bridge, New Jersey 08857

EFFECTIVE DATE October 23, 1981

1 STATE	2 IDENT NUMBER	3 COMMUNITY NAME & COUNTY NAME	4 PANELS PRINTED (# AND SUFFIX)	5 INLAND/ COASTAL	6 HAZARD	7 60.3 CODE	8 PROGRAM STATUS	9 STATUS OF FHBM	9 STATUS OF FIRM	10 PREVIOUS MAP DATES FHBM	10 PREVIOUS MAP DATES FIRM	11 REVISION CODE(S)	12 RESCISSION	13 FLOODWAYS PANELS PRINTED	14 LOCATION OF MAP REPOSITORY
NC	370039	Caldwell County	0025 A 0050 A 0075 A 0100 A 0125 A 0150 A 0175 A 0200 A 0225 A 0250 A 0275 A	I	FL	B	1	3	1	4/28/78	N/A	10	N/A	N/A	County Planning Department P.O. Box 1078 Lenoir, North Carolina 28645 Att: Mr. Norman Shronce County Manager
OK	400493	Payne County	0025 A 0050 A 0075 A 0100 A 0125 A 0150 A 0175 A 0200 A 0225 A 0250 A	I	FL	B	1	2	1	N/A	N/A	N/A	N/A	N/A	City of Stillwater Payne County Seat County Office Building Room 101 Stillwater, Oklahoma 74074 Att: Ms. Karen Mullendore Chairperson
EFFECTIVE DATE October 27, 1981															
TX	481558	City of Roscoe Nolan County	0001A	I	FL	B	1	3	1	7-16-76	N/A	10	N/A	N/A	Mayor Bedford P. Cain, III 115 Cypress Street P. O. Box 356 Roscoe, TX 79545 (915) 766-3871
EFFECTIVE DATE October 30, 1981															
OH	390762	Belmont County Unincorporated Areas	0001B thru 0009B	I	FL	B	1	3	1	4-14-78	N/A	10	N/A	N/A	A. J. Sargus, Chairman County Commissioners Belmont County Courthouse Saint Clairsville, OH 43950 614-695-2121

BILLING CODE 6718-03-C

Community Map Actions

(Codes: Where no entry is necessary use N/A)

Column Code:
1. Two letter state designator.
2. FIA Community 6-digit identity number.
3. Community name
County(ies) name
4. Four digit number and suffix of each FIRM or FHBM panel printed.
5. INL/Coast:
I=Inland
C=Coastal
6. Hazard:
FL=Flood
MS=Mudslide
ER=Erosion
NF=Non Flood Prone
MF=Minimally Flood Prone
7. 60.3 Code:
A=Special Hazard not defined, no elevation data (No FHBM)
B=Special Hazard Designated, no elevation data (FHBM)
C=FIRM, No Floodway or Coastal High Hazard
*D=FIRM, Regulatory Floodway Designated
*E=FIRM, Coastal High Hazard
8. Program Status:
1=Emergency
2=Regular
3=Not Participating, No Map
4=Not Participating, With Map
5=Withdrew
6=Suspended
9. FHBM Status:
1=Never Mapped
2=Original
3=Revised
4=Rescinded
5=Superceded by Firm
9. Firm Status:
1=Never Mapped
2=Original
3=Revised
4=Rescinded
5=All Zone C—No Published Firm
6=All Zone A and C—No Elevations Determined
10. Dates of All Previous Maps.
11. Revision Codes:
1. 1916 BFE (Base Flood Elevation) Decrease
2. 1916 BFE Increase
3. 1916 SFHA (Special Flood Hazard Area) Change
4. Change of Zone Designation; revised FIRM
5. Curvilinear
6. 1914 Incorporation
7. 1914 Discorporation
8. 1914 Annexation
9. SFHA Reduction
10. Non-1916 SFHA Increase Without Numbered Zones
11. Non-1916 SFHA Increase With Numbered Zones
12. Drafting Correction; Printing Errors
13. Suffix Change ONLY
14. Change to Uniform Zone Designations (7/1/74)
15. Revisions Withdrawn
16. Refunds Possible
17. Letter of Map Amendment (1916)
18. Letter of Map Amendment (1916 without Federal Register publication)
19. Federal Register Omission
20. Attention. A previous map (or maps) has been rescinded or withdrawn for this community. This may have affected the sequence of suffixes.
21. Miscellaneous
13. List of Numbered Floodway Panels Printed.
14. Address of Community Map Repository.

*Dual entry is available.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and Support)

Issued: September 24, 1981.

James P. Dokken,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28502 Filed 10-1-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 64

[Docket No. FEMA 6151]

Suspension of Community Eligibility Under the National Flood Insurance Program

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule lists communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended effective the dates listed within this rule because of noncompliance with the flood plain management requirements of the program.

EFFECTIVE DATES: The third date ("Susp.") listed in the fifth column.

FOR FURTHER INFORMATION CONTACT: Mr. Richard W. Krimm, National Flood Insurance Program, (202) 287–0184 or EDS Toll Free Line 800–638–6620 for the Continental U.S. (except Maryland); 800–638–6831 for Alaska, Hawaii, Puerto Rico, and the Virgin Islands; and 800–492–6605 for Maryland, 500 C Street SW., Donohoe Building—Room 506, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022) prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128) unless an appropriate public body shall have adopted adequate flood plain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR Part 59 et seq.). Accordingly, the communities are suspended on the effective date in the fifth column, so that as of that date flood insurance is no longer available in the community.

In addition, the Director of Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one has been published, is indicated in the sixth column of the table. Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), as amended, provides that no direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP, with respect to which a year has elapsed since identification of the community as having flood prone areas, as shown on the Federal Emergency Management Agency's initial flood insurance map of the community. This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Director finds that delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance." This program is subject to procedures set out in OMB Circular A–95.

Pursuant to the provisions of 5 U.S.C. 605(b), the Associate Director of State and Local Programs and Support, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local flood plain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate flood plain management, thus placing itself in non-compliance of the Federal standards required for community participation.

In each entry, a complete chronology of effective dates appears for each listed community.

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of Eligible Communities.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Illinois:					
Dupage	Burr Ridge, village of	170071B	Feb. 24, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Mar. 15, 1974 and Aug. 15, 1975.	Oct. 15, 1981.
Lake	Park City, city of	170386B	Nov. 12, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Mar. 1, 1974 and Apr. 9, 1976	Do.
Adams	Quincy, city of	170003B	Mar. 25, 1974, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	May 24, 1974 and Aug. 15, 1975.	Do.
Winnebago	Rockton, village of	170774A	July 7, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Dec. 20, 1974	Do.
Indiana:					
Marshall	Bremen, town of	180163B	July 22, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Nov. 23, 1973 and Mar. 19, 1976.	Do.
Vanderburgh	Evansville, city of	180257B	June 25, 1971, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	June 14, 1974 and May 21, 1976.	Do.
Lake	Merrillville, town of	180138B	Feb. 16, 1973, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	July 19, 1974 and July 30, 1976.	Do.
Kansas: Sedgewick	Derby, city of	200329	Jan. 17, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	June 28, 1974	Do.
Kentucky: Harrison	Cynthiana, city of	210107B	Feb. 26, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	June 7, 1974 and Feb. 20, 1976.	Do.
Maryland:					
Cecil	Chesapeake, town of	240099B	Dec. 5, 1974, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Sept. 13, 1974 and Feb. 20, 1976.	Do.
Dorchester	Unincorporated areas	240026A	Jan. 23, 1974, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Jan. 10, 1975	Do.
Cecil	North East, town of	240023A	July 24, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Feb. 7, 1975	Do.
New Jersey:					
Camden	Gibbsboro, borough of	340545A	July 23, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Apr. 4, 1975	Do.
Bergen	Haworth, borough of	340042B	Mar. 31, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Feb. 1, 1974 and Apr. 30, 1976.	Do.
Do	River Vale, township of	340069B	Jan. 7, 1972, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Apr. 20, 1973 and Feb. 18, 1977.	Do.
Mercer	Trenton, city of	345325B	Dec. 3, 1971, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	July 1, 1974 and Jan. 2, 1976	Do.
New York:					
Chenango	Afton, town of	361084A	Dec. 26, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Jan. 7, 1975	Do.
Do	Afton, village of	360979B	Mar. 13, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	June 7, 1974 and May 28, 1976.	Do.
Rockland	Grand View-On-Hudson, village of	360680B	July 7, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Oct. 18, 1974 and June 18, 1976.	Do.
Oswego	Mexico, town of	360654B	Mar. 30, 1976, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Nov. 15, 1974 and July 2, 1976.	Do.
Do	Sandy Creek, town of	360661B	Aug. 18, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	May 24, 1974 and Nov. 14, 1975.	Do.
Ohio: Montgomery	Moraine, city of	390414B	Sept. 5, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Mar. 1, 1974 and Aug. 27, 1976.	Do.
Pennsylvania:					
York	Chanceford, township of	422217A	Jan. 13, 1976, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Jan. 17, 1975	Do.
Lycoming	Hughesville, borough of	420641B	Jan. 21, 1974, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Jan. 23, 1974 and Oct. 1, 1976.	Do.
York	North Codorus, township of	422227A	Aug. 6, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Feb. 7, 1975	Do.
Westmoreland	Penn, township of	422183B	Feb. 7, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	July 29, 1977	Do.
York	Penn, township of	421025C	Jan. 18, 1974, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	May 17, 1974 and Jan. 30, 1976 and Aug. 15, 1980.	Do.
Luzerne	Wilkes-Barre, city of	420631C	Dec. 10, 1971, emergency, Oct. 15, 1981, regular, Oct. 15, 1981 suspended.	Apr. 12, 1974 and Nov. 14, 1975 and Sept. 30, 1977.	Do.
Chester	Willistown, township of	422282A	Oct. 17, 1974, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Dec. 27, 1974	Do.
Texas: Cook	Gainesville, city of	480154B	Dec. 13, 1974, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Feb. 15, 1974 and Nov. 19, 1976.	Do.
Vermont: Windsor	Cavendish, town of	500145B	Aug. 6, 1974, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Feb. 8, 1974 and July 30, 1976.	Do.
Wisconsin:					
Sheboygan	Cascade, village of	550425B	Jan. 20, 1976, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	May 3, 1974 and Apr. 15, 1977.	Do.
Dunn	Unincorporated areas	550118A	Mar. 26, 1971, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	Jan. 3, 1975	Do.

State and county	Location	Community No.	Effective dates of authorization/cancellation of sale of flood insurance in community	Special flood hazard area identified	Date[1]
Ozaukee	Port Washington, city of	5003168	June 30, 1975, emergency, Oct. 15, 1981, regular, Oct. 15, 1981, suspended.	May 31, 1974 and June 11, 1976.	Do.

[1] Date certain Federal assistance No longer available in special flood hazard area.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director, State and Local Programs and support)

Proposed Rules

Federal Register
Vol. 46, No. 191
Friday, October 2, 1981

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

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Parts 210, 220, and 226

National School Lunch, School Breakfast, and Child Care Food Programs; Meal Pattern Requirements

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice of withdrawal of proposed rule.

SUMMARY: This notice announces the withdrawal of the notice of proposed rulemaking pertaining to meal pattern requirements published on September 4, 1981.

FOR FUTHER INFORMATION CONTACT: Margaret Glavin, Deputy Administrator, Special Nutrition Programs, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447–5548.

SUPPLEMENTARY INFORMATION: On September 4, 1981, the Department published a notice of proposed rulemaking pertaining to meal pattern requirements for the National School Lunch, School Breakfast, and Child Care Food Programs (46 FR 44452).

The Department is withdrawing the proposed rulemaking for further review.

Mary C. Jarratt,

Assistant Secretary for Food and Consumer Services.

September 25, 1981.

[FR Doc 81–28619 Filed 10–1–81; 8:45 am]

BILLING CODE 3410–30–M

Animal and Plant Health Inspection Service

7 CFR Part 360

Noxious Weeds

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed Rule.

SUMMARY: This document proposes to amend the noxious weed regulations in 7 CFR Part 360 by adding certain aquatic weeds, parasitic weeds, and terrestrial weeds to the list of noxious weeds. Listed noxious weeds may be moved into or through the United States only under a written permit and under conditions that would not involve a danger of dissemination of the weeds. This action appears to be necessary to update the regulations and prevent the artificial spread of the weeds into noninfested areas of the United States.

DATES: Written comments concerning this proposed rule must be received on or before December 1, 1981. Requests for a public hearing must be received on or before November 2, 1981.

ADDRESSES: Written comments and any requests for a public hearing should be submitted to T. J. Lanier, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Written comments received may be inspected at Room 635 of the Federal Building between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: T. J. Lanier, Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 635 Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–8249.

SUPPLEMENTARY INFORMATION:

Executive Order 12291

This proposed rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule." Based on information compiled by the Department, it has been determined that this proposed rule, if adopted, would have no significant effect on the economy; would not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and would not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

It is proposed to amend the noxious weed regulations by adding certain aquatic weeds, parasitic weeds, and terrestrial weeds to the list of noxious weeds. A listed noxious weed may be moved into or through the United States only pursuant to a written permit. The regulations provide for the issuance of a written permit only upon a determination that the movement of the noxious weed would not involve a danger of dissemination of the noxious weed in the United States. It appears that the dissemination of any of the noxious weeds proposed to be added to the list could cause significant damage to interests of agriculture and that it is necessary to list them as noxious weeds in order to take action to prevent them from being disseminated in the United States. Further, it appears that there is no feasible alternative to consider concerning the requirement that agencies choose the alternative that maximizes net benefits to society at the lower net cost.

Certification under the Regulatory Flexibility Act

Dr. H. 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. The proposed rule, if adopted, would impose restrictions on the movement into and through the United States of certain noxious weeds. Based on information compiled by the Department it has been determined that this action would not have a significant effect on any small entity because currently there is almost no movement of these weeds as such, and these weeds are rarely carried by other articles offered for importation into the United States.

Public Hearing

A public hearing will be held at a time and place specified in a later notice in the **Federal Register** if a request for such public hearing is made by an interested person on or before November 2, 1981.

Background

The noxious weed regulations (referred to below as the regulations) were established under authority of the Federal Noxious Weed Act of 1974 (referred to below as the Act) and are set forth in 7 CFR Part 360. They contain

restrictions on the movement of listed noxious weeds into or through the United States, but do not affect the movement of listed noxious weeds that are moved solely interstate.

A listed noxious weed may be moved into or through the United States only pursuant to a written permit. The regulations provide for the issuance of a written permit only upon a determination that the movement of the noxious weed would not involve a danger of dissemination of the noxious weed in the United States.

The list of noxious weeds in the regulations is divided into aquatic weeds, parasitic weeds, and terrestrial weeds. This document proposes to add to the list of noxious weeds those aquatic weeds, parasitic weeds, and terrestrial weeds listed in the chart below.

Section 3(c) of the Act (7 U.S.C. 2802(c)) defines a noxious weed as "* * * any living stage (including, but not limited to, seeds and reproductive parts) of any parasitic or other plant of a kind, or subdivision of a kind, which is of foreign origin, is new to or not widely prevalent in the United States, and can directly or indirectly injure crops, other useful plants, livestock, or poultry or other interests of agriculture, including irrigation, or navigation or the fish or wildlife resources of the United States or the public health."

Based on Departmental expertise it has been determined that all of the aquatic weeds, parasitic weeds, and terrestrial weeds listed in the chart below are of foreign origin. Also, as indicated in the chart below, they are new to or not widely prevalent in the United States. In addition, as indicated in the chart below, it appears that all of these weeds "* * * can directly or indirectly injure crops, other useful plants, livestock, or poultry or other interests of agriculture, including irrigation or navigation of the fish or wildlife resources of the United States or the public health."

Based on information compiled by the Department it has been determined that currently there is almost no international movement into the United States of these weeds as such. However, these weeds could be carried by articles offered for importation into the United States. In order to advise persons of the intent of the Department to allow the movement of these weeds into or through the United States only subject to restrictions under the regulations, it is necessary to take action to add these weeds to the list of noxious weeds.

Under the circumstances referred to above, it is proposed to add the aquatic weeds, parasitic weeds, and terrestrial weeds in the following chart to the list of noxious weeds:

Weed	Places found in United States	Injury caused by weed
Aquatic Weeds		
Azolla pinnata R. Brown (mosquito fern, water velvet)	None	Forms dense mats which impede water flow, inhibit passage, and clog irrigation pumps.
Hygrophila polysperma T. Anderson (Miramar weed)	Florida	Forms dense mats which impede water flow, inhibit passage, and clog irrigation pumps.
Ipomoea aquatica Forsskal (water-spinach, swamp morning-glory)	Florida and Hawaii	Forms dense mats which impede water flow, inhibit passage, and clog irrigation pumps; and competes with and reduces yield of taro and sugarcane.
Limnophila sessiliflora (Vahl) Blume (ambulia)	Florida, Louisiana, and Texas	Forms dense mats which impede water flow, inhibit passage, and clog irrigation pumps; and is toxic to fish.
Sagittaria sagittifolia Linnaeus (arrowhead)	Hawaii	Impedes flow of irrigation water, and interferes with access to water; and competes with and reduces yield of rice.
Salvinia (giant salvinias), of the following species: *Salvinia auriculata* Aublet, *Salvinia biloba* Raddi, and *Salvinia herzogii* de la Sota.	None	Forms dense mats which impede water flow, inhibit passage, and clog irrigation pumps.
Parasitic Weeds		
Cuscuta spp. (dodders), other than the following species: *Cuscuta americana* Linnaeus, *Cuscuta applanata* Engelmann, *Cuscuta approximata* Babington, *Cuscuta attenuata* Waterfall, *Cuscuta boldinghii* Urban, *Cuscuta brachyalyx* (Yuncker) Yuncker, *Cuscuta californica* Hooker & Arnott, *Cuscuta campestris* Yuncker, *Cuscuta cassytoides* Nees ex Engelmann, *Cuscuta ceanothii* Behr, *Cuscuta cephalanthi* Engelmann, *Cuscuta compacta* Jussieu, *Cuscuta corylii* Engelmann, *Cuscuta cuspidata* Engelmann, *Cuscuta decipiens* Yuncker, *Cuscuta dentatasquamata* Yuncker, *Cuscuta denticulata* Engelmann, *Cuscuta epilinum* Weihe, *Cuscuta epithymum* (Linnaeus) Linnaeus, *Cuscuta erosa* Yuncker, *Cuscuta europaea* Linnaeus, *Cuscuta exaltа* Engelmann, *Cuscuta fasciculata* Yuncker, *Cuscuta glabrior* (Engelmann) Yuncker, *Cuscuta globulosa* Bentham, *Cuscuta glomerata* Choisy, *Cuscuta gronovii* Willdenow, *Cuscuta harperi* Small, *Cuscuta howelliana* Rubtzoff, *Cuscuta indecora* Choisy, *Cuscuta jepsonii* Yuncker, *Cuscuta leptantha* Engelmann, *Cuscuta mitriformis* Engelmann, *Cuscuta nevadensis* I. M. Johnston, *Cuscuta obtusiflora* Humboldt, Bonpland, & Kunth, *Cuscuta occidentalis* Millspaugh ex Mill & Nuttall, *Cuscuta odontolepis* Engelmann, *Cuscuta pentagona* Engelmann, *Cuscuta planiflora* Tenore, *Cuscuta platilensis* A. Nelson, *Cuscuta polygonorum* Engelmann, *Cuscuta rostrata* Shuttleworth ex Engelmann, *Cuscuta runyonii* Yuncker, *Cuscuta salina* Engelmann, *Cuscuta sandwichiana* Choisy, *Cuscuta squamata* Engelmann, *Cuscuta suaveolens* Seringe, *Cuscuta suksdorfii* Yuncker, *Cuscuta tuberculata* Brandegee, *Cuscuta umbellata* Humboldt, Bonpland, & Kunth, *Cuscuta umbrosa* Beyrich ex Hooker, *Cuscuta vetchii* Brandegee, and *Cuscuta warneri* Yuncker.	None	Reduces vigor of dicots by extracting nutrients.
Orobanche spp. (broomrapes), other than the following species: *Orobanche bulbosa* (Gray) G. Beck, *Orobanche californica* Schlechtendal & Chamisso, *Orobanche cooperi* (Gray) Heller, *Orobanche corymbosa* (Rydberg) Ferris, *Orobanche dugesii* (S. Watson) Munz, *Orobanche fasciculata* Nuttall, *Orobanche ludoviciana* Nuttall, *Orobanche multicaulis* Brandegee, *Orobanche parishii* (Jepson) Heckard, *Orobanche pinorum* Geyer ex Hooker, *Orobanche uniflora* Linnaeus, *Orobanche valida* Jepson, and *Orobanche vallicola* (Jepson) Heckard.	California, Texas, and East Coast	Reduces vigor of dicots by extracting nutrients.
Terrestrial Weeds		
Ageratina adenophora (Sprengel) King & Robinson (crofton weed)	Hawaii	Competes with and reduces yield of forage plants and poisons livestock.
Alternanthera sessilis (Linnaeus) R. Brown ex de Candolle (sessile joyweed)	Hawaii	Competes with and reduces yield of rice and of forage plants in moist pastures.

Weed	Places found in United States	Injury caused by weed
Avena sterilis Linnaeus (including *Avena ludoviciana* Durieu) (animated oat, wild oat)	None	Competes with and reduces yield of small grains.
Borreria alata (Aublet) de Candolle	None	Competes with and reduces yields of perennial crops.
Chrysopogon aciculatus (Retzius) Trinius (pilipiliula)	Hawaii	Causes ulcerations to fur bearing animals.
Crupina vulgaris Cassini (common crupina)	California and Idaho	Competes with and reduces yield of forage grasses.
Digitaria velutina (Forsskal) Palisot de Beauvois (velvet fingergrass, annual conchgrass)	None	Competes with and reduces yield of seasonal and perennial crops.
Euphorbia prunifolia Jacquin (painted euphorbia)	Hawaii	Competes with and reduces yield of rice, cotton, peanuts, and corn.
Galega officinalis Linnaeus (goatsrue)	Utah	Competes with and reduces yield of forage plants in moist or irrigated pastures, and is poisonous to livestock.
Heracleum mantegazzianum Sommier & Levier (giant hogweed)	New England and New York	Causes large painful skin blisters on humans.
Imperata cylindrica (Linnaeus) Raeuschel (cogongrass)	Alabama, Florida, and Mississippi	Competes with and reduces yield of forage plants.
Ipomoea triloba Linnaeus (Little bell, aiea morning-glory)	Florida and Hawaii	Competes with, restricts growth, interferes with harvest, and reduces yield of a wide range of agricultural crops.
Mikania cordata (Burman f.) B. L. Robinson (mile-a-minute)	None	Competes with and reduces yield of a wide range of agricultural crops.
Mimosa invisa Martius (giant sensitive plant)	None	Competes with and reduces yield of a wide range of agricultural crops and pasture plants.
Pennisetum clandestinum Hochstetter ex Chiovenda (kikuyugrass)	California and Hawaii	Competes with and reduces yield of perennial crops and pastures.
Pennisetum pedicellatum	Florida	Competes with and reduces yield of forage plants in pastures and a wide range of agricultural crops.
Pennisetum polystachion (Linnaeus) Schultes (missiongrass, thin napiergrass)	None	Competes with and reduces yield of forage plants in pastures and a wide range of agricultural crops.
Prosopis, of the following species: *Prosopis alpataco* R. A. Philippi, *Prosopis argentina* Burkart, *Prosopis articulata* S. Watson, *Prosopis burkartii* Munoz, *Prosopis caldenia* Burkart, *Prosopis calingastana* Burkart, *Prosopis campestris* Grisebach, *Prosopis castellanosii* Burkart, *Prosopis denudans* Bentham, *Prosopis elata* (Burkart) Burkart, *Prosopis farcta* (Solander ex Russell) Macbride, *Prosopis ferox* Grisebach, *Prosopis fiebrigii* Harms, *Prosopis hassleri* Harms, *Prosopis humilis* Gillies ex Hooker & Arnott, *Prosopis kuntzei* Harms, *Prosopis patida* (Humboldt & Bonpland ex Willderow) Humboldt, Bonpland, & Kunth, *Prosopis palmeri* S. Watson, *Prosopis reptans* Bentham var. *reptans*, *Prosopis rojasiana* Burkart, *Prosopis ruizleallii* Burkart, *Prosopis ruscifolia* Grisebach, *Prosopis sericantha* Gillies ex Hooker & Arnott, *Prosopis strombulifera* (Lamarck) Bentham, and *Prosopis torquata* (Cavanilles ex Lagasca y Segura) de Candolle.	Arizona and Hawaii	Forms spiny thickets that prevent use of rangeland for grazing.
Saccharum spontaneum Linnaeus (wild sugarcane)	Hawaii	Competes with and reduces yield of a wide range of agricultural crops.
Salsola vermiculata Linnaeus (wormleaf salsola)	California	Competes with and reduces yield of forage plants.
Solanum torvum Swartz (turkeyberry)	Florida	Forms thickets that prevent the use of rangeland for grazing.
Tridax procumbens Linnaeus (coat buttons)	Florida and Hawaii	Competes with and reduces yield of rice, corn, sugarcane, cotton, peanuts, soybeans, and pineapples.

As reflected in the chart above, it is proposed to add weeds of *Avena sterilis* Linnaeus to the list of terrestrial noxious weeds. *Avena sterilis* Linnaeus is intended to include weeds of *Avena ludoviciana* Durieu, which are currently listed as terrestrial noxious weeds. Previous researchers held weeds of *Avena ludoviciana* to be a species distinct from *Avena sterilis* Linnaeus. However, *Avena sterilis* Linnaeus is now considered to include weeds of *Avena ludoviciana* Durieu. Therefore, in order to avoid confusion, the listing for *Avena sterilis* Linnaeus states that this includes weeds of *Avena ludoviciana* Durieu.

It is proposed to add to the list of noxious weeds all species of *Orobanche* (broomrapes) except certain specified weeds which are native to the United States or widely prevalent in the United States. The five species of *Orobanche* currently listed (*Orobanche aegyptiaca* Persoon, *Orobanche cernua* Loeft., *Orobanche crenata* Forsk., *Orobanche lutea* Baumg., *Orobanche major* L.) are included in the proposed list of species of *Orobanche* even though they are not specifically stated.

One or more common names of weeds are given in parentheses after most scientific names to help to identify the weeds represented by such scientific names; however, a scientific name is intended to include all weeds within the genus or species represented by the scientific name, regardless of whether the common name or names are as comprehensive in scope as the scientific name. It is proposed to add a footnote to the list of noxious weeds to explain this use of the scientific names and the common names. Also, it should be noted that it would be impossible to list commn names for all of the weeds included by the scientific names, because some scientific names are given for which there are no known common names.

It is also proposed to amend scientific names of noxious weeds currently listed in the regulations to reflect nomenclature currently accepted by the scientific community, and to add common names in parentheses after scientific names for certain weeds to help identify such weeds. Accordingly, each entry in the left hand column of the following chart is proposed to be changed as set forth in the right hand column:

Aquatic Weeds

Eichornia azurea (Sw.) Kunth (anchored Waterhyacinth)	*Eichornia azurea* (Swartz) Kunth (anchored waterhyacinth, rooted waterhyacinth).
Hydrilla verticillata F. Muell. (hydrilla)	*Hydrilla verticillata* (Linnaeus f.) Royle (hydrilla).
Monochoria hastata (L.) Solms	*Monochoria Hastata* (Linnaeus) Solms-Laubach.

Monochoria vaginalis (Burm.f.) Presl	*Monochoria vaginalis* (Burman f.) C. Presl.
Salvinia Molesta D.S. Mitchell	*Salvina molesta* D.S. Mitchell (giant slavinia).
Sparganium erectum L	*4Sparganium erectum* Linnaeus (exotic bur-reed).
Stratiotes aloides L	*Stratiotes aloides* Linnaeus (water-aloe).
Parasitic Weeds	
Striga spp	*Striga* spp. (witchweeds).
Terrestrial Weeds	
Avena ludoviciana Dur	*Avena sterilis* Linnaeus (including *Avena ludoviciana* Durieu) (animated oat, wild oat).
Carthamus oxyacantha M. B	*Carthamus oxyacantha* M. Bieberstein (wild safflower).
Commelina benghalensis L	*Commelina benghalensis* Linnaeus (Benghal dayflower).
Digitaria scalarum (Schweinf.) Chiov	*Digitaria scalarum* (Schweinfurth) Chiovenda (African couchgrass, fingergrass).
Drymaria arenarioides H.B.K	*Drymaria arenarioides* Humboldt and Bonpland ex Roemer and Schutes (lightning weed).
Imperata brasiliensis Trin	*Imperata brasiliensis* Trinius.
Ischaemum rugosum Salisb	*Ischaemum rugosum* Salisbury (muralnograss).
Leptochloa chinensis (L.) Nees	*Leptochloa chinensis* (Linnaeus) Nees (asian sprangletop).
Mikania micrantha Kunth	*Mikania micrantha* Humboldt, Bonpland, and Kunth.
Oryza longistaminata A. Chev. and Roehr	*Oryza longistaminata* A. Chevalier and Roehrich (red rice).
Oryza punctata Kotschy ex. Steud	*Oryza punctata* Kotschy ex Steudel (red rice).
Oryza rufipogon Griff	*Oryza rufipogon* Griffith (red rice).
Rottboellia exaltata L.f. (itchgrass, raoulgrass)	*Rottboellia exaltata* Linnaeus f. (itchgrass, raoulgrass).

PART 360—NOXIOUS WEED REGULATIONS

Under the circumstances referred to above it is proposed to revise § 360.200 of the noxious weed regulations (7 CFR 360.200) to read as follows:

§ 360.200 Designation of noxious weeds.[1]

Pursuant to the provisions of section 10 of the Federal Noxious Weed Act of 1974 (7 U.S.C. 2809) the Secretary of Agriculture, after publication of the required notice of proposal and after public hearing on the proposal when requested by any interested person, has determined based upon the information received at any such hearing and other information available to the Secretary, that the following plants are within the definition of a "noxious weed" in section 3(c) of the Act (7 U.S.C. 2802(c)) and that their dissemination in the United States may reasonably be expected to have, to a serious degree, an effect specified in said section 3(c) of the Act:

(a) *Aquatic Weeds:*
- *Azolla pinnata* R. Brown (mosquito fern, water velvet)
- *Eichornia azurea* (Swartz) Kunth (anchored waterhyacinth, rooted waterhycinth)
- *Hydrilla verticillate* (Linneaus f.) Royle (hydrilla)
- *Hygrophila polysperma* T. Anderson (Miramar weed)
- *Ipomoea aquatica* Forsskal (water-spinach, swamp morning glory)
- *Limnophila sessiliflora* (Vahl) Blume (ambulia)
- *Monochoria hastata* (Linnaeus) Solms-Laubach
- *Monochoria vaginalis* (Burman f.) C. Presl
- *Sagittaria sagittifolia* Linnaeus (arrowhead)
- *Salvinia auriculata* Aublet (giant salvinia)
- *Salvinia biloba* Raddi (giant salvinia)
- *Salvinia herzogii* de la Sota (giant salvinia)
- *Salvinia molesta* D.S. Mitchell (giant salvinia)
- *Sparganium erectum* Linnaeus (exotic bur-reed)
- *Stratiotes aloides* Linnaeus (water-aloe)

(b) *Parasitic Weeds: Cuscuta* spp. (dodders), other than following species:
- *Cuscuta americana* Linnaeus
- *Cuscuta applanata* Engelmann
- *Cuscuta approximata* Babington
- *Cuscuta attenuata* Waterfall
- *Cuscuta boldinghii* Urban
- *Cuscuta brachycalyx* (Yuncker) Yuncker
- *Cuscuta california* Hooker & Arnott
- *Cuscuta campestris* Yuncker
- *Cuscuta cassytoides* Nees ex Engelmann
- *Cuscuta ceanothii* Behr
- *Cuscuta cephalanthii* Engelmann
- *Cuscuta compacta* Jussieu
- *Cuscuta corylii* Engelmann
- *Cuscuta cuspidata* Engelmann
- *Cuscuta decipiens* Yuncker
- *Cuscuta dentatasquamata* Yuncker
- *Cuscuta denticulata* Engelmann
- *Cuscuta epilinum* Weihe
- *Cuscuta epithymum* (Linnaeus) Linnaeus
- *Cuscuta erosa* Yuncker
- *Cuscuta europaea* Linnaeus
- *Cuscuta exalta* Engelmann
- *Cuscuta fasciculata* Yuncker
- *Cuscuta glabrior* (Engelmann) Yuncker
- *Cuscuta globulosa* Bentham
- *Cuscuta glomerata* Choisy
- *Cuscuta gronovii* Willdenow
- *Cuscuta harperi* Small
- *Cuscuta howelliana* Rubtzoff
- *Cuscuta indecora* Choisy
- *Cuscuta jepsonii* Yuncker
- *Cuscuta leptantha* Engelmann
- *Cuscuta mitriformis* Engelmann
- *Cuscuta nevadensis* I.M. Johnson
- *Cuscuta obtusiflora* Humboldt, Bonpland, & Kunth
- *Cuscuta occidentalis* Millspaugh ex Mill & Nuttall
- *Cuscuta odontolepis* Engelmann
- *Cuscuta pentagona* Engelmann
- *Cuscuta planiflora* Tenore
- *Cuscuta plattensis* A. Nelson
- *Cuscuta polygonorum* Engelmann
- *Cuscuta rostrata* Shuttleworth ex Engelmann
- *Cuscuta runyonii* Yuncker
- *Cuscuta salina* Engelmann
- *Cuscuta sandwichiana* Choisy
- *Cuscuta squamata* Engelmann
- *Cuscuta suaveolens* Seringe
- *Cuscuta suksdorfii* Yuncker
- *Cuscuta tuberculata* Brandegee
- *Cuscuta umbellata* Humboldt, Bonpland, & Kunth
- *Cuscuta umbrosa* Beyrich ex Hooker
- *Cuscuta vetchii* Brandegee
- *Cuscuta warneri* Yuncker

Orobanche spp. (broomrapes), other than the following species:
- *Orobanche bulbosa* (Gray) G. Beck
- *Orobanche californica* Schlechtendal & Chamisso
- *Orobanche cooperi* (Gray) Heller
- *Orobanche corymbosa* (Rydberg) Ferris
- *Orobanche dugesii* (S. Watson) Munz
- *Orobanche fasciculata* Nuttall
- *Orobanche ludoviciana* Nuttall
- *Orobanche multicaulis* Brandegee
- *Orobanche parishii* (Jepson) Heckard
- *Orobanche Pinorum* Geyer ex Hooker
- *Orobanche uniflora* Linnaeus
- *Orobanche valida* Jepson
- *Orobanche vallicola* (Jepson) Heckard

Striga spp. (witchweeds)

(c) *Terrestrial Weeds:*
- *Ageratina adenophora* (Sprengel) King & Robinson (crofton weed)
- *Alternanthera sessilis* (Linnaeus) R. Brown ex de Candolle (sessile joyweed)
- *Avena sterilis* Linnaeus (including *Avena ludoviciana* Durieu) (animated oat, wild oat)
- *Borreria alata* (Aublet) de Candolle
- *Carthamus oxyacantha* M. Bieberstein (wild safflower)
- *Chrysopogon aciculatus* (Retzius) Trinius (pilipiliula)
- *Commelina benghalensis* Linnaeus (Benghal dayflower)
- *Crupina vulgaris* Cassini (common crupina)
- *Digitaria scalarum* (Schweinfurth) Chiovenda (African couchgrass, fingergrass)
- *Digitaria velutina* (Forsskal) Palisot de Beauvois (velvet fingergrass, annual conchgrass)
- *Drymaria arenarioides* Humboldt & Bonpland ex Roemer & Schultes (lightning weed)
- *Euphorbia prunifolia* Jacquin (painted euphorbia)
- *Galega officinalis* Linnaeus (goatsrue)
- *Heracleum mantegazzianum* Sommier & Levier (giant hogweed)
- *Imperata brasiliensis* Trinius (Brazilian satintail)
- *Imperata cylindrica* (Linnaeus) Raeuschel (cogongrass)
- *Ipomoea triloba* Linnaeus (little bell, aiea morning-glory)

[1] One or more common names of weeds are given in parentheses after most scientific names to help identify the weeds represented by such scientific names; however, a scientific name is intended to include all weeds within the genus or species represented by the scientific name, regardless of whether the common name or names are as comprehensive in scope as the scientific name.

Ischaemum rugosum Salisbury (murainograss)
Leptochloa chinensis Linnaeus) Nees (asian sprangletop)
Mikania cordata (Burman f.) B. L. Robinson (mile-a-minute)
Mikania micrantha Humbolt, Bonpland, & Kunth
Mimosa invisa Martius (giant sensitive plant)
Oryza longistaminata A. Chevalier & Roehrich (red rice)
Oryza punctata Kotschy ex Steudel (red rice)
Oryza rufipogon Griffith (red rice)
Pennisetum clandestinum Hochstetter ex Chiovenda (kikuyugrass)
Pennisetum pedicellatum Trinius (kyasumagrass)
Pennisetum polystachion (Linnaeus) Schultes (missiongrass, thin napiergrass)
Prosopis alpataco R. A. Philippi
Prosopis argentina Burkart
Prosopis articulata S. Watson
Prosopis burkartii Munoz
Prosopis caldenia Burkart
Prosopis calingastana Burkart
Prosopis campestris Grisebach
Prosopis castellanosii Burkart
Prosopis denudans Bentham
Prosopis elata (Burkart) Burkart
Prosopis farcta (Solander ex Russell) Macbride
Prosopis ferox Grisebach
Prosopis fiebrigii Harms
Prosopis hassleri Harms
Prosopis humilis Gillies ex Hooper & Arnott
Prosopis kuntzei Harms
Prosopis pallida (Humboldt & Bonpland ex Willdenow) Humboldt, Bonpland, & Kunth
Prosopis palmeri S. Watson
Prosopis reptans Bentham var. *reptans*
Prosopis rojasiana Burkart
Prosopis ruizlealii Burkart
Prosopis ruscifolia Grisebach
Prosopis sericantha Gillies ex Hooker & Arnott
Prosopis strombulifera (Lamarck) Bentham
Prosopis torquata (Cavanilles ex Lagasca y Segura) de Candolle
Rottboellia exaltata Linnaeus f. (itchgrass, raoulgrass)
Saccharum spontaneum Linnaeus (wild sugarcane)
Salsola vermiculata Linnaeus (wormleaf salsola)
Solanum torvum Swartz (turkeyberry)
Tridax procumbens Linnaeus (coat buttons)

(Secs. 4, 10; 88 Stat. 2149, 2151; (7 U.S.C. 2803, 2809); 41 FR 4251, 45 FR 8564)

Done at Washington, D.C., this 28th day of September 1981.

H. L. Ford,

Deputy Administrator, Plant Protection and Quarantine, Animal and Plant Health Inspection Service.

[FR Doc. 81-28789 Filed 10-1-81; 8:45 am]

BILLING CODE 3410-34-M

Rural Electrification Administration

7 CFR Part 1701

Proposed Rescission of REA Bulletin 180-6:460-2, Selection of Depositories for Funds of REA Borrowers

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed Rule.

SUMMARY: REA hereby proposes to amend Appendix A—REA Bulletins to rescind Bulletin 180-6:460-2, Selection of Depositories for Funds of REA Borrowers. The requirements contained in this bulletin are contained in other REA Bulletins (i.e. 1-7, 26-1, 300-5 and 327-1) and the loan contract. Rescission of this bulletin will eliminate redundancies.

DATE: Public comments must be received by REA no later than: December 1, 1981.

ADDRESS: Submit comments to Sheldon Chazin, Director, Accounting and Auditing Division, Room 4063, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Sheldon Chazin, telephone number (202) 447-3105. The Draft Impact Analysis describing the options considered in the decision to rescind the bulletin and the impact of implementing each option is available on request from the above named individual.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA hereby proposes to amend Appendix A—REA Bulletins to rescind REA Bulletin 180-6:460-2. This proposed action has been issued in conformance with Executive Order 12291, Federal Regulation, and has been determined to be "not major." This action is not subject to the requirements of the Regulatory Flexibility Act. REA Bulletin 180-6:460-2 is proposed for rescission because the policy set forth therein is well understood and followed by both the rural electric and rural telephone borrowers to which it is directed. In addition, the requirements of the bulletin are covered under other existing REA Bulletins (i.e. 1-7, 26-1, 300-5 and 327-1) and the loan contract. All written submissions made pursuant to this action will be made available for public inspection during regular business hours at the above office. These programs are listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guarantees, 10.851—Rural Telephone Loans and Loan Guarantees and 10.852—Rural Telephone Bank Loans.

Dated September 23, 1981.

Jack Van Mark,

Acting Administrator.

[FR Doc. 81-28852 Filed 10-1-81; 8:45 am]

BILLING CODE 3410-15-M

7 CFR Part 1701

Revision of REA Specification T-9

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Electrification Administration (REA) proposes to revise REA Specification T-9, "REA Specification—Single Pole Steel Structures Complete with Arms." The proposed revision will update and bring into conformance with national standards the original Specification T-9, dated December 1971.

DATE: Public comments must be received by REA no later than December 1, 1981.

ADDRESS: Submit written comments to the Director, Engineering Standards Division, Rural Electrification Administration, Room 1270, South Building, U.S. Department of Agriculture, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT: Mr. Lee Belfore, telephone (202) 447-5117. A Draft Impact Analysis has been prepared and is available from the Director, Engineering Standards Division, at the above address.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to revise REA Specification T-9, "REA Specification—Single Pole Steel Structures Complete with Arms." This proposal has been issued in conformance with Executive Order No. 12291, Federal Regulation. Since no significant effect on the economy will occur; since no significant increase in cost for consumers, industries or Government will result; and since no significant impact on economic conditions will be caused, this action has been determined to be "not major."

The Regulatory Flexibility Act (Pub. L. 96-354) is not applicable to this action, therefore, a Regulatory Flexibility Analysis will not be prepared.

This proposed action is intended to include reference to NEMA Publication No. TT-1, "Tapered Tubular Steel Structures," which had not been developed when the original specification was published in 1971.

All writtten submissions made pursuant to this action will be made available for public inspection during regular business hours at the above

address. This program is listed in the Catalog of Federal Domestic Assistance as 10.850—Rural Electrification Loans and Loan Guaranteed.

Dated: September 18, 1981.

Harold V. Hunter,

Administrator.

[FR Doc. 81-28651 Filed 10-1-81; 8:45 am]

BILLING CODE 3410-15-M

Farmers Home Administration

7 CFR Parts 1861 and 1965

Security Servicing for Multiple Family Housing Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to revise, renumber, and update its regulations relating to security servicing for multiple family housing loans made by the Agency. This action is necessary to reflect changes which have previously occurred in the respective loan programs involving rural rental housing, farm labor housing, rural cooperative housing, and rural housing site loans. The proposed regulation prescribes the actions necessary to process security servicing actions including transfers, reamortizations, consolidations, and other servicing actions affecting the FmHA loan security. These regulations are intended to improve the response time by FmHA to requests from borrowers and for initiating servicing action by redelegating certain approval authorities to the field staff and establishing uniform procedures for processing these requests and the accompanying servicing actions.

DATE: Comments must be received on or before December 1, 1981.

ADDRESS: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch, Farmers Home Administration, United States Department of Agriculture, Room 6346, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT: Dean Greenwalt, Multiple Housing Servicing Officer, Multiple Family Housing Management and Servicing Division, Room 5321-S, Farmers Home Administration, 14th and Independence Avenue, SW., Washington, D.C. 20250. Telephone: (202) 382-1615.

SUPPLEMENTARY INFORMATION: This proposed rule has been reviewed under USDA procedures established in Secretary's Memorandum 1512-1 which implements Executive Order 12291 and has been determined to be nonmajor. It will not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

This instruction does not directly affect any FmHA programs or projects which are subject to A-95 clearinghouse review.

CFDA numbers and titles: 10.405 Farm Labor Housing Loans and Grants, 10.411 Rural Housing Site Loans, 10.415 Rural Rental Housing Loans.

This action requires no change in recordkeeping requirements which have been previously established by each of the respective loan and grant programs and no increase in costs to the Government or the public. There is no impact on proposed budget levels, and funding allocations will not be affected because of this action. We have determined that this regulation maximizes net benefit to society at the lowest net cost.

This document has been reviewed in accordance with 7 CFR Part 1901, Subpart G, "Environmental Impact Statements". It is the determination of FmHA that the proposed action does not constitute a Federal action significantly affecting the quality of the human environment and in accordance with the National Environmental Policy Act of 1969, Pub. L. 19-190, an Environmental Impact Statement is not required.

FmHA proposes to revise and redesignate its regulations on security servicing for multiple family housing loans from Subpart C of Part 1861 to a new Subpart B of Part 1965. The purpose of this proposed regulation is to consolidate the security servicing activities relating to the rural rental housing (RRH), rural cooperative housing (RCH), farm labor housing (LH), and rural housing site (RHS) loan programs and ot effect prescribed servicing actions not adequately addressed by the current Agency servicing procedures which have not been significantly revised since their issuance and do not coincide with program authorizations subsequently implemented.

Present regulations relative to security servicing for these loans were issued in 1965 and are inadequate, often requiring special authorization from the National Office for certain routine servicing functions. Furthermore, present FmHA security servicing regulations are not consistent with the reassignment of responsibility for these loans from the County Office to the District Office. FmHA loans will be serviced according to the security instruments of the loan in a manner which will assure that the long term loan objectives are met and are consistent with the respective loan program requirements. These regulations are also intended to improve the Agency's ability to assure the continued availability of the facilities financed under the FmHA multiple housing programs to eligible users.

The alternatives to issuance of the proposed regulations which were considered included not changing existing regulations, partial revision of selected portions of the current regulations, and allowing each FmHA State Office to establish procedures consistent with local practices. Each of these alternatives was rejected because it did not promote efficiency in Agency operations, assure long term compliance with the objectives for which the FmHA assistance was provided, and could lead to a proliferation of regulations and requirements more stringent than necessary and confusing to the public, especially borrowers with operations in more than one jurisdiction. On this basis, the Agency has determined that the chosen alternative maximized the net benefit to society at the lowest net cost.

These regulations as proposed include the following major changes:

1. Section 1965.55 expands the approval authority of the State Director for servicing actions to be consistent with the respective loan program authorizations.

2. Section 1965.58 describes the responsibilities of the State and District Directors to coincide with the expanded approval authorities.

3. Section 1965.63 describes the actions necessary for FmHA to approve borrower transfers of stock, or changes in membership or membership interests in an organization indebted to FmHA.

4. Section 1965.65 describes the actions necessary for FmHA to process and approve the transfer of real estate security and assumption of the FmHA loan.

5. Section 1965.68 incorporates provisions under which FmHA can process and approve the consolidation of certain loan accounts, to improve

borrower efficiency and reduce certain recordkeeping requirements.

6. Section 1965.70 describes the conditions under which FmHA can process and approve reamortization of existing FmHA loan accounts.

7. Section 1965.85 describes the servicing actions which may be taken by FmHA for loans in default and liquidation.

8. Section 1965.90 provides the actions to be taken by FmHA when accepting final payment on rural rental housing and farm labor housing loans and removes certain notification requirements which were previously imposed on FmHA borrowers.

9. Section 1965.94 requires prior approval by the FmHA National Office of any supplements to this regulation proposed by the respective FmHA State Offices.

PART 1861—ROUTINE

§§ 1861.41—1861.48 (Subpart C) [Redesignated as Subpart B of Part 1965 and Revised]

As proposed, Chapter XVIII of Title 7, Code of Federal Regulations is amended as follows: Subpart C of Part 1861 is revised and redesignated to a new Subpart B of Part 1965 which reads as follows:

PART 1965—REAL PROPERTY

Subpart B—Security Servicing for Multiple Housing Loans

Sec.

1965.51 General.
1965.52 Definition.
1965.53–1965.54 [Reserved]
1965.55 Authority of State Director.
1965.56–1965.57 [Reserved]
1965.58 Responsibilities.
1965.59–60 [Reserved]
1965.61 General loan servicing requirements.
1965.62 [Reserved]
1965.63 Issuance or transfer of stock, or change in membership or membership interest in organizations indebted to FmHA.
1965.64 [Reserved]
1965.65 Transfer of real estate security and assumption of loans.
1965.66–1965.67 [Reserved]
1965.68 Consolidation.
1965.69 [Reserved]
1965.70 Reamortization.
1965.71 [Reserved]
1965.72 Deceased borrower.
1965.73 Bankruptcy and insolvency.
1965.74 Divorce actions.
1965.75 Abandonment.
1965.76 [Reserved]
1965.77 Consent to sale or other disposition of security property.
1965.78 [Reserved]
1965.79 Subordinations.
1965.80 [Reserved]
1965.81 Severance agreements.
1965.82 [Reserved]
1965.83 Consent to junior liens.
1965.84 [Reserved]
1965.85 Default and liquidation.
1965.86 [Reserved]
1965.87 Miscellaneous security.
1965.88 [Reserved]
1965.89 Obtaining additional security for inadequately secured loans.
1965.90 Payment in full.
1965.91 Servicing loans in formerly eligible rural areas.
1965.92–1965.93 [Reserved]
1965.94 State Supplements.
1965.95 [Reserved]
1965.96 Nondiscrimination.
1965.97 Exception authority.
1965.98–1965.100 [Reserved]

Authorities: 42 U.S.C. 1480; 7 CFR 2.23; 7 CFR 2.70.

Subpart B—Security Servicing for Multiple Housing Loans

§ 1965.51 General.

This subpart prescribes the policies, procedures, and authorizations for servicing and liquidating all Farmers Home Administration (FmHA) multiple housing type loans and labor housing grants. These loans include Rural Rental Housing (RRH), Rural Cooperative Housing (RCH), Rural Housing Site (RHS), and Farm Labor Housing (LH). The servicing functions described in this subpart are for the purpose of assisting the borrower in meeting the objectives of the loan, repaying loans on schedule, complying with FmHA agreements and regulations, protecting the interest of FmHA, and maintaining the security property. Borrowers will be required to pay their debts to the FmHA and other creditors according to their agreements. Borrowers shall be required to operate their facilities according to FmHA regulations and applicable State and local laws and regulations. State Directors with the assistance of OGC should issue necessary State Supplements to assure compliance with State laws. After careful analysis, any borrower in default who does not evidence prospects of attaining successful operations within a reasonable time will have its loan liquidated according to authorizations contained in this subpart and Subpart A of Part 1955 of this chapter.

§ 1965.52 Definitions.

(a) *FmHA.* "FmHA" means the United States of America acting through the Farmers Home Administration; it also includes FmHA's predecessor agencies.

(b) *OGC.* "OGC" means the Regional Attorney or the Attorney in charge in the field office of the Office of the General Counsel of the United States Department of Agriculture.

(c) *Servicing.* "Servicing" includes the broad scope of activities undertaken by FmHA to see that the objectives of the loan are carried out; to assure compliance with the respective policies, procedures and authorizations set forth for each respective loan program; or to bring to a successful conclusion each loan or grant made by FmHA through transfer, sale, reamortization, payment or liquidation.

(d) *Borrowers.* "Borrowers" means all individuals, partnerships, cooperatives, trusts, public agencies, private or public corporations and other organizations which have received a loan or grant from FmHA for LH, RRH, RCH, or RHS purposes.

(e) *Governing body.* "Governing body" means those elected or appointed officials of an organization or public agency type borrower responsible for the operations of the project.

(f) *District Director.* For the purpose of this Subpart, the term also includes the Assistant District Director, and other qualified District Staff who may be delegated responsibilities under this subpart according to the provisions of Subpart F of Part 2006 (available in any FmHA office). In the case of Labor Housing loans still being serviced in the County Office, this definition also includes qualified County Office staff.

(g) *Note.* "Note" includes any note, bond, assumption agreement, or other evidence of indebtedness.

(h) *Mortgage.* "Mortgage" includes deeds of trust and similar real estate security instruments and where appropriate, chattel security instruments.

(i) *Case file.* "Case file" includes the total cumulative records concerning a borrower.

§§ 1965.53–1965.54 [Reserved]

§ 1965.55 Authority of State Director.

(a) Each State Director is authorized to perform the following functions upon determining that the action will not be to the financial detriment of FmHA:

(1) Require additional security when the State Director determines that existing security is inadequate in any case where the loan or security instruments contain the borrower's agreement to give additional security or in any case of default where additional security is acceptable in lieu of other servicing actions.

(2) Require borrowers to carry insurance of the types and amounts determined necessary on property mortgaged to the FmHA. Evidence of insurance is required for Multiple Housing Loans according to the

provisions of Subpart A of Part 1806 of this chapter (FmHA Instruction 426.1).

(3) Approve the issuance or transfer of stock, change or transfer of membership, admittance of new or substitute partners, or withdrawal of partners from a partnership, provided the State Director determines that the requirements of § 1965.63 of this subpart have been met, and that the change will not jeopardize the successful operation of the project, the soundness of the loan, or the eligibility of the borrower.

(4) Approve transfers with assumption of FmHA loan accounts when all development has been completed and the unpaid principal balance and accrued interest does not exceed the State Director's loan approval authority for the type of loan(s) involved. Transfers will be processed according to § 1965.65 of this subpart.

(5) Approve the reamortization of FmHA indebtedness that is within the State Director's loan approval authority for the type of loans involved according to the provisions of § 1965.70 of this subpart.

(6) Consent to the sale, exchange, or release of security property according to the applicable provisions of § 1965.77 of this subpart.

(7) Accept prepayment of RRH, RHC and LH loan subject to the provisions of § 1965.90 of this subpart.

(8) Approve subordination of FmHA lien position if the total debt against the security after the transaction is within the State Director's approval authority for the type of loan(s) involved according to the provisions of § 1965.79 of this subpart.

(9) Approve requests from borrowers for the creation of additional indebtedness. These approvals must take into account the provisions of loan resolutions or other agreements with FmHA and other existing creditors. If the proposed additional debt would make the total outstanding obligations of the borrower exceed the FmHA loan approval limit of the State Director, the borrower's request, complete documentation, and the State Director's recommendations must be sent to the National Office for prior review and authorization to approve.

(10) Renew existing security instruments after consulting with OGC.

(11) Approve, with the concurrence of OGC, changes in a borrower's legal organization including revisions to certifications of limited partnership, partnership agreements, articles of incorporation or charter, bylaws, or trust agreements when the changes proposed will promote better borrower organization and business operation, and will not adversely affect the repayment of the loan, impair the security rights of the FmHA, or make the borrower ineligible for FmHA loan assistance.

(12) Approve the borrower's execution, extension, renewal, modification, or cancellation of contracts of types not covered elsewhere in § 1965.55 when the State Director, with the legal advice of OGC, determines that the action is in the best interest of both the borrower and the FmHA; and, in the case of RRH, RCH, and LH projects, will not be detrimental to the tenants.

(13) Approve the extension or expansion of facilities and services when the action will best serve the interest of both the borrower and the FmHA, and will not be in conflict with the FmHA Regulation under which the loan was made.

(14) Approve the lease of security property according to § 1965.61(e) of this subpart.

(b) The State Director may reject any servicing request not in accordance with the guidelines of this subpart.

(c) Any borrower directly and adversely affected by action under this subpart will be granted the appropriate appeal rights according to Subpart B of Part 1900 of this chapter. Any authority not specifically delegated to the State Director may be requested from the National Office. The requests must be submitted in writing to the National Office for prior authorization and must be consistent with the intent and requirements of each respective loan program. The request will be accompanied by the complete docket and the State Director's specific recommendations.

§§ 1965.56–1965.57 [Reserved]

§ 1965.58 Responsibilities.

(a) District Directors are responsible for:

(1) Keeping sufficiently informed of the borrower's operations to know whether they are operating succesfully and complying with their obligations to the FmHA.

(2) Furnishing borrowers with information, notices, reminders, advice and assistance, and taking other actions regarding the loan obligations and compliance therewith as considered necessary to determine whether borrowers are operating successfully are complying with their loan obligations, and are likely to continue with compliance.

(3) Promptly reporting to the State Director the failure of any borrower to comply with the terms and conditions of its agreements with FmHA after noncompliance has been brought to the attention of the borrower and recommended corrective action has not been taken.

(4) Furnishing training and technical guidance not readily available through other sources to borrwers to protect the FmHA's interests. This training and guidance may relate to business operations, project management, personnel training, membership activities, or any other phase which vitally affects the borrowers operations.

(5) Maintaining the Management System Card System according to Subpart A of Part 1905 of this chapter (available in any FmHA office) to assure prompt compliance by borrowers with FmHA requirements relating to repayments, budgets and reports, taxes, insurance and bond renewals, reports required by State law or regulations as indicated in State Supplements, security instrument expirations, and other items of loan and security servicing.

(6) Maintaining the official borrower case files according to the requirements of Subpart A of Part 2033 of this chapter (available in any FmHA office).

(7) Prompt collection of loan obligations to the FmHA and servicing security for those loans.

(b) State Directors are responsible for:

(1) Coordinating and directing loan servicing activities relating to borrowers and performing other functions as prescribed by this Subpart.

(2) Designating appropriate State staff member(s) responsible for loan servicing, appraising and for providing District Directors with technical guidance, training and follow-up supervision to service loans.

(3) Administrative follow-up to ascertain that District Directors carry out their responsibilities.

(4) Coordination with OGC.

(5) Maintaining necessary liaison with State and local officials.

§§ 1965.59—1965.60 [Reserved]

§ 1965.61 General loan servicing requirements.

(a) *Payments.* Payments will be handled according to the applicable provisions of Subparts A and B of Part 1951, and Subparts D and E of Part 1944 of this chapter.

(b) *Borrower reports, audits, and analyses of this chapter.* Borrower reports, audits, and analyses, including the approval or disapproval of annual operating budgets, requests for rent increases, and occupancy problems will be processed and handled according to Subpart C of Part 1930 of this chapter.

(c) *Maintenance.* Project maintenance is of utmost importance. All projects must be adequately maintained not only to protect the Government's interest, but also to attract potential clients (tenants for rental projects, purchasers for RHS). Maintenance should be reviewed during each supervisory visit and appropriate recommendations made to the borrower. The District Director will inspect the real estate security as required by Subpart C of Part 1930 of this chapter.

(d) *Actions by third parties affecting FmHA security.* Cases including third party action will be handled according to the provisions of § 1872.2(c) of Subpart A of Part 1872 of this Chapter (Paragraph II C of FmHA Instruction 465.1), except that references to the County Supervisor shall be construed to mean District Director when applied to multiple housing type programs.

(e) *Lease of security property.* The leasing of property (except to tenants for specific program purposes) serving as security for multiple housing loans and grants other than as indicated in this section is not authorized. Approval of leases by the State Director is authorized in the following cases:

(1) *Leases to public housing authorities.* RRH or RCH borrowers may be permitted to continue leasing all or part of the housing facilities to a housing authority with the benefits of the HUD Section 23 leasing program as the leases are renewed. No new leases will be entered into. The lease will be on a form provided by the housing authority and must be on terms that will enable the borrower to continue the objectives of the loan and make payments on schedule.

(2) *Lease of a portion of the security property.* When the RRH or RCH borrower will continue to operate the facilities for the purpose for which the loan or grant was made, the State Director may approve the leasing of related facilities such as laundries, commissary stores, recreational facilities and community buildings, subject to the applicable provisions of § 1944.212 of Subpart E of Part 1944 of this chapter and according to the following conditions:

(i) The lease is advantageous to the borrower and the tenants, and will not impair the Government's interest.

(ii) The amount of the consideration is adequate. The consideration must be sufficient to pay all prorated expenses and the prorated part of the loan amortization at the note rate of interest.

(iii) Consent to the lease shall not exceed one year at a time.

(iv) If foreclosure action has been approved, consent to lease and use of proceeds will be granted only under directions from OGC or the U.S. Attorney as appropriate.

(v) When another lienholder's mortgage requires consent of that lienholder to a lease, written consent will be obtained prior to FmHA approval of the lease.

(3) *Mineral leases.* Mineral leases will be handled according to § 1872.8(d) of Subpart A of Part 1872 of this chapter (Paragraph VIII D FmHA Instruction 465.1) except that all references to County Supervisor will be construed to mean District Director when applied to the Multiple Housing Programs.

(4) *Processing.* When a borrower requests consent to lease a portion of the security property or the District Director discovers that the borrower is leasing the security without consent, Form FmHA 465–1 "Application for Partial Release, Subordination or Consent" will be prepared.

(i) The form will show the terms of the proposed lease and will specify the use of proceeds, including any proceeds to be released to the borrower.

(ii) The form will be submitted to the State Director, along with a copy of the lease, official borrower case files, the District Director's comments and recommendations, and any other information pertinent to the transaction.

(iii) The State Director will review the material, obtain the guidance of OGC prior to indicating approval or disapproval on Form FmHA 465–1, and provide additional servicing instructions to the District Director.

(f) *Consent of lienholders.* Before FmHA consents to any transaction which affects its security or lien position, the written consent of any other lienholders must be obtained. The consent will include an agreement on the disposition of any funds resulting from the transaction and will be consistent with the respective loan program requirements.

§ 1965.62 [Reserved]

§ 1965.63 Issuance or transfer of stock, or change in membership or membership interest in organizations indebted to FmHA.

Organizations which may be indebted to FmHA include, but not limited to, public bodies, broadly-based nonprofit corporations, nonprofit organizations of farmworkers, nonprofit organizations that are not broadly-based, such as those receiving LH loans prior to June 10, 1973, or those indebted for RHS loans, associations of farmers, consumer cooperatives, profit and limited profit corporations, trusts, and profit and limited profit partnerships and limited partnerships. This section describes the policy of FmHA in approving changes of membership, membership interest, or transfer or issuance of stock in these organizations, to determine the continued eligibility of the borrower entity. It *does not* cover the sale or exchange of title to the security property.

(a) *Broadly-based nonprofit corporations or nonprofit organizations of farmworkers.* FmHA consent will not be required for broadly-based nonprofit corporations or nonprofit organizations of farmworkers indebted to FmHA to change or transfer membership. Each organization, however, must maintain the number and type of members required by its Article of Incorporation and Bylaws. Organizations not maintaining the required membership will be serviced according to § 1965.63(d) of this subpart.

(b) *Other organizations.* Other organizations indebted to FmHA may or may not issue stock. They are, however, required by the loan agreement or resolution to obtain prior FmHA consent to transfer stock, to transfer any interest or to change any interest in the borrower. Therefore, when organizations with an existing loan request FmHA consent to: Issue additional stock; transfer stock; change membership or membership interests; admit new or substitute general partners of any kind; withdraw partners of any kind; alter the beneficiary of the trust; or, when such a change has taken place without FmHA consent, the District Director shall process Form FmHA 465–1 for submission to the State Director. The State Director is authorized under § 1965.55(a) of this subpart to approve or disapprove these transfers or changes on Form FmHA 465–1. For approval, the State Director must determine that the following conditions will be met:

(1) The borrower shall provide a listing showing the name, address, and percent of ownership of each member, stockholder, partner, or beneficiary of a trust that will have an interest in the organization.

(2) All new or substitute general partners, members, or stockholders that will hold an interest in the organization in excess of 10 percent must submit a current, dated, and signed financial statement showing assets and liabilities, with information on the status and repayment schedule of each debt. All financial statements submitted must comply with the reporting requirements set forth in Exhibit A–6 to Subpart E of Part 1944 of this Chapter. A resumé must also be submitted, together with a statement setting forth any identity of interest as described in Exhibit A–6 to

Subpart E of Part 1944 of this chapter. The resumé should also explain the past performance, experience, qualifications, and abilities of the individual or organization except for limited partners in a limited partnership, who are obtaining an interest in the borrower organization.

(3) The borrower must be unable to provide the housing or other facilities from its own resources and must be unable to obtain the necessary credit from private or cooperative sources on terms and conditions that would enable the borrower to refinance the FmHA indebtedness and operate the project for amounts within the payment ability of those eligible to occupy the housing or benefit from the project. When tenants are benefiting from any FmHA or other Government subsidy program, the continued availability of the subsidy will be considered in making this decision. For profit and limited profit organizations, the assets of the individual general partners, members, or stockholders will also be considered.

(4) This type of change should be made on a cash basis, but terms may be permitted if the State Director determines that the terms will not adversely affect the operations of the project. Liens may not be taken against the security. Payments on any debt incurred for the purchase of the stock or interest in the organization will *not* be considered authorized debt payments and will not be included in project operations as a budgeted expense.

(5) In the case of the sale of the interest of a general partner, or the admission of a substitute general partner, in either a limited partnership or a general partnership, the new or substituted general partner must agree to assume the responsibilities and obligation of the withdrawing general partner under the terms of the FmHA promissory note, mortgage, and the borrower's partnership agreements. This includes the assumptions of the personal liability, if any, of the withdrawing general partner. To accomplish this, the new or substitute general partner must execute an agreement as follows:

Assumption of Withdrawing Partner's Obligations

In consideration for being approved by the Farmer's Home Administration (FmHA) for admission as a general partner into ———— (the partnership), the undersigned hereby assumes all responsibilities and obligations of ———— under the terms of the Partnership Agreement dated ————, the terms of (a) (all) note(s) or assumption agreement(s) dated ———— in the respective amount(s) of ————, and the terms of the FmHA security instrument(s) taken on the partnership property dated ———— and filed for record in the ———— office at ————, Document No. or Book and Page No., Date ————

Signature of New or Substitute Partner

(6) Any stockholder, member, or partner personally liable for the FmHA indebtedness will not be released of liability unless the new stockholder, member, or partner is made personally liable for the FmHA debt on an agreement approved by OGC, and the State Director determines that the assets and net worth of the new stockholder, member, or partner are substantially the same as or greater than that of the party to be released.

(7) The State Director must determine that approval of the transaction will not adversely affect the FmHA program in the area, that the objectives of the loan will not be changed, and that the successful operation of the project will not be jeopardized. In making this determination, the State Director must consider the past performance, experience, qualifications and abilities of any individual or organization obtaining an interest in the borrower organization, other than a limited partner in a limited partnership. However, the past performance, experience, qualifications and abilities of any individual or organization will be considered when that individual or organization is obtaining the majority interest of the limited partners in a limited partnership.

(8) For LH loans made to an association of farmers, the new member (stockholder) or members must be eligible farmers as described in Subpart D of Part 1944 of this chapter.

(9) For loans made to a Trust, any changes in the beneficiary will be reviewed by OGC for compliance with program requirements before the State Director takes action on the borrower's request.

(c) *RCH consumer cooperatives.* Changes in the membership of RCH consumer cooperative borrowers will be processed according to the provisions of the Subscription Agreement and the Occupancy Agreement (Exhibits A and B to FmHA Instruction 444.7 (available in any FmHA National, State or County Office).

(d) *Changes in required membership number.* Should the minimum number of required members in any organization fall below that prescribed by their organizational documents, the following actions will be taken:

(1) The District Director will provide the State Director with a complete written report of the circumstances including the organization's plan for obtaining additional membership and the continued operation of the project. The District Director should submit this report only after he or she has personally met with the governing body and found that they will not be able or willing to comply with FmHA requirements. The report should be precise and include recommendations on further servicing actions.

(2) The State Director will review the report and evaluate the adverse effect the noncompliance will have on the loan. If it appears that the interest of the United States will be adversely affected, the State Director will forward the material together with appropriate comments and recommendations, to the Regional Attorney for review and guidance in the continued servicing or liquidation of the account as appropriate. The State Director will provide the District Director with instructions for servicing the account.

(e) *Unauthorized stock, partnership, or membership changes.* Unauthorized stock, partnership, or membership changes which the State Director cannot approve under the conditions of this section will be submitted to the National Office for handling if the State Director recommends approval.

§ 1965.64 [Reserved]

§ 1965.65 Transfer of real estate security and assumption of loans.

This section applies when there is an actual transfer of title to the security property and liability for the FmHA indebtedness is assumed by an organization or an individual who is not presently liable for the debt against the security property.

(a) *General.* Borrowers should be properly informed during loan processing that each applicant must have the ability and intention to own and operate the proposed housing project for the purposes for which the loan is made. Except for RHS loans, the loan approval official should make sure that loans are not approved or closed for applicants that plan to sell their projects within a short period of time.

(1) When the mortgage or deed of trust requires FmHA consent to the sale or other transfer of real estate security, the borrower should be advised of its provisions. Before firm agreements are reached between the borrower and the proposed purchaser or transferee, the District Director should be contacted relative to the proposed sale or transfer.

(2) Proposed transfers that do not benefit the tenant or the Government will not be approved. Any RRH borrower selling the project solely to

obtain equity should be informed that it is unlikely that that borrower can be considered eligible for other loans under § 1944.211(a) of Subpart E of Part 1944 of this chapter.

(3) If a proposed sale will not result in the FmHA account being paid in full, the District Director will explain the transfer requirements of this section as they relate to the transaction.

(4) In all cases, especially when a transferor receives a substantial downpayment, the purchaser is required to provide evidence of its inability to obtain credit elsewhere on rates and terms that will not cause rental rates in excess of what low- and moderate-income tenants could afford.

(b) *State Director authority.* The State Director is authorized under § 1965.55(a)(4) of this subpart to approve initial and subsequent transfers to eligible and ineligible transferees with an appropriate assumption of the FmHA unpaid loan balance when the principal amount plus accrued interest is within the State Director's loan approval authority, subject to the following general conditions and requirements:

(1) Transfers to eligible applicants will receive preference over transfers to ineligible applicants, provided recovery to FmHA is not less than it would be if the transfer were to an ineligible applicant.

(i) Transfers to eligible applicants will generally be completed on the basis of same terms if the loan account is current or can be brought current when the transfer and assumption is closed.

(ii) Transfers to ineligible applicants, and eligible applicants assuming loans which are delinquent and cannot be brought current at the time of closing, will be transferred on the basis of new terms.

(2) The present borrower must be unable or unwilling to accomplish the objectives of the loan and the transfer must be in the best financial interests of the Government.

(3) If the authorized FmHA appraiser determines that the total secured FmHA debt(s) exceeds the present market value of the security, the transferee must assume an amount at least equal to the present market value less any prior liens. In those cases, the transferor will not be released from liability and the remaining debt will be processed according to the applicable provisions of Part 1864 of this chapter (FmHA Instruction 456.1). Otherwise, the transferee will assume the total FmHA secured debt(s). Security must be adequate for the FmHA indebtedness being assumed. Security will be upgraded if necessary to meet FmHA standards.

(4) The transferor should not receive any equity payment unless the total unpaid FmHA indebtedness is assumed, all real estate taxes are current, and the FmHA loan payment and reserve account is on schedule at the time of transfer, less any authorized withdrawals. Any equity payment due the transferor should be paid in cash at the time of transfer. Any equity payment on terms will not be authorized unless the reserve account is current or unless authorized by the National Office. If paid on terms, the terms and conditions must be documented in the file and the transferee must be able to meet the obligations from outside sources without jeopardizing the operation of the project. Any equity payment to be made on terms shall not be considered an authorized debt payment of the project. Furthermore, any equity payment which includes an unsecured note is not authorized unless the approval official determines:

(i) The transferee has sufficient resources to meet the terms of the note from other than project income.

(ii) There are no other available transferees with the ability to pay the equity in cash.

(iii) That to disallow the unsecured note would be adverse to the interests of the Government and/or the tenants if the transfer is not permitted to go forward in a timely manner.

(iv) No rental income will be used to make payments on the note.

(v) There also may be no aliens attached either to the secured property or to revenue from operation of the property.

(vi) An assignment of project income will be taken by FmHA as additional security with the advice and guidance of OGC.

(vii) A return to owner will not be allowed on any portion of equity being carried by the transferor in the form of a note.

(5) If a payment to the transferor is to be made in connection with the transfer, the total FmHA debt must be assumed unless the payment received by the transferor is applied on a prior lien or to the portion of the transferor's FmHA debt not assumed. When the full amount of the FmHA secured debt is assumed and other FmHA debts owed by the transferor are not adequately secured, the State Director may, as a condition of approving the transfer, require that all or a part of any equity payment be applied on those debts.

(6) There must be no lien, judgment, or other claims against the security being transferred other than those by FmHA and those authorized prior liens to which FmHA has previously agreed, unless prior written approval is obtained from the National Office.

(7) When the loan(s) is secured by both chattel and real estate, all chattel security must be transferred, sold, or liquidated by the time of closing the transfer of the real estate.

(8) The transferee must complete and submit Form HUD 935.2, "Affirmative Fair Housing Marketing Plan," for the State Director's approval or provide evidence of being a signatory to a voluntary affirmative marketing agreement approved by the Department of Housing and Urban Development in accordance with Subpart E of Part 1901 of this chapter.

(9) When the spouse of a deceased individual borrower is not currently liable for the indebtedness, a transfer and assumption to the spouse can be accomplished through the use of Form FmHA 460-9, "Assumption Agreement (Same Terms-Eligible Transferee)"; on the same rates and terms if the spouse is determined to be an eligible applicant according to the applicable provisions of the respective loan program and this subpart.

(10) In the case of borrowers with a loan agreement or resolution, the transfer must be completed with the advice and closing instructions of the OGC.

(11) The rents can be increased to the tenants only if the provisions of paragraph IX of Exhibit B, to Subpart C of Part 1930 of this chapter (FmHA Instruction 1930-C) are met. In considering any rent increase, the rents of comparable units in the community must be considered. In no case should the rents be higher than comparable rents in the area.

(12) The transferee will be required to submit monthly and annual reports according to § 1930.124 (a) and (b) of Subpart C of Part 1930 of this chapter.

(c) *Transfers to eligible applicants.* Transfers of security with an assumption of FmHA debts by transferees who are eligible applicants for the type of loan being assumed may be approved subject to the general conditions contained in § 1965.65(b) of this subpart and the following:

(1) An eligible transferee will be required to make an additional payment on the FmHA secured debts whenever financially able. When a payment is required, the transfer will not be closed nor the appropriate assumption agreement executed prior to receipt of the payment.

(2) If the full debt is assumed at the same interest rate and terms, Form FmHA 460-9 will be executed by the

transferee according to the Forms Manual Insert (FMI).

(3) The unpaid FmHA indebtedness being transferred should be current at the time of transfer. If this is not the case, the transfer may be authorized on new terms to remove any delinquency or to extend the existing loan repayment period to the extent possible, considering the remaining security. Transfers of rental property, on new terms may increase the interest rate to the current rate and extend the final due date to the maximum term authorized by the appropriate loan program. The new repayment period, however, cannot exceed the repayment period for a new loan of the type involved. To complete the transfer on new terms, the transferee may execute Form FmHA 460–5, "Assumption Agreement (New Terms)". (RRH loans being transferred on new terms may be consolidated under § 1965.68 of this subpart). The interest rate charged in those cases will be as follows:

(i) All loans except LH loans will be transferred at the current rate being charged for those loans, or the note rate of interest, whichever is greater.

(ii) LH loans will be transferred at the rate specified in the note, except that loans transferred to public bodies, nonprofit organizations of farmworkers, and broadly-based nonprofit corporations for LH purposes may be at a one percent interest rate regardless of the rate specified in the note if the State Director determines that the reduction is necessary in order to maintain rental rates at a level affordable to the tenants. When the State Director determines that a transfer at one percent is necessary for other types of LH transferees, the case should be submitted to the National Office, with the State Director's recommendations and justifications for consideration.

(iii) Loans for RRH and RCH projects which are amortized on an annual payment basis and are transferred on new terms through the use of Form FmHA 460–5, shall be converted to a monthly payment amortization. This may be accomplished by changing the date to be inserted for item 15 of the Forms Manual Insert for Form FmHA 460–5 to the date which is one month from the effective date of Form FmHA 460–5. Also, the words "each January 1" on the fifth line of payment alternative (a) on the reverse of Form FmHA 460–5 should be deleted. In their place should be the word "the" followed by the numerical day of the month in which Form FmHA 460–9 is effective (or 28th, whichever is less), and the words "day of the month".

(4) For rental projects, the transferor's project operating accounts, reserve account, any tenant security deposits, any balance remaining in the transferor's supervised bank account, and any equipment purchased with project funds, will be transferred to the transferee. Any RA payments not received by the transferor, will be assigned to the transferee. Every attempt should be made to have the funds in the reserve account at the scheduled level and transferred to the transferee at the time of transfer. If the RRH transferee wishes to convert to the loan agreement/resolution format of Form FmHA 1944–33, "Loan Agreement", 1944–34, "Loan Agreement", or 1944–35, "Loan Resolution", as appropriate, the transferee may accomplish this by amending the existing loan agreement/resolution with the advice of OGC according to § 1965.65(c)(10) of this subpart.

(5) Any excess development funds held in a supervised bank account must be refunded to the respective loan account upon receipt of the transfer request.

(6) A loan and/or grant may be made in connection with a transfer subject to the policies and procedures governing the kind of loan and/or grant being made. Loan and/or grant funds may *not* be used, however, to pay equity to a transferor.

(7) The transferee must prepare operating budgets, as required by the appropriate program regulations governing the kind of loan being transferred, covering the first partial year and the next full year's operation. The budgets must be realistic and reflect sufficient funds to pay operation and maintenance expenses, maintain any required reserve, and keep the FmHA account(s) current. The charges for the use of the facility or services must be within the payment ability of those it is intended to serve. A current utility allowance must also be prepared when required by program regulations.

(8) For transfers of RRH loan accounts, current executed Form FmHA 444–8, "Tenant Certification," must be provided for each tenant, as required by Paragraph VI E of Exhibit B to Subpart C of Part 1930 of this chapter, evidencing that the units are or will be occupied by eligible tenants when the transfer is closed.

(9) For transfers of RRH and LH loan accounts, all leases should also be assigned to the transferee no later than the date of closing.

(10) The proper type of loan agreement or loan resolution for the type of transferee involved must be in effect and secured by the mortgage or deed of trust at the time of transfer. If changes are needed in the existing loan agreement or loan resolution to accomplish this, amendments must be made to the existing loan agreement or resolution secured by the mortgage on the security property with the advice and approval of OGC or any other method acceptable to OGC.

(11) A limited profit RRH transferee's initial investment in the project will be considered the lesser of:

(i) The cash amount actually contributed to the project by the transferee (This may also be considered to mean the net cash value of any property being exchanged by the transferee); or,

(ii) The difference between the FmHA appraised value of the project and the amount of the unpaid FmHA loan balance at the time of transfer.

(12) The rate of return permitted on a limited profit RRH transferee's initial investment will not exceed the rate stated in the appropriate loan agreement or resolution for the type of borrower as set forth in § 1944.215 (e) of Subpart E of Part 1944 of this chapter when the transfer is approved.

(13) If the transfer involves an RRH or RCH loan using interest credit with a Form FmHA 444–7, "Interest Credit Agreement" or "Interest Credit and Rental Assistance Agreement" in effect, it will be cancelled as of the date of the transfer. If the transfer is to be made on a nonprofit or limited profit basis, the transferee may receive interest credit if the transferor was eligible for interest credit according to Exhibit B to Subpart 1944–E. A new Form FmHA 444–7 will be executed by the transferee, attached to Form FmHA 460–5 or 460–9, as appropriate and submitted (simultaneously with any interest credit cancellation for the transferor) to the Finance Office when the transfer is closed.

(14) A transferee may participate in the rental assistance program if the transferor's project is an eligible project and the transferee is an eligible borrower according to Exhibit C to Subpart E of Part 1944 of this chapter. If the transferor participates in the rental assistance program, the transferee may assume the remaining portion of the transferor's rental assistance agreement if the transferee is eligible. When the transferee is assuming the transferor's rental assistance agreement, the appropriate information concerning the transferor's rental assistance agreement will be shown in a memorandum to Finance Office which is submitted simultaneously with Form 460–5 or 460–

9, and Form FmHA 444–7. If the transferee will not be assuming an existing Rental Assistance Agreement, the agreement will be cancelled and Finance Office notified of the cancellation.

(15) If a project operates under the HUD Section 8 program the HAP contract must also be assigned to the transferee with prior approval from HUD. This approval must be obtained so that the assignment of the HAP contract occurs no later than the closing of the transfer.

(16) The transferee must thoroughly understand all loan requirements including the tenant eligibility, the management, reserve account, audit, and reporting requirements of applicable FmHA regulations, and the loan agreement or loan resolution. Before the transfer is closed the District Director shall carefully review with the transferee Subparts E and L of Part 1944, Subpart C of Part 1930 of this chapter, and the loan agreement or resolution with the transferee.

(17) Release of liability will be considered according to the following:

(i) When all FmHA security is transferred and the total outstanding debt is assumed, the policy will be to release the transferor from liability.

(ii) In those cases where the value of the security transferred and debt assumed is less than the full amount of the FmHA debt, the transferor may be released from liability if the State Director determines that the transferor has no reasonable debt-paying ability considering assets and income at the time of the transfer, and certifies that the transferor has cooperated in good faith, has used due diligence to maintain the security property against loss, and has otherwise fulfilled the covenants incident to the loan to the best of the borrower's ability. The approval official must execute a memorandum containing the following statement for inclusion in the official case file:

(Transferor's name), in our opinion, does not have reasonable debt-paying ability to pay the balance of the debt not assumed after considering its assets and income at the time of the transfer. Transferors have cooperated in good faith, used due diligence to maintain the security against loss, and otherwise fulfilled the covenants incident to the loan to the best of its ability. Therefore, we recommend that the transferor be released of personal liability upon the transferee's assumption of that portion of the indebtedness equal to the present market value of the security property.

(18) When a loan has been made to a joint borrower, and one of the joint borrowers (including the jointly liable former spouse of a divorced borrower) withdraws from the operation and conveys his/her interest in the security property to the remaining borrower who desires to assume the total indebtedness, the assumption will be made on the basis of the existing note(s) if the remaining borrower is eligible by use of Form FmHA 460–9, or in case of an ineligible transferee, on terms applicable to ineligible applicants. Form FmHA 450–10, "Advice of Borrower's Change of Address or Name", will be submitted to the Finance Office when the account will be continued with the remaining borrower(s) under a different name. In either case, the former spouse or previous joint owner will be released of liability for the indebtedness if the conditions of this section are met, except when a divorce decree or other court action has awarded the security property to one joint borrower and provides that the other would be responsible for paying all or part of the mortgage payments.

(19) All transfers of RRH, RCH and LH loans approved prior to December 21, 1979 which are transferred to eligible applicants on new terms will become subject to the prepayment requirements of Section 502(c) of Title V, Housing Act of 1949, as amended. The appropriate restrictive language concerning prepayment set forth in § 1944.176(c)(2) of Subpart D of Part 1944 for LH loans or § 1944.236(b)(4) of Subpart E of Part 1944 of this chapter for RRH and RCH loans must be inserted in the Assumption Agreement and in the Loan Agreement or Resolution. For transfers on new terms the period will begin on the date the transfer and assumption is closed.

(d) *Transfers to ineligible applicants.* The transfer of an FmHA loan account to a transferee who is an ineligible applicant for the type of loan involved will be considered only when the transfer is needed as a method for servicing a problem case in which the objectives of the original loan cannot be realized and an eligible transferee is not available. Transfers will not be considered when they basically serve as a method for providing a means by which members of a borrower-organization can obtain an equity payment, or when they serve basically as a method of providing a source of credit for purchasers. The State Director is authorized to approve transfers to ineligible applicants, subject to the general conditions of § 1965.65(b) and the following:

(1) Each transferee is required to make as large a downpayment on the FmHA secured indebtedness as the transferee is financially able to make under the circumstances. However, transfers to ineligible applicants can only be approved when at least a 10 percent downpayment is made.

(2) The transferee must have the ability to pay the FmHA debt(s) according to the assumption agreement and must possess the legal capacity to enter into the contractual agreement.

(3) The balance of the FmHA indebtedness assumed must be scheduled for repayment in two years or less for RHS accounts, and usually 10 years or less for other types of multiple family loan accounts. If longer terms are needed for LH, RRH, or RCH projects with multiple unit structures, the State Director may authorize longer terms up to 20 years (Single family type structures may be sold on terms for 15 years or less). Amortized monthly or annual installments will be charged with interest to the transferee at the rate currently applicable to above-moderate RH loans, including insurance charges, or at the rate of interest specified in the note(s) being assumed, whichever is greater. Form FmHA 460–5 will be executed by the transferee.

(4) The State Directory may release the transferor from liability under the same provisions as stated in § 1965.65(c)(16) of this subpart only when all of the real estate security for a loan is transferred; the total outstanding indebtedness or that portion of the debt equal to the present market value of the security is assumed; and the debt assumed by the ineligible transferee is scheduled for repayment in five years or less from the date of the assumption agreement.

(5) When an ineligible transferee assumes an FmHA loan scheduled for repayment in more than 5 years from the date of the assumption agreement, the transferor must acknowledge their continued liability for the debt by signing an agreement as follows:

Continued Liability Agreement of Present Debtors

The undersigned hereby acknowledges the continued personal liability for the indebtedness owed to the FmHA and assumed by (assuming parties)———— under assumption agreement dated————.

Date ————

(The original of the signed agreement will be attached to the original assumption agreement, a copy filed in the transferee's District Office case folder, and a copy provided the transferor.)

(6) Transfers to ineligible applicants of loans made on or after December 21, 1979, will not be authorized without the prior consent and authorization of the National Office. Authorization must be requested in writing and include all the

information required in § 1965.65(e) of this subpart.

(7) Those loans which are transferred to ineligible applicants will be classified as Other Real Estate (ORE) and serviced according to this Subpart to the extent possible. Those cases which cannot be serviced according to this Subpart will be forwarded to the National Office for advice and guidance.

(e) *Submission to National Office.* In those cases where the proposed transfer cannot be made in compliance with sections 1965.65 (a) and (b) or (c) of this subpart, the State Director may submit the entire proposal, complete with all the case files, the State Director's specific recommendations and justifications to the National Office for review, consideration, and any special instructions for handling the account(s). The State Director must have determined prior to submission, however, that it is in the best interest of the Government to permit the transfer before submitting the proposal for consideration. All transfers where the total indebtedness (principal and interest) exceed the State Director's approval authority must be submitted to the National Office for prior review and authorization to approve the transfer request.

(f) *Processing transfers.* (1) Form FmHA 465–5, "Transfer of Real Estate Security," must be completed to reflect the agreement between the transferor and transferee. The form will be prepared to show all agreements involved such as the prorating of taxes and insurance, title, legal and filing fees, equity and method of payment, assignment of project accounts and leases, and other appropriate items. The effective date of the transfer is the actual date the transfer is closed and Form FmHA 460–5 or 460–9, as appropriate, is executed. This is the date the loan account(s) is/are assumed by use of Form FmHA 460–5 or 460–9, as appropriate. The unpaid principal balance and accrued interest to be shown on Form FmHA 460–5 or 460–9 will be computed from Form FmHA 451–26, "Transaction Record," or Form FmHA 451–11, "Statement of Account." The transferee also will be advised of the total amount paid as of the closing date which has not been credited to the account, the payment required to place the account on schedule as of the previous installment due date, and any payments required to bring any monthly or annual payments current. If the loan account cannot be brought current the transfer will be closed on new terms at the note rate or current interest rate, whichever is greater.

(2) When the property transferred will continue to be used for the same or a similar purpose for which Federal financial assistance was extended, the transferee must sign Form FmHA 400–4, "Assurance Agreement."

(3) An FmHA official authorized to make the appropriate type of appraisal involved will supplement the present appraisal report by attaching information to the "Remarks" section as to the present market value of the property to be transferred if the last appraisal is less than one year old and the tranfer is within the State Director's approval authority. A new appraisal prepared according to program requirements is required in all other cases or whenever the Transfer Approval Official determines that a new appraisal report is needed.

(4) When the transfer docket forms are completed, the approval official must determine that:

(i) The proposed transfer conforms to the applicable procedural requirements,

(ii) Each form is prepared correctly according to the Forms Manual Insert or other appropriate regulations, and

(iii) Items such as names, addresses, and the amount of the indebtedness to be assumed are the same on all forms in which those items appear.

(5) The District Director will record in the Running Case Record or in memo form the pertinent information concerning the negotiations made by an eligible transferee and the discussion between FmHA personnel, the applicant's creditors, and other lenders concerning the availability of other credit. The investigation and availability of other credit for eligible transferees will be documented in the case file as required for the kind of loan being assumed. Any letters from lenders or other evidence which may have been obtained indicating that the applicant is unable to obtain credit elsewhere on rates and terms that would not cause rental rates to be in excess of what low- and moderate-income tenants could afford will be included in the docket.

(6) A compliance review should be conducted as required by Subpart E of Part 1901 of this chapter, if one has not recently been completed.

(7) The district Director will forward the transferee's application docket and the official case file, with any comments and recommendations to the State Office. The following table will be used as a guide in distributing the necessary forms for a transfer docket:

Form No.	Name of form or document	Total No. of copies	Signed by borrower	Number for loan docket	Copy for borrower
*AD-625	Application for Federal Assistance (Short Form).	3	1	2-O and 1C	1-O.
*HUD Form 2530	Previous Participation Certificate.	2	1	2-O and 1C	1-C.
	*Information to be submitted with Preapplication for Loan as required by program regulations specifically related to applicant eligibility.	2	O	1-O	1-C.
	*Letter of Application with applicable attachments as required in Subpart G of Part 1822 (FmHA Instruction 444.8) or Subpart D or E of Part 1944.	2	1	1-O	1-C.
	**Evidence of Legal Authority (Copies of citation of specific provisions of State constitution, statutory authority, etc.).	2	1	1-O	1-C.
	**Proof of Organization (certified copy of Charter, Articles of Incorporation, or Certificate of Limited Partnership, etc.).	2	1	1-O	1-C.
	**Certified copies of bylaws, partnership agreement, or regulations.	2	1	1-O	1-C.
	**List of names and addresses of officers, directors, and members, and ownership interest held by each.	2	1	1-O	1-C.
	A current financial statement from the transferee, and others, as required by appropriate program regulations.	2	1	1-O	1-C.
	*Credit Report(s)	1		1-O	
FmHA 465–5	Transfer of Real Estate Security[3].	3	1-O	1-O	1-C.

Form No.	Name of form or document	Total No. of copies	Signed by borrower	Number for loan docket	Copy for borrower
*FmHA 1930-7	Statement of Budget, Income, and Expense (excluding Depreciation) (Operating Budget-first year) (Operating Budget-typical year).	2	2-O and 1C	1-O	1-C.
HUD 935.2	Affirmative Fair Housing Marketing Plan, or evidence of being signatory to a HUD approved voluntary agreement.	2	1-O	1-O	1-C.
*FmHA 400-1	Equal Opportunity Agreement.	2	2-O and 1C	1-O	1-C.
*FmHA 400-4	Assurance Agreement	2	2-O and 1C	1-O	1-C.
FmHA 1940-1	Request for Obligation of Funds[3].	3	2-O and 1C	2-O and C	1-C.
FmHA 451-28	Transaction Record (most recent).	1		1	
*FmHA 451-10	Request for Statement of Account.	2		2-O and C (O to FO).	
*FmHA 451-11	Statement of Account	1		1	
*FmHA 451-25	Status of Account	2	O	2-O and C	
*FmHA 422-7	Appraisal Report For Multiunit Housing.	1		1-O	
*FmHA 422-8	Property Information and Appraisal Report—Rural Housing Nonfarm Tract (2 units or less).	1		1-O	
*FmHA 426-1	Valuation of Buildings	1		1-O	
*FmHA 424-1	Development Plan	2	1-O	2-O and C	1-C.
*FmHA 460-5	Assumption Agreement (New Terms).	4	1-O	1-O	1-C.
*FmHA 460-9	Assumption Agreement (Same Terms).	4	1-O	1-O	1-C.
*FmHA 465-8	Release from Personal Liability[1].	2		1-C	1-C.
*FmHA 440-9	Supplementary Payment[4]	3	1-O	2-O and C	1-C.
*FmHA 444-7	Interest Credit and Rental Assistance Agreement (RRH and RCH Loans)[1].	3	1-O	1(O to FO)	1-C.
*FmHA 444-27	Rental Assistance Agreement.	2	1-O	1-O	1-C.
	*Loan Agreement	2	1-O	1-O	1-C.

O—Original; C—Copy.
* When applicable.
** When applicant is an organization.
[1] The original Form will not be executed until date of closing the transfer.
[2] When requested, prepare an additional copy for delivery to transferor.
[3] Applicant must sign and date this form unless a similar certification is obtained on the application form. For ineligible transferees, delete the first sentence referring to other credit in item 34 of the form. The applicant must initial each deletion.

Other transfer docket items may include a mortgagee title policy, title evidence or report of lien search, foreclosure notice agreement, original or certified copy of deed to any property, purchase contract or other instrument of ownership, assignment of HUD Section 8 Housing Assistance Payments contract, and information on prior or junior mortgage(s). When less than the total amount of the indebtedness is assumed, the transferor's financial statement will be included. When an initial or subsequent loan is involved, include any additional forms required by the appropriate loan making instruction. (Subsequent loans will not be made to pay equity.)

(8) If the transfer is within the State Director's loan approval authority, the docket will be forwarded to OGC for review and necessary closing instructions. If the transfer is not within the State Director's loan approval authority, or all planned development is not complete; the complete transfer docket, borrower case file, OGC comments, and complete comments and recommendations of both the District and State Director will be forwarded to the National Office for review and approval authorization.

(9) During the period that a transfer is pending in the District Office, payments received by the Finance Office will continue to be applied to the transferor's account. Those payments include any downpayments made in connection with the transfer for reducing the amount of the debt to be assumed. Any payment on the account not included in the latest transaction record will be deducted from the total amount of principal and interest calculated from the latest information available before the assumption agreement is completed and signed.

(i) *Identification.* For payments received on the date of transfer, Form FmHA 451-2, "Schedule of Remittances," or Form FmHA 444-9, "Multiple Housing Certification and Payment Transmittal," as appropriate, will be prepared to show "Transfer in process for account owed by (borrower's name and case number) to be transferred to (name of transferee and case number, if known)." If the borrower number portion of the case number has not yet been assigned or a transferee, only the State and County portion of the case number will be shown. A statement for the information of the Finance Office will be attached to the assumption agreement showing the date of Form FmHA 451-2 or 444-9, and the amount paid.

(ii) *Payment.* When a payment is due on the assumption agreement shortly after the transfer is completed, the payment should, if possible, be collected at the time of transfer and remitted in the transferee's name.

(g) *Closing transfer cases.* (1) Title clearance and legal services will be obtained according to Part 1807 (FmHA Instruction 427.1) and when appropriate, OGC closing instructions.

(2) The parties to the transfer are responsible for obtaining legal services necessary to accomplish the transfer. A profit or limited profit organization transferee may use any designated attorney or title insurance company to close the transfer according to the applicable closing instructions if the attorney or the title insurance company and their principals or employees are not members, officers, directors, trustees, stockholders or partners of the transferee or transferor entity. Nonprofit organization transferees may use a designated attorney who is a member of their organization if the cost is reasonable and typical for the area, and is earned.

(3) The transferee will obtain insurance according to the appropriate program requirements for the outstanding loan(s) involved, unless the State Director requires additional insurance as a condition of approval. When insurance is required, it may be obtained either by transfer of the existing coverage by the Transferor or by acquisition of a new policy by the transferee. When the full amount of the FmHA debt is being assumed and an amount has been advanced for insurance premiums or any other purposes, the transfer will not be completed until the Finance Office has charged the advance to the transferor's account.

(4) The proper type of loan agreement or resolution for type of transferee involved must be in effect at the time of the transfer. If changes are needed in the existing loan agreement or resolution cited in the mortgage, the changes should be made by amending of the

existing loan agreement or resolution after obtaining the advice of OGC.

(5) The restrictive language contained in § 1944.176 (c)(1) of Subpart D of Part 1944 and § 1944.236 (b)(1) of Subpart E of Part 1944 of this Chapter must be inserted in the deed of conveyance or other instruments as required by OGC for RRH, RCH, and LH loans.

(h) *Transfer not completed.* If for any reason a transfer will not be completed after approval, the District Director will immediately notify the State Director. The State Director will notify the Finance Office. Servicing of the account will be resumed in the name of the borrower.

§ 1965.66–1965.67 [Reserved]

§ 1965.68 Consolidation.

(a) *General.* RRH and LH loans can be consolidated at FmHA's option upon request by the borrower as a servicing tool only when the loans are for security on the same or contiguous property and are being transferred under new terms to the transferee. Loan agreements can be consolidated to improve the effectiveness of borrower operations only when the loans described are for security on the same or contiguous property. These actions may be approved by the State Director only with the advice of OGC and if all the following conditions are met:

(1) The security offered is adequate for the total indebtedness.

(2) The total indebtedness of all loans being consolidated does not exceed the State Director's approval authority.

(3) The loans being consolidated are for the same purposes. Loans specifically made for senior citizen projects cannot be consolidated with loans for family projects.

(4) The consolidation will not cause rents to exceed the repayment ability of eligible occupants.

(5) For RRH loans, the transferee must agree to operate on a limited profit basis and Interest Credit Plan II must be implemented.

(6) FmHA's security position must not be lessened as a result of the consolidation.

(7) Consolidation of notes under a transfer on new terms will not cause the term of the loan to exceed the maximum time allowed by the respective loan programs.

(8) The notes to be consolidated must be current. Delinquent accounts can only be consolidated with prior National Office authorization

(b) *Processing.* All consolidations will be processed with the advice of OGC and assistance of the State Director.

(1) Loan consolidation with transfers on new terms will be processed as follows:

(i) Form FmHA 1940–16, "Promissory Note", will be prepared for notes or assumption agreements being consolidated according to the FMI. If the District Office does not have possession of the original note or assumption agreement, the District Director will ask the Finance Office to return the original form so it is in the District Office *before* Form FmHA 1940–16 is processed. Form FmHA 1951–4, "Change in Rates and Terms," will be completed and sent to the Finance Office according to the FMI.

(ii) The original and District Office copies of all notes or assumption agreements that are consolidated, will be stamped "Consolidated", by the District Office. The original instruments being consolidated will be filed with the borrower's new consolidated note and a copy will be filed in the borrower's case file. When the consolidated or rescheduled note has been paid in full or otherwise satisfied, it and all other instruments will be handled according to the provisions of § 1951.15 of Subpart A of Part 1951 of this chapter.

(iii) Revised loan agreements or resolutions will be provided to reflect current reporting requirements and the authorized initial investment attributable to the owner.

(iv) Consolidation of notes will only be accomplished with the guidance and assistance of OGC. Under no circumstances will promissory *notes* be consolidated if the security position of FmHA will be adversely affected.

(v) New security instruments which describe the consolidated note will be filed to perfect the FmHA lien position. If the new lien position taken is junior only to the previous lien position securing the loan being consolidated, the previous security instruments may be released with the guidance and assistance of OGC.

(2) Consolidation of loan agreements or loan resolutions may be used as a security tool to provide more effective management and supervision, as follows:

(i) All of the general requirements of § 1965.65 (a) of this subpart are met;

(ii) A revised loan agreement or loan resolution must be executed which accurately reflects the total indebtedness, reserve requirements, and return originally described in the individual agreements;

(iii) All of the loan agreements or loan resolutions being consolidated must be secured by a deed of trust describing all of the loans for the project;

(iv) Neither the terms nor the due dates of the loan(s) involved are altered, and other security instruments remain unchanged.

(v) The advice and assistance of OGC will be obtained when processing consolidation of loan agreements or loan resolutions.

§ 1965.69 [Reserved]

§ 1965.70 Reamortization.

(a) *General.* State Directors may approve the reamortization of RRH, RCH, and LH loan accounts within their approval authority for the type of loan involved. RHS loans will not be reamortized and will be serviced according to program requirements. If an RHS loan becomes seriously delinquent and efforts to sell the lots are not successful, the account will be liquidated according to Subpart A of Part 1955 of this chapter.

(b) *Conditions for reamortization.* The conditions under which a reamortization will be considered are:

(1) The borrower has made extra payments and/or refunds totaling 10 percent or more of the original loan amounts being reamortized (from sources other than the sale of units within the LH, RRH, or RCH project), and the State Director determines that the borrower and the tenants cannot reasonably be expected to meet their obligations unless the account is reamortized to reduce substantially the FmHA installments and rental rates; or,

(2) The borrower has a substantial delinquency which cannot be liquidated within one year; which was caused by circumstances beyond the ultimate control of the borrower, however, the borrower has acted in good faith and has complied with all applicable FmHA procedures and policies governing the particular program under which the loan is made; and,

(3) All of the following conditions exist and are adequately documented in the official case file and on Form FmHA 451–33, "Reamortization Request (Association Loan)", as appropriate:

(i) The reamortization will not operate to the financial detriment of the Government or impair the security rights of the Government.

(ii) The budget or plan of operations for the borrower provides reasonable assurance that the newly scheduled payments will be made according to the terms of the proposed reamortization, and that the charges for the use of the facility or service are within the payment ability of those it is intended to serve; are comparable to other units in the area; and, the rent increase procedures set forth in Exhibit C of Subpart C of Part 1930 of this chapter

will be followed if any increase in rental rates is required.

(iii) The Board of Directors and membership will retain, or have definite plans for obtaining, membership and community support; and, will provide competent management for the continued operation of the borrower entity and the facility financed with the loan.

(iv) The State Director believes that reamortization will enable the borrower to operate successfully and carry out the purpose of the loan.

(v) The FmHA lien position remains unchanged.

(vi) The security must be adequate to protect the Government's interests. A current appraisal must be made and must reflect that the security is adequate for the principal and interest being reamortized.

(c) *Submission to National Office.* When the unpaid indebtedness of the borrower's account(s) to be reamortized exceeds the State Director's approval authority and the State Director determines that the conditions of § 1965.70(b) of this subpart can be met, the request for reamortization, official case file and all other pertinent information, along with complete comments and recommendations by both the State and District Directors, will be sent to the National Office. The State Director shall submit all subsequent reamortization requests to the National Office for prior authorization.

(d) *Processing reamortizations.* To reamortize the account, the following actions will be taken:

(1) Form FmHA 452–2, "Reamortization and/or Deferral Agreement" will be completed according to the FMI. (Only Item A will be used. Payments on Multiple Family Housing Loans cannot be deferred.)

(2) If the note or assumption agreement being reamortized is not held in the District Office, the District Director will obtain the promissory note and any assumption agreement from the Finance Office before processing the reamortization.

(3) On the back of the original of the note or assumption agreement (new terms), below all signatures and endorsements, the District will insert the following: "A reamortization agreement dated —— 19—, in the principal sum of $————, has been given to modify the payment schedule of this note."

(4) The end of the amortization period will be the final due date of the note being reamortized, unless the term is extended with the advice and guidance of OGC, it is permissable according to State and local Statutes, and the FmHA lien position is not altered. (Any extension of the final due date will not exceed the lesser of the remaining useful life of the security property or the maximum term authorized by the respective loan program authorizations.)

(5) The interest rate for the account will be unchanged, except when the final due date has been extended, the interest rate will be either the note rate or the current interest rate whichever is greater.

(6) The reamortization will be processed with the guidance of OGC.

(7) The prepayment provisions of Section 502(c) of Title V, Housing Act of 1949 will be applied to any reamortization which extends the final due date regardless of when the loan was originally approved. The appropriate restrictive language set forth in § 1944.176(c)(2) of Subpart D of Part 1944 for LH loans, or § 1944.236(b)(4) of Subpart E of Part 1944 of this chapter for RRH or RCH loans, will be inserted in the reamortization agreement and in the revised loan agreement or resolution which will be obtained to accurately reflect the revised terms.

§ 1965.71 [Reserved]

§ 1965.72 Deceased borrower.

Deceased borrower cases will be handled according to the policy outline in § 1962.46 of Subpart A of Part 1962 of this chapter except that all references to the County Supervisor are now construed to mean the District Director. The advice of OGC will be obtained as necessary.

§ 1965.73 Bankruptcy and insolvency.

Bankruptcy and insolvency cases will be handled according to the policy outlined in § 1962.47 of Subpart A of Part 1962 of this chapter except that all references to the County Supervisor now mean District Director. The handling of bankruptcy cases varies from state to state. Therefore, the State Director may issue State supplements providing more specific guidance to expedite the handling of those cases. The advice of OGC will be obtained as necessary.

§ 1965.74 Divorce actions.

When individual borrowers with loans are involved in a divorce action the District Director will review the case after the final divorce decree has been granted to determine future servicing of the account. The District Office file will be submitted to the State Director for advice if the District Director is uncertain of the servicing actions needed to protect the Government's interest or if continuation of the loan with the remaining borrower is not authorized. No subsequent loan will be made as a result of a divorce action.

§ 1965.75 Abandonment.

When the District Director believes that the borrower has abandoned a project, an immediate check with the appropriate sources (for example: Tenants, management agents, assessor's office, etc.) will be made to determine if the borrower has moved and, if so, whether a forwarding address can be determined so that further servicing actions can be taken.

(a) A property is considered abandoned when any of all of the following conditions exist:

(1) The borrower cannot be located after the District Director has made diligent efforts to contact the borrower. This condition also applies to those instances where the general partner(s) of a limited partnership cannot be located and the limited partners are unknown or also cannot be located.

(2) The project remains unoccupied for an extended period of time and the borrower makes no effort to maintain the security property and/or secure eligible occupants and comply with the objectives of the loan.

(b) If the property is not being maintained and the District Director determines that the borrower has abandoned the project, the District Director will attempt to contact any prior lienholders with a request that they take control of the property and make any emergency repairs necessary. If no prior lienholder is involved or the prior lienholder cannot immediately be contacted or refuses to make the emergency repairs, the District Director will immediately notify the State Director and request permission to take possession of the property pending liquidation, make emergency repairs to prevent further deterioration of the security, and to enter into a lease or caretaker's agreement on behalf of the borrower.

(c) A caretaker will normally be obtained when the borrower has abandoned the security property or has failed to maintain its operation and the State Director determines, with the advice of OGC, that the FmHA should take possession of the property and appoint a caretaker subject to the following:

(1) *Selection of a caretaker.* Persons or firms chosen as caretakers should have experience in operating and managing similar properties or have business background or experience which qualifies them to perform the needed services. The caretaker must be located near the property to provide

day-to-day supervision or appoint a qualified local person to meet this requirement.

(2) *Caretaker fees.* Form FHA 465–3, "Caretaker's Agreement," will indicate the fee to be paid the caretaker for the specified services. The amount of the fee should be no more than the typical rate for similar services in the area. The amount may be based on a percentage of the income from the property or a flat fee amount. The fees will be paid by processing Standard Form 1034, "Public Voucher for Purchases and Services Other than Personal", on a monthly basis.

(3) *Rental rates for housing projects under caretaker agreements.* Rental rates will normally remain the same for eligible occupants as when the project was under the control of the borrower. Rental rates may be revised, however, with the approval of the State Director under the following conditions:

(i) Any lease agreement between the borrower and tenant will permit changing the rates.

(ii) A change of rates is needed to provide income sufficient to pay operational and maintenance expenses, including the caretaker's fee, and to repay the loan on schedule.

(iii) Any increase will not result in rental rates above the payment ability of eligible occupants, unless the State Director has given the authority to rent units to ineligible occupants.

(d) All these actions shall be fully documented in the official case file. Liquidation will be instituted according to Subpart A of Part 1955 of this chapter.

§ 1965.76 [Reserved]

§ 1965.77 Consent to sale or other disposition of security property.

(a) *General policies.* The State Director may approve requests for and consent to:

(1) Use of the proceeds from the sale of a portion of or an interest in the security,

(2) Exchange of all or a part of the undeveloped security for other real estate, or

(3) Granting or conveyance of rights-of-way subject to the conditions and requirements of this section.

(b) *Processing requests.* These requests will be made on Form FmHA 465–1. The District Director will forward a properly completed and executed Form FmHA 465–1, the proposed deed, easement, or other forms of title conveyance, and the case file to the State Director with a memorandum containing additional information, as needed, to justify the approval or disapproval of the proposed transaction.

(c) *Conditions of approval.* The State Director may grant consent provided:

(1) The orderly repayment of the FmHA indebtedness will not be impaired. This requirement will not apply in condemnation cases after the final judgment or award has been granted and is not appealed.

(2) The transaction will not interfere with the successful operation of the multiple housing project or prevent the borrower from carrying out the purpose for which the loan was made. This requirement will not apply in the case of a condemnation action in which a final judgment or award has been made and is not appealed.

(3) The sale of individual units or developed portions of an RRH, RCH or LH project shall require the prior concurrence and authorization of the National Office.

(4) If property to be sold or exchanged is to be used for the same or similar purpose for which the FmHA loan or grant was made, the purchaser shall execute Form FmHA 400–4. The agreement will remain in effect as long as the property continues to be used for the same or similar purpose for which the FmHA loan or grant was made.

(5) The consideration is at least equal to the market value of the security property disposed of or the rights being granted. However, right-of-way easements may be granted or conveyed without consideration if the value of the security property will not be reduced, its suitability for the intended purpose will not be impaired, and the easement is granted for the borrower to develop additional lots or units which will be integrated into the project. A FmHA official authorized to appraise multi-unit housing properties shall either make a new appraisal if the current appraisal is more than one year old, or supplement the present appraisal report by inserting in or attaching to the "Remarks" section, information as to the market value of the security disposed. However, if the proceeds are to be used for development or enlargement, a new appraisal reflecting the market value of the security property as improved or enlarged will be made in all cases. The State Director may request an appraisal for any transaction involving security property whenever necessary.

(6) The remaining property is adequate security for the unpaid balance of the FmHA loan, or the transaction will not adversely affect FmHA's security position or interfere with the successful operation of the security property.

(7) The proceeds from the disposition of the security are used for one or more of the following purposes:

(i) To pay the customary incidental closing of costs such as title and recording fees appropriate to the transaction, including additional real estate tax the borrower is required to pay for the year for which arrangements to pay cannot otherwise be made.

(ii) To pay debts owed to any prior lienholders.

(iii) To make extra payments on the FmHA loan.

(iv) To pay costs necessary to determine the reasonableness of an offer or asking price, such as fees for appraisal of minerals, land, or timber where the necessary appraisal cannot be obtained without costs.

(v) To pay real estate brokers' commissions if a borrower can reasonably expect to obtain proceeds in an amount at least equal to the commission in excess of what could otherwise be obtained had the sale been made without the assistance of the real estate broker.

(vi) To develop or enlarge the borrower's facility for purposes for which a loan of the same type involved could be made, if the development or enlargement is necessary to improve the borrower's debt-paying ability, place the operation on a more sound basis, or otherwise further the objectives of the FmHA loan. Any proposed development will be planned and performed according to Subpart A of part 1924 of this chapter and funds to be used for development or enlargement will be handled according to Subpart A of Part 1902.

(vii) To purchase or acquire property to be used for purposes for which a loan of the same type involved is authorized, if the FmHA debt will be as well secured after the transaction as before. FmHA will obtain a lien on the acquired property, and will obtain title evidence according to Part 1807 (FmHA Instruction 427.1).

(viii) To pay any additional income tax which the borrower must pay for the year because of the capital gain or royalty tax attributable to the transactions. Funds for back taxes must be estimated and held in a supervised bank account until actual payment of the tax.

(8) FmHA liens are not released until receipt of the appropriate sales proceeds for application on the Government's claim.

(d) *Releasing security.* Security for FmHA loans addressed in this subpart will be released according to applicable program regulations and as follows:

(1) Borrowers will be held strictly accountable to the FmHA for all proceeds derived from the sale of

mortgaged property which the FmHA is entitled to receive under its lien.

(2) Consent to disposition of part of, or an interest in, security property as authorized in this subpart may be given by approving a completed Form FmHA 465–1 or other forms approved by OGC or prescribed in State Supplements. Upon request for consent, the District Director will forward Form FmHA 465–1, the borrower's case folder, and any other pertinent information to the State Director.

(i) Chattel security may be released from a chattel mortgage by use of Form FmHA 460–1, "Partial Release," or other approved form, and from a security interest under the Uniform Commercial Code by use of Form FmHA 462–12, "Continuation or Termination Statement." Satisfaction or termination of chattel security instruments will be accomplished following the guidance of Subpart A of Part 1962 of this chapter.

(ii) Real estate security may be released by use of Form FmHA 460–1 or other form approved by OGC. Satisfaction or termination of real estate security instruments when the FmHA debt has been paid in full or satisfied by debt settlement action will be accomplished with the use of Form FmHA 460–4, "Satisfaction."

(iii) Any consent which would result in the FmHA loan account being paid in full will be subject to the prepayment provisions of § 1965.90 of this Subpart as applied to RRH, RCH, and LH loans.

§ 1965.78 [Reserved]

§ 1965.79 Subordination.

(a) *General policies.* The State Director is authorized to approve request for a subordination according to this section, if the total debt against the security after the transaction does not exceed the State Director's loan approval authority for the type of loan involved. Subordination requests exceeding this limit must be submitted to the National Office for prior authorization to approve. Each request for subordination will be made on Form FmHA 465–1. The District Director will forward a properly completed and executed copy of the form to the State Director with a memorandum containing any needed information to justify approval or disapproval of the request.

(b) *Conditions of approval.* The subordination must be for the purpose of permitting another creditor to refinance, extend, reamortize, or increase the amount of a prior lien, or place a lien ahead of the FmHA lien. When the prior lien is being increased by an amount which exceeds normal transaction costs or a new prior lien is being placed against the security, an FmHA official authorized to make appraisals for the type of project involved will supplement the present appraisal report by inserting in the "Remarks" section information as to the market value of the security after the transaction if the appraisal is less than one year old. If the appraisal is more than one year old, a new appraisal must be completed. The State Director may also request an appraisal at any time deemed appropriate. In all cases, the following conditions must be met:

(1) The transaction must either further the objectives for which the FmHA loan was made or improve the borrower's debt-paying ability and, in either case, must result in the FmHA's debt being adequately and at least as equally well secured as before the transaction.

(2) The borrower is unable to refinance the FmHA loan on terms which can reasonable be expected to be met yet still meet the original intent of the program.

(3) The terms and conditions of the prior lien will be such that the borrower can reasonably be expected to meet them as well as all other debts.

(4) The amount of the indebtedness against the security property, including the amount of the subordination, will not exceed its present market value.

(5) When an increase in the amount of the prior lien or a new prior lien is involved, subordination will be granted only when the funds will be used for the same purposes for which a loan of the same type is authorized. Except for LH loans on a farm tract, funds may not be used for making essential farm improvements.

(6) Any proposed development will be planned and performed according to Subpart A of Part 1924, of this chapter or in a manner directed by the other creditor which reasonably attains the objectives of Subpart A of Part 1924, of this chapter and is concurred with by the State Director.

(7) Funds to be used for development or enlargements will be handled as prescribed for loan funds in Subpart A of Part 1902 of this chapter except that, if the creditor will not permit the use of a supervised bank account, arrangements should be made to assure that funds will be spent for planned purposes and should be approved by the Distict Director before being released.

(8) In the case of land purchase, FmHA will obtain the best lien obtainable on the land purchased.

(9) Subordinations need not cover the entire site. If a subordination is requested to permit an interim lender to advance construction funds, only the portion of the site scheduled for construction will be subordinated.

(10) All subordination requests will be forwarded to OGC for review. The guidance of OGC should be obtained in the preparation of the documents necessary to effect the subordination.

(11) The subordination is for a specific amount.

(12) The proposed action will not so change the nature of the borrower's activities as to make it ineligible for appropriate loan program assistance.

§ 1965.80 [Reserved]

§ 1965.81 Severance agreements.

(a) *General policies.* Severance agreements or other instruments of similar effect under which a borrower may acquire through other credit, items such as laundry equipment, air conditioning units, and basic household furnishings that will not become part of real estate security, may be approved by the State Director; *Provided:*

(1) The transaction will not adversely affect the FmHA's security position and any additional obligations incurred will be within the borrower's repayment ability.

(2) The items covered by the severance agreement are needed in the successful operation of the security property.

(3) The financing arrangements are otherwise sound and proper.

(b) *Handling requests.* Requests will be made on Form FmHA 465–1. The District Director will forward to the State Director a properly completed and executed form FmHA 465–1, any proposed severance agreement, the case file and specific recommendations regarding the request.

(c) *Consent and approval.* The State Director will indicate approval or disapproval on Form FmHA 465–1. The OGC will be requested to prepare or approve the form of severance agreement and issue any special instructions when necessary.

§ 1965.82 [Reserved]

§ 1965.83 Consent to junior liens.

(a) *General policies.* Borrowers will be strongly discouraged from giving junior liens to other creditors on the FmHA security property. Each request for consent to junior liens will be made on Form FmHA 465–1.

(b) *Conditions of approval.* The State Director may approve a junior lien if the request for the lien is authorized prior to the lien being placed against the property under the following conditions:

(1) The junior lien will enable the borrower to obtain additional credit to make needed improvements or repairs on the security property for purposes for

which a loan of the same type involved could be made and funds in the reserve account have been depleted.

(2) The junior lien will improve the borrower's total financial condition or debt-paying ability as it relates to the multiple family housing project.

(3) The terms of the junior lien will not jeopardize the borrower's ability to repay the FmHA indebtedness and, in the case of RRH, RCH, and LH loans, will not result in increased rental rates for the project unless authorized according to Exhibit C to Subpart C of Part 1930 of this chapter.

(4) The junior creditor agrees in writing that foreclosure action under their lien will not be initiated before holding a discussion with the District Director and after giving a reasonable period of notice to FmHA, and any operating plans of the junior lien holder are consistant with FmHA requirements.

(5) Security for the junior lien must not include project income or revenue.

(6) No junior liens will be authorize in connection with a transfer of ownership.

(7) The total FmHA debt is within the State Director's approval authority. All other requests for consent to junior liens must be submitted to the National Office with complete comments and recommendations from both the District Director and State Director, and all of the borrower's case files.

(8) When a junior lien is placed on any property without the prior consent of FmHA, the account will be serviced for liquidation with the guidance of OGC according to the security instruments. However, the State Director may request permission to post approve the junior lien by submitting a formal request to the National Office provided he/she determines that all other conditions set forth in this section are met.

§ 1965.84 [Reserved]

§ 1965.85 Default and liquidation.

(a) *General.* Liquidation will be recommended only after all efforts by FmHA officials have failed to effect a satisfactory solution whereby the borrower will comply with its obligations under the note, mortgage, loan agreement or resolution, and all related security agreements and other instruments. Liquidation, whether by voluntary conveyance or foreclosure, will be handled in strict accordance with the provisions of Subpart A of Part 1955 of this chapter.

(b) *Servicing delinquent accounts.* Delinquent multiple housing accounts will be serviced according to the respective program requirements and the following:

(1) The District Director will service delinquent accounts with guidance and assistance as necessary from the State Director. Every delinquent borrower will be serviced according to a routine established for the particular loan type by the State Director. The following sequential steps should be taken for each delinquent account:

(i) Each quarterly delinquency report will be reviewed for accuracy by the District Director.

(ii) If the report is in error, the District Director will immediately contact the Finance Office and provide any information necessary to remove the account from the delinquent status. These communications with the Finance Office should be directed to the Multiple-Family Housing unit. Before contacting the Finance Office, the District Director must complete a field audit of the account to be submitted with the inquiry.

(iii) If the report is accurate and a delinquency indeed exists, the District Director will immediately contact the borrower to determine the reason for the delinquency and will attempt to collect either in a lump sum or in additional monthly payments over a short period of time, usually not to exceed one year. This should include foregoing any cash return until the account is current.

(iv) Within 30 days of receipt of the quarterly delinquency report, the District Director will submit to the State Director a detailed report and specific comments and recommendations for servicing each delinquent account. The State Director will assist the District Director in developing a realistic servicing plan for each delinquent account. Appropriate consideration should be given to reamortizing, transferring, conveying or foreclosing the account recognizing the willingness of the borrower to cooperate and comply with FmHA requirements and to meet the purposes for which the loan was made. Consideration should also be given to:

(A) Adequate budgeting.

(B) Improving management and outreach.

(C) Implementing interest credit and/or rental assistance if the borrower and project qualify.

(D) Participating in the HUD Section 8 program for existing housing through the local Public Housing Agency (PHA).

(E) Effecting a justified rent increase according to applicable program requirements.

(F) Obtaining an assignment of project income.

(2) District Directors should be firm in dealing with the borrower or the borrower's representative. However, the management agent is not the party ultimately responsible for the loan, and it is therefore imperative that the borrower fully understand the consequences of the default. Courtesy, cooperation and sound judgment must be involved. If the delinquent account cannot be brought current within a reasonable period, steps should be taken according to Subpart A of Part 1955 of this chapter to protect the Government's interest.

(c) *Failure to maintain reserves.* A borrower's failure to maintain adequate reserves should be treated in a manner similar to delinquent accounts. The District Director should carefully monitor the required transfers to the reserve account. Borrowers who fail to make the required transfers or use reserve funds without prior FmHA authorizations should be carefully counselled. Demand should be made upon borrowers willfully misusing the reserve account to promptly correct any deficiency. As appropriate, the District Director may request assistance from the State Director. As necessary to protect the Government's interests, assistance from OGC or OIG should be requested through the State Office.

(d) *Non-monetary defaults.* Attempts to resolve non-monetary defaults should be handled whenever possible at the District Office level with appropriate guidance and assistance from the State Office. The State Director should counsel with OGC, to determine the appropriate servicing actions in those cases where non-monetary defaults cannot be resolved at the District Office level. These actions may include liquidation of the account.

(e) *Liquidation.* Liquidation of all multiple-family type loans will be handled according to the applicable portions of Subpart A of Part 1955 of this chapter. In cases of forced liquidation where the acceleration notice has been delivered and the borrower has willfully failed to make the required loan payments, any outstanding interest credit agreement will be cancelled after the appeal period prescribed in Subpart B of Part 1900 of this chapter has expired; eligible tenants are not occupying the units; and/or the borrower is not collecting the approved rents or transmitting the required payments to FmHA. In all liquidation cases, the State Director will be responsible for the final decision to liquidate the account based upon an opinion from the OGC and the following information supplied by the District Director:

(1) The specific recommendations of the District Director on the method of carrying out the liquidation,

(2) The case file and any other pertinent information developed in support of the accusations,

(3) A summary of FmHA efforts to work out an acceptable solution short of liquidation,

(4) A current appraisal of the security property completed by an FmHA official authorized to make that particular type of appraisal and an estimate of the net amount that may be realized from the sale of the assets,

(5) A current balance sheet or financial statement from the borrower,

(6) A current statement of account from the Finance office, and

(7) A problem case report using Form FmHA 465–7, or Exhibit A to Subpart A of Part 1955 of this chapter as appropriate.

§ 1965.86 [Reserved]

§ 1965.87 Miscellaneous security.

(a) *Membership liability agreements.* As a loan approval requirement, some borrowers may have special agreements with members of the organization for the purchase of shares of stock or for the payment of a pro rata share of the loan in the event of default, or they may have instruments which are commonly referred to as individual liability agreements which are usually assigned to and held by the FmHA as additional security for the loan. In other cases the borrower's note may be endorsed by individuals. These security and liability instruments will be serviced in a manner indicated by the agreements to adequately protect the interest of the FmHA. The State Director will develop servicing actions with the assistance of OGC.

(b) *Other security.* Other security such as collateral assignments, assignments of rents, Housing Assistance Payments Contracts, and notices of lienholder interest will be serviced according to acceptable practices in the respective states. The State Director should develop any special servicing actions with the assistance of OGC to protect the interest of FmHA. Evidence of the security will be filed in the loan docket in the District Office. A notation will be made on the Management System Card showing that the security has been retained. When this other security is taken, a plan for servicing it should be developed by the approval official and included as an approval condition at the outset.

§ 1965.88 [Reserved]

§ 1965.89 Obtaining additional security for inadequately secured loans.

(a) *General policies.* As a general policy, additional security for multiple housing loans should not be needed or taken to protect the interest of FmHA. However, the State Director may authorize taking additional security in the form of real estate or other security as described in § 1965.87(b) of this subpart when the additional security will enhance the chances that the Government will not suffer a loss and any of the following conditions exist:

(1) The account is behind schedule.

(2) The property has not been properly managed or maintained.

(3) There is serious doubt that the borrower can carry out the objectives of the loan.

(b) *Conditions of approval.* In cases where the District Director determines that the conditions as stated in § 1965.89 (a) of this subpart exist, the borrower's case file will be forwarded to the State Director with a memorandum providing the following information:

(1) The facts which justify the taking of additional security.

(2) A conservative estimate of the market value of any real estate to be mortgaged; however, it will not be necessary to make a formal appraisal of the property to be mortgaged unless determined necessary by the State Director.

(3) A brief description of any existing liens on the additional security including the repayment terms and the unpaid balance.

(4) The name of the title holder and how title to the property is held. Title evidence need not be required.

(5) A plan for servicing the additional security to be taken.

(6) A description of the other servicing alternatives available to assure that the objectives of the loan will be met and to protect the Government from loss.

(c) *Processing.* The guidance and assistance of OGC will be obtained whenever additional security is taken. The highest quality security will be taken whenever additional security is considered.

§ 1965.90 Payment in full.

(a) *General.* Payment in full of a loan will be handled according to Part 1866 (FmHA Instruction 451.4), subject to any applicable prepayment provisions in the respective program regulations, loan agreements, or mortgages. For RRH, RCH, and LH loan prepayments, the borrower must submit a written request to prepay the loan(s) to the District Director at least 60 days prior to actually making the offer to prepay.

(b) *Prepayment of loans approved prior to December 21, 1979.* For any RRH, RCH, or LH loans approved prior to December 21, 1979, the District Director will accept prepayment or graduation when he/she can assure that conditions are met:

(1) The borrower has been advised that any valid existing leases must be honored until they expire or are terminated under the provisions of the lease.

(2) Upon acceptance of the offer to prepay, assure written notice of approval is given to each tenant. This notice should include a statement advising the tenants of their priority rights for occupancy in other FmHA financed projects if they are displaced or if the prepayment has caused them to experience rent overburden as defined in Paragraph XIII A 4 of Exhibit B to Subpart C of Part 1930 of this chapter. The tenants should be advised in the notice that they have six (6) months from the date of prepayment to exercise their priority right by applying for a letter of priority from the District Director. This information should be posted within the building(s) upon notification of approval. Exhibit A of this subpart is provided as guide for the District Director's use.

(3) Upon receiving an application submitted within six (6) months of the prepayment by a tenant displaced as a result of prepayment, provide to the affected tenant a letter of priority entitlement to all other FmHA RRH projects in the area. This area includes FmHA projects within a reasonable commuting distance of the affected project. The letter of priority entitlement should include a statement that the affected tenant has thirty (30) days to apply with other FmHA RRH projects in the area. The letter of priority entitlement will enable those tenants to move to the top of any waiting list in those projects. A list of FmHA RRH projects in the area will be included as part of the letter of priority entitlement. Eligible tenants in LH projects will also be advised of other available LH projects in the area.

(4) Provide the State Director with a detailed report in the format set forth in § 1965.90(d) of this subpart. This report must be provided upon acceptance of the offer to prepay.

(c) *Prepayment of loans approved on or after December 21, 1979.* For any RRH, RCH, or LH loan approved on or after December 21, 1979, or which has subsequently been made subject to the prepayment restrictions of Section 502

of Title V of the Housing Act of 1949, the District Director may accept prepayment or graduation with the prior concurrence of the State Director provided all of the following conditions are met:

(1) The written notice requirement set forth in § 1965.90(b) of this subpart is satisfied.

(2) A report is provided to the State Director with sufficient detailed information regarding occupancy and need so that the State Director can examine the offer and its likely consequences.

(3) The offer may be accepted with the State Director's concurrence unless the State Director determines:

(i) That due to a change in the use of the housing and related facilities, or to an increase in rental or other charges likely to occur as a result of prepayment, the low and moderate income and edlerly or handicapped tenants occupying the assisted housing at the time of the offer or request cannot reasonably be expected to remain in occupancy for that period. However, in spite of this determination, the offer or request to prepay may be processed only *if* affordable, decent, safe, sanitary, and nonassisted alternative housing, or vacant assisted units for which there is no waiting list, is available to the tenants who are likely to be displaced as a result of the change or increase, and

(ii) In the case of housing or related facilities containing more than 10 dwelling units, that the changes likely to occur as a result of the prepayment will have a substantial adverse effect on the supply of affordable, decent, safe, and sanitary housing available to low- and moderate-income and elderly or handicapped persons in the area in which the housing and related facilities are located.

(4) For transfers outside the program, if the State Director makes an affirmative determination under § 1965.90(c) (1) or (2) of this subpart then prepayment may be accepted only if the following clause is included in the deed or other document of conveyance:

"The purchaser agrees that the housing located on this property will be used only as authorized under section 514 of the Housing Act of 1949 and FmHA regulations then extant until ——— (insert date, 15 years for unsubsidized or 20 years for subsidized loans from the date the last loan on the project was closed). A tenant may seek enforcement of this provision as well as the United States. No person occupying the housing shall be required to vacate during such period because of early repayment."

(5) That if the borrower wishes to prepay and operate the property within the objectives of the program or transfer the loan to a transferee that will keep the housing within the program, a document containing the restrictive language that appears below must be executed. In the case of transferees, the restrictive language will be inserted. In the case of borrowers prepaying but not transferring the property, the following restrictive language will be inserted in the deed of release and filed for record:

"The borrower and any successors in interest agree to use the housing for the purpose of housing people eligible for occupancy as provided in Section 514 or 515 of Title V of the Housing Act of 1949 and FmHA regulations then extant during the ——— (15 years for unsubsidized and 20 years for subsidized loans) year period beginning ——— (the date the last loan on the project is closed). The borrower also agrees that no person occupying the housing shall be required to vacate prior to the close of such ——— (15 years for unsubsidized and 20 years for subsidized loans) year period because of early prepayment. The borrower will be released from these obligations only when the Government determines that there is no longer a need for the housing or that Federal or other financial assistance provided to the residents of such housing will no longer be provided."

(6) The District Director will provide the State Director with a detailed report in the format set forth in § 1965.90(d) of this subpart upon servicing information.

(d) *Prepayment report.* Immediately upon receiving information regarding the prepayment of any RRH, RCH, or LH loans the District Director will send a report on each prepayment case to the State Director for indefinite retention containing the following information:

(1) Date of initial loan approval.

(2) Type of borrower entity and plan of operation.

(3) The number of units in the project.

(4) The number of eligible tenants presently occupying the units.

(5) The estimated replacement cost per unit.

(6) The estimate of the number of households that will be displaced as a result of prepayment.

(7) The estimated relocation cost of the households being displaced.

(8) An indication of the displaced households' ability to pay relocation costs.

(9) The income range of the tenants presently in the project.

(10) The number of elderly tenants in the project.

(11) The present and projected rents.

(12) The number of Section 8 or RA units, and whether Section 8 will continue after prepayment.

(13) Any cause of displacement other than rent.

(14) The availability of other vacant units in the area.

(e) *Final payment and release.* Final payments and the release of security will be handled according to Subpart B of Part 1951 of this chapter, Subpart A of Part 1962, and Part 1866 of this chapter (FmHA Instruction 451.4), and appropriate program requirements and regulations. In all cases, references to County Supervisor shall be construed to mean District Director when applied to multiple family type borrowers. The District Director will notify the bonding company in writing that the government no longer has an interest in the fidelity bond and will release the FmHA's interest in insurance policies according to the applicable provisions of Subpart A of Part 1806 of this chapter (FmHA Instruction 426.1) FmHA's interest in any other security will also be released in the manner prescribed by the State Director with the assistance of OGC as necessary.

§ 1965.91 Servicing loans in formerly eligible areas.

All servicing actions contained in this subpart are authorized without regard to whether the area may no longer be defined as an eligible area.

§§ 1965.92–1965.93 [Reserved]

§ 1965.94 State Supplements.

State Supplements will be prepared with the advice of OGC as necessary to comply with State laws and to provide guidance to the District Director in the servicing actions required. All State Supplements must be submitted for prior National Office approval before implementation. Requests for approval must include complete justification, citations of State law, and appropriate legal opinions from the respective Regional Attorney.

§ 1965.95 [Reserved]

§ 1965.96 Nondiscrimination.

Each instrument of conveyance for any transfer or foreclosure sale of real property subject to Title VI of the Civil Rights Act of 1964 will contain the following covenant: "The property described herein was obtained or improved through Federal financial assistance. This property is subject to the provisions of Title IV of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973 and the regulations as issued pursuant thereto for so long as the property continues to be used for the same or similar purposes for which the Federal financial

assistance was extended or for so long as the purchaser owns it, whichever is later."

§ 1965.97 Exception authority.

The Administrator of the Farmers Home Administration may, in individual cases, make an exception to any requirements of this subpart not inconsistent with the authorizing statute if the Administrator finds that application of the requirement would adversely affect: (a) The interest of the Government; or (b) the immediate health or safety of the tenants or the community. The Administrator will exercise the authority only at the request of the State Director. The State Director will submit the request supported by data which demonstrates the adverse impact, identifies the particular requirement involved, shows proper alternative courses of action, and identifies how the adverse impact will be eliminated.

§§ 1965.98–1965.100 [Reserved]

Exhibit A

Notice of Prepayment

TO: Tenants of ————

(Project Name)

On (Date) ————, Farmers Home Administration (FmHA) accepted payment in full of the loan which financed your rental unit. As a condition of acceptance, you are hereby advised that the new owners will be bound by the terms of your existing lease until it expires or is terminated in accordance with the provisions of such lease.

You are further advised that you may have priority rights for occupancy in other FmHA financed projects within a reasonable commuting distance from your present location if you are displaced without cause because any subsequent increase in rents causes you to experience rent overburden. You have six (6) months from the above date to exercise this priority right. You may do this by applying to my office for a letter of priority.

If you have any questions you may contact my office at:

_____

_____

_____

_____

(Signature)

Dated: September 21, 1981.

Dwight O. Calhoun,

Acting Administrator, Farmers Home Administration.

[FR Doc. 81-28812 Filed 10-1-81; 8:45 am]

BILLING CODE 3410-07-M

Agricultural Marketing Service

Food Safety and Quality Service

7 CFR Part 2852

United States Standards for Grades of Orange Juice

Correction

In FR Doc. 81-26294 appearing at page 45357 in the issue of Friday, September 11, 1981, please make the following changes:

1. On page 45357, third column, in the SUMMARY paragraph, second line from bottom, "of color reduced" should be changed to read "of color of reduced".

2. On page 45358, middle column, second full paragraph, twelfth line, "pricing or orange" should be changed to read "pricing of orange".

BILLING CODE 1505-01-M

FEDERAL TRADE COMMISSION

16 CFR 461

Children's Advertising

AGENCY: Federal Trade Commission.

ACTION: Termination of Rulemaking Proceeding.

SUMMARY: The Federal Trade Commission (FTC) has terminated its rulemaking concerning children's television advertising (TRR No. 215–60). 43 FR 17967 (April 27, 1978).

FOR FURTHER INFORMATION CONTACT: Wallace S. Snyder, Assistant Director or Judith P. Wilkenfeld, Bureau of Consumer Protection, Federal Trade Commission, Washington, D.C. 20580 [Telephone (202) 724–1499 and (202) 724–1467 respectively].

SUPPLEMENTARY INFORMATION: This rulemaking proceeding was initiated in response to petitions filed in 1977 by Action for Children's Television (ACT) and Center for Science in the Public Interest (CSPI), and a third petition filed in 1978 by Consumers Union of the United States, Inc. (CU) and Committee on Children's Television, Inc. (CCT). The ACT and CSPI petitions requested rulemaking to regulate television advertising for candy and sugared food products directed to children. The CU and CCT petition sought rulemaking to regulate all television advertising oriented to young children.

In response to the petitions, staff conducted an investigation and, in February 1978, submitted a report to the Commission. That report concluded there was sufficient evidence to suggest that both (1) the televised advertising of any product directed to children too young to understand the selling purpose of, or otherwise comprehend or evaluate commercials and (2) the televised advertising of sugared products to children of all ages may be unfair and deceptive within the meaning of section 5 of the FTC Act, thus requiring an appropriate remedy.

On April 27, 1978, the Commission issued a Notice of Proposed Rulemaking (NPRM) declaring its intent to hold a comprehensive rulemaking proceeding addressing the problems posed by television advertising directed to children. The Notice did not propose a specific text of a rule. Instead, the Commission sought "comment on the advisability and manner of implementation of a rule which would include the following three elements" recommended at that point by the staff:

* * * (a) Ban all televised advertising for any product which is directed to, or seen by, audiences composed of a significant proportion of children who are too young to understand the selling purpose of or otherwise comprehend or evaluate the advertising;

(b) Ban televised advertising for sugared food products directed to, or seen by, audiences composed of a significant proportion of older children, the consumption of which products poses the most serious dental health risks;

(c) Require televised advertising for sugared food products not included in Paragraph (b), which is directed to, or seen by, audiences composed of a significant proportion of older children, to be balanced by nutritional and/or health disclosures funded by advertisers. * * *

In addition, the Commission sought comment on all of the remedial possibilities enumerated in the Staff Report. In the request for these comments, the Commission made specific reference to the following four possibilities:

* * * 1. Affirmative disclosures located in the body of advertisements for highly cariogenic products directed to children.

2. Affirmative disclosures and nutritional information contained in separate advertisements, funded by advertisers of highly cariogenic products advertised to children.

3. Limitations upon particular advertising messages used and/or techniques used to advertise to very young children, or to advertise highly cariogenic products to all children.

4. Limitations upon the number and frequency of advertisements directed at very young children; limitations upon the number and frequency of all advertisements of highly cariogenic products directed at all children. * * *

Finally, the Commission posed 16 general questions on issues of law and policy, summarized as follows:

(1) Is there a specific age group of affected children who do not understand the selling intent of, or otherwise adequately comprehend television advertisements?

(2) Is advertising directed to young children, unable to comprehend television advertising, unfair or deceptive and, if so, is it remediable?

(3) How should the Commission define advertising "directed to" or "seen by" children in order to identify the unfair or deceptive advertisement?

(4) Will a ban on television advertisements directed to young children affect the quality or quantity of children's television programming? What is the harm to young children of television advertising directed to them?

(5) Are there remedies other than a ban for the problems associated with child-oriented television advertising?

(6) Is there evidence that advertisements for highly sugared products lead children to consume such products and get tooth decay? Is a ban or some other form of restriction necessary to remedy this problem?

(7) What factors affect the cariogenicity of food and what is their relative magnitude? (*E.g.*, form and frequency of consumption.)

(8) Does between meal consumption of sugared products (snacking) have a greater negative effect on dental health than mealtime consumption, so as to warrant differentiation in any proposed rule?

(9) What evidence is there on the question of sugared consumption and nutrition related health problems?

(10) Do children know about the health, nutrition and dental consequences of the consumption of sugared products? Does advertising affect this awareness?

(11) How should the terms "directed to" or "seen by" be defined as regards advertising to older children?

(12) How could one best communicate to older children information about the risks of sugar consumption?

(13) Who should devise the measures for conveying such information to older children (*e.g.*, advertisers, outside organizations)? What is the Commission's role?

(14) Will the proposed remedies adversely affect the quality and quantity of children's programming?

(15) Are there specific claims regarding sugar which should be banned from children's advertisements?

(16) What are the constitutional implications of a ban remedy for either advertising directed to young children or advertising of highly sugared products?

In the Notice of Proposed Rulemaking, the Commission proposed that hearings be held in two stages, the first a public, legislative-type hearing, and the second an adjudicative-type hearing on certain disputed issues of specific fact. The Commission also proposed that issues for the adjudicative-type hearings be suggested by the parties and then designated by the Commission after completion of the legislative-type hearings.

The Commission appointed Morton Needelman, an Administrative Law Judge, to preside over the hearings and the proceeding in general. In response to the Commission's invitation for comments, hundreds of written statements were received and placed on the record. Approximately six weeks of legislative-type hearings were held in San Francisco and Washington, D.C. in January and March of 1979. During the legislative-type hearings all questioning was done by the Presiding Officer, although the parties were permitted to present to the Presiding Officer suggested questions for cross-examination of witnesses. The Presiding Officer thoroughly questioned all witnesses and informed the parties that disputed issues of material fact might be designated for later adjudicative-type hearings. During the course of the hearings and in the various submissions to the Presiding Officer, all factual issues and legal theories were vigorously debated and disputed by the parties to the proceeding.

All parties were requested to submit briefs and responses to the Presiding Officer proposing issues to be designated as disputed and necessary to resolve. Twenty-three parties to the proceeding submitted briefs listing issues to be designated as disputed, and in most cases listing those issues the parties believed were already resolved on the record. Most of these parties also filed responses to the disputed issues briefs. On July 30, 1979, the Presiding Officer issued Order No. 78 in which he concluded that there were disputed issues of material fact that were necessary to resolve at adjudicative-type hearings pursuant to section 18(c)(2)(B) of the FTC Act. He recommended that disputed issues hearings be held on the following three issues:

1. To what extent can children between the ages of 2 and 11 distinguish between children's commercials and children's programs to the point that they comprehend the selling purpose of television aimed at children?

2. To what extent can children between the ages of 2 and 11 defend against the persuasive techniques used in these commercials, such as fantasy or cartoon presenters, premiums, limited information, and various associated appeals?

3. What health effects, actual or potential, attach to any proven lack of understanding of selling intent or inability to defend against persuasive techniques?

In accordance with the schedule set by Presiding Officer Needelman, most parties, including Commission staff, filed responses to portions of Order No. 78. The Commission had not yet made a decision with regard to the proposed disputed issues when, in May 1980, Congress enacted the FTC Improvements Act of 1980 (hereinafter "Improvements Act"), which removed the Commission's authority to continue the rulemaking in its then current posture.

The Improvements Act suspended the children's advertising rulemaking proceeding and set forth certain conditions that would have to be met before the rulemaking could resume. Specifically, the Improvements Act provided that the rulemaking could resume only under a theory of deception, although it was initiated under theories of both deception and unfairness. In addition, the Act provided that the rulemaking could not be continued unless the Commission published "the text of the rule, including any alternatives, which the Commission proposes to promulgate," and allowed public comment on the text.*(1)*

In response to the requirements of the Improvements Act, the Commission issued an Order on June 18, 1980, instructing staff to prepare recommendations regarding:

1. What courses of action might be undertaken by the Commission, including further rulemaking proceedings; alternatives or complements to such proceedings; and an assessment of each course of action.

2. The text of a proposed rule, should the Commission determine that further rulemaking proceedings are appropriate.

The Commission gave the following additional instructions:

* * * In making its recommendations regarding a rule, the staff should discuss the type of evidence needed to support a rule based on a deception theory as well as what the record shows concerning the prevalence of children's advertising that the staff would characterize as deceptive. The staff should also discuss the benefits and adverse economic effect of any proposed rule and alternative courses of action. Finally, if a rule is recommended, the staff should analyze any First Amendment considerations that may relate to the particular rule being suggested.* * *

Pursuant to that Order, staff initiated informal meetings with major parties to the proceeding to explore what courses of action other than a rulemaking might be undertaken. Those meetings required more time than initially had been anticipated by the Commission. Therefore, staff received an extension of time to February 15, 1981, in which to submit a status report on the progress of the meetings, as well as to suggest a date on which staff recommendations would be submitted. Staff's status report, placed on the public record on February 20, 1981, concluded that the discussions with regard to voluntary alternatives to a rulemaking had not been successful, and stated that a staff report, setting forth recommendations with regard to the rulemaking proceeding, would be submitted to the Commission on March 31, 1981. Staff, in its report of March 31, 1981 (hereinafter "Staff Report"), recommended that the proceeding be terminated. Staff concluded that the report developed thus far did not suggest viable solutions, which the Commission could implement through rulemaking, to the problems articulated during the proceeding.

With respect to the problem of television advertising directed to young children, staff concluded that children six years and under place indiscriminate trust in televised advertising messages and do not understand the persuasive bias inherent in advertising. Staff also concluded that the techniques, focus and themes used in child-oriented television advertising enhance the appeal of the advertising message and the advertised product to young children. Thus, staff concluded that the record established a legitimate cause for public concern. However, staff also found that the only effective remedy suggested by the record for these problems would be a ban on all advertisements oriented toward young children. Staff stated that such a ban, as a practical matter, could not be implemented because its coverage would be both over-inclusive and under inclusive.(*2*)

With respect to the effect of sugared product advertising on the nutritional attitudes of children under 12, staff concluded that the record evidence was inconclusive. Finally, with regard to dental health, staff found that the record did not reveal the existence of a scientific methdology for determining the cariogenicity of individual food products, which would be sufficiently valid and reliable to justify a government-mandated rule. Staff stated that the identification of such a methodology would be a threshold step in the implementation of any proposed rule. Therefore, staff concluded that the apparent lack of a methodology precluded regulation of child-oriented advertising for food products based on the theory that such products contribute to dental caries.

By notice in the **Federal Register** of April 8, 1981,(*3*) the Commission solicited public comment on the staff's recommendation that the rulemaking be terminated. Comments were to be submitted on or before June 8, 1981. Staff reviewed and analyzed the 95 comments submitted and forwarded its final recommendation to the Commission on September 1, 1981.

In making its final recommendation, staff reiterated its contention that the record compiled during the proceedings, while containing a voluminous amount of information on all sides of the many complex issues raised, does not provide an adequate basis for formulating a supportable and workable rule on children's television advertising. In addition, staff noted that the comments submitted in response to the Staff Report indicate that sufficient conflict remains about factual issues raised in this proceeding that any attempt to formulate a rule would require the commitment of substantial additional time, money and resources in order to explore further the difficult factual and policy issues raised. In conclusion, staff recommended that rulemaking should not be pursued.

Staff's recommendations as to the major issues were as follows:

1. Staff asserted that the record with respect to the issues of television advertising directed to young children is insufficient to justify proposing the text of a rule. It also stated that the appropriate age group to use in defining "young children" who would be the subject of such a rule is also subject to dispute.

The staff concluded in its Report that children six years and under are the group adversely affected by television advertising. However, other participants in the rulemaking suggested, both during the hearings and in comments on the Staff Report, that the age group should be defined as seven or eight years and under. In addition, ACT presented in its comments an argument that children aged eight to twelve years also have sufficient cognitive limitation to be considered in conjunction with "young children" for the purposes of defining the affected group.(*4*) This latter contention, however, was not presented during the hearings in any substantial fashion.

In contrast to these views, industry comments argued (1) that no age group is adversely affected by television advertising;(*5*) (2) that to conclude that children are captives of television ads ignores the major influence of parents and other adults on the developing child;(*6*) (3) that the record developed to date would not support any conclusion on this issue, particularly in light of criticisms developed in the academic community of the Piagetian theory of child development which was heavily relied upon by staff;(*7*) and (4) that to support a rule, the Commission would need to demonstrate that young children actually purchase items advertised on television or that a child's parents do so against their own inclination.(*8*)

Regardless of whether the exact age group is defined as six and under or eight and under, the conclusion reached by staff was that no effective remedy is supported by the present record. Staff stated that a ban remedy applied to advertising directed to or seen by young children would be both under- and over-inclusive. Staff asserted that whether further inquiry would assist in the identification of the appropriate age group or would help clarify the issue of whether an appropriate remedy could be formulated is speculative. Therefore, staff recommended to the Commission that no further commitment of resources be made in this rulemaking.

Consumer group commenters disagreed with staff's analysis, contending either that (1) a ban could be implemented(*9*) or (2) the inability to implement a ban is not a justifiable reason for abandoning alternative solutions to the concerns raised by children's advertising.(*10*) Numerous commenters made suggestions for alternatives to a ban, including such possibilities as public service announcements, affirmative disclosures, limiting advertisements for sugared products, restricting the techniques used in children's advertising and offering discount rates to companies advertising "healthy foods."(*11*) Consumer groups generally advocated continuation of rulemaking hearings to explore further these remedial issues.(*12*)

Industry commenters favoring termination of the rulemaking almost unanimously agreed with staff that neither a ban nor any other remedy could be implemented at this time.(*13*) However, the grounds these commenters cited in support for this conclusion were not restricted to those cited by staff and the staff was sharply criticized for recommending termination on unnecessarily narrow grounds.(*14*) Commenters argued that the record evidence developed to date was insufficient to prove the existence of a violation of the Federal Trade

Commission Act or the existence of public injury.(*15*) They added that implementation of a ban should be precluded by the First Amendment and economic considerations such as the effect of the ban on the quality and quantity of children's programming.(*16*) One commenter noted that there was an "Orwellian ring" about concluding on one hand that children cannot understand or evaluate advertising while concluding on the other hand that non-commercial advertising is an excellent educational medium.(*17*)

2. The Staff Report concluded that the record on the possible link between children's attitudes about nutrition and television advertising was inconclusive and therefore that it would be premature to formulate a rule on this subject. Staff argued that, as with the other issues presented, the Commission could expend additional resources in order to develop the record further. However, staff asserted that whether additional hearings or investigation would augment the record sufficiently to justify the formulation of a rule is speculative. Therefore, the staff recommended that the Commission not pursue this issue further in this rulemaking.

Consumer group commenters disagreed with staff's conclusion that the record developed to date is inconclusive concerning the link between children's advertising and nutrition.(*18*) ACT, for example, contended that because children cannot critically process and resist television advertising, it is deceptive to convey commercial messages to them without revealing the nutritional implications of sugar consumption.(*19*)

Many industry commenters agreed with staff that the record is inconclusive on this issue;(*20*) but some argued that the record demonstrates that children do *not* lack an awareness of basic principles of good nutrition and dental health.(*21*) Another commenter argued that at most, record evidence suggests the "possibility" of a link between advertising and nutritional attitudes and that this "possibility" could not justify further rulemaking proceedings.(*22*)

3. With respect to the issue of sugar and dental caries, the Staff Report concluded that the present record suggested no generally accepted scientific method for measuring the cariogenic potential of specific foods. Staff also concluded that identification of such a method would be a threshold step in the formulation of a workable rule and that absent such a methodology, the inclusion of specific products within a rule or exclusion of other products from that rule could not be justified. Therefore, staff recommended that proceedings in this area not be continued.(*23*)

Consumer groups disagreed with staff's conclusion that the unavailability of such a methodology barred further consideration of a rule. They argued that the evidence on the record is more than adequate to identify categories of sweet, sticky foods which greatly contribute to the formation of dental caries.(*24*)

Industry commenters generally agreed with staff's conclusion that no acceptable methodology exists, but urged the Commission to reject any implication that the development of a reliable methodology might justify reinstating this proceeding or a similar one.(*25*) One commenter emphasized that the precise measure of the cariogenicity of a food product is virtually meaningless without consideration of the manner in which the product is eaten.(*26*) Other commenters disagreed with the Staff Report's description of the etiology of caries, suggesting that even the scientific context for the development of a methodology is subject ot dispute.(*27*)

Commission Decision To Terminate the Rulemaking

The Commission has decided to terminate the children's advertising proceeding. The Commission has reviewed the rulemaking record, the March 31, 1981, staff report, the comments on that report and the staff's final recommendation. It is apparent from our review that resolution of the many factual issues essential to consideration of a trade regulation rule would involve lengthy and complex proceedings. It is also apparent that the ultimate, definitive resolution of these factual issues, assuming the Commission were to undertake such proceedings, is highly speculative. Even if the Commission were able to resolve these factual issues in a manner which would support promulgation of a trade regulation rule, substantial questions would still remain as to the Commission's ability to formulate an effective remedy which could be justified on both legal and policy grounds.

In short, the Commission's review of the rulemaking record developed thus far clearly indicates that a major commitment of the Commission's resources would be required to continue this proceeding, resources which would necessarily have to be diverted from other pressing enforcement priorities. In light of the possibility that even a protracted rulemaking would not culminate in a definitive resolution of the factual and remedial issues at stake in this proceeding, we cannot justify sacrificing other important enforcement priorities to its continuation.

The factual issues contested by the parties in this proceeding are numerous and complex. The parties have debated the validity of competing theories concerning the cognitive development of the child. They have disputed the interaction between the family infrastructure and the effect of television advertising on daily purchasing decisions and children's nutritional attitudes. The parties have questioned both the existence of a reliable methodology for measuring the cariogenicity of foods advertised to children and the significance of a product's cariogenicity (assuming it could be established) to children's dental health.

Following approximately six weeks of hearings, Presiding Officer Morton Needelman recommended the designation of disputed issues at stake in this proceeding as three far-ranging questions. His recommendations were immediately challenged by most of the parties to this proceeding and voluminous briefs were filed asking the Commission to modify Mr. Needelman's Order No. 78. At this point in the proceeding, Congress enacted amendments to the Federal Trade Commission Act requiring the Commission to suspend the rulemaking until the text of a proposed rule was published and directing that such a rule could be based only on a theory of deception.

To continue the rulemaking, therefore, the Commission would be compelled to formulate a proposed text of a rule on the basis of the rulemaking record developed to date. The Commission would then have to address the arguments raised by the parties in response to Order No. 78. Continued consideration of a rule must of course occur in the context of the procedures specified in Section 18 of the federal Trade Commission Act, and the Commission's Rules of Practice. In the case of this proceeding, these procedures would include submission of additional documentary evidence, adjudicative-type hearings with the opportunity for cross-examination, the submission of rebuttal comments, filing of staff and presiding officer's reports, and presumably oral presentation before the Commission at which selected interested parties are allowed to deliver final arguments on the advisability of promulgating a trade regulation rule. (See 15 U.S.C. Section 57a and 16 CFR 1.13.)

Even assuming that the Commission could formulate the text of a proposed

rule at this stage of the proceedings, the Commission cannot be confident that the many factual issues remaining would be susceptible to satisfactory resolution after completion of full rulemaking proceedings.

In addition to our concern about the likelihood of resolving the factual issues necessary for consideration of a trade regulation rule, we question the availability of an effective remedy that can be justified on both legal and policy grounds. The staff has suggested that the only effective remedy for the problems allegedly posed by child-oriented television advertising would be a ban on all advertisements aimed at young children, but concludes that such a remedy could not be implemented as a practical matter since its coverage would be both over and under-inclusive. Some commenters have challenged the staff's conclusion arguing that the age group of children who are potentially deceived is sufficiently broad that a ban on children's advertising could be effectively implemented.

Without reaching a resolution of this debate over the practicality of implementing a total ban on children's advertising, the Commission is nevertheless aware of the substantial legal and policy issues involved in any consideration of the adoption of such a drastic regulatory remedy. We seriously doubt, given these legal and policy issues, whether a total ban should ever be imposed on children's advertising at the end of rulemaking proceedings.

Commenters have suggested other remedial alternatives, including affirmative disclosure requirements, limitations on child-oriented advertisements and public service announcements, however, the effectiveness of these alternatives in remedying any deception inherent in child-oriented advertising could be determined only after final resolution of the factual issues described above. In addition, the expenditure of further resources would be necessary to determine which remedies should apply either to advertising directed at very young children or advertising for cariogenic food to children of all ages and to gauge whether the benefits of such remedial alternatives would justify the costs they would impose.

In sum, should the Commission determine to continue this rulemaking, it would be committing substantial resources in money and personnel to a lengthy inquiry in an effort to resolve the complex factual and remedial issues posed by the rulemaking, recognizing that a satisfactory resolution of these issues is speculative. We are unwilling to make this commitment at the expense of more pressing enforcement priorities. We conclude, therefore, that it is not in the public interest to continue this proceeding and we hereby give notice of its termination.(*28*)

By direction of the Commission. Commissioner Pertschuk did not participate.

Carol M. Thomas,

Secretary.

Footnotes

1. FTC Improvements Act of 1980, Pub. L. No. 96-252, Sections 11(a)(1), 11(a)(3), 94 Stat. 374.

2. See Final Staff Report and Recommendation (March 31, 1981) at 36-47.

3. 46 FR 21,019 (1981).

4. ACT, S-55. All "S" citations refer to comments received in response to the April 8, 1981 Federal Register notice. These comments were filed in category S of the Rulemaking Record, in order of the date received. Ninety-five comments were received.

5. *See, e.g.*, Chocolate Manufacturer's Association (CMA), S-44; General Mills, S-58; Association of National Advertisers (ANA), S-71.

6. General Mills, S-58; National Association of Broadcasters (NAB), S-62.

7. General Mills, S-58; NAB, S-62; ANA, S-71.

8. CBS, S-45.

9. Stephanie Sheltz, S-2; Marlene Jones, S-15; Sandi Bryand, S-39; Stephaine Turner, S-80; Rebecca Bishop, S-84; Carrie Starner, S-91; ACT, S-55; CSPI, S-60; Vivienne Aronowitz, S-75; American Academy of Pediatrics, S-64.

10. Salley Steenland, S-13; Garth and Sandra Skouson, S-17; Schuyler Day Care Center, S-4; National Association of Pediatric Nurse Associates & Practitioners, S-10; Vivienne Aronowit, S-75.

11. Sally Steenland, S-13; Garth and Sandra Skouson, S-17; Janet L. Goodyear, S-29; Karen Gaff, S-47; Lesley Yu, S-83; Julie Copus, S-94; Schyler Day Care Center, S-4; Children's Rights, Inc., S-7 and S-89; Children's Learning Center, S-16; PTA, Fox Hills Elementary, S-93; National Association of Pediatric Nurse Associates and Practitioners, S-10; Laurie Devitt, R.D., S-18; Vivienne Aronowitz, S-75; Dental Health Section of American Public Health Association, S-62.

12. Sally Steenland, S-13; Janet L. Goodyear, S-29; Karen E. Lewis, S-87; Children's Learning Center, S-16; Commonwealth of Massachusetts Consumer Council, S-20; Children Threatre Association of America, S-24; National Extension Homemakers Council, Inc., S-26; Alpha Kappa Alpha Sorority, S-27; American Personnel and Guidance Assoc., S-37; International Reading Association, S-40; Committee for Children's Television Metro Detroit, S-42; Holt International Children's Services, Inc., S-51; ACT, S-55; Long Island Coalition for Fair Broadcasting, S-70; Aspira, Inc., S-88; Rochester Coalition for Children's Television, S-76; National Association of Pediatric Nurse Associates and Practitioners, S-10, Laurie Devitt, R.D., S-18; National Council of Community Mental Health Centers, S-33; The American Academy of Pediatrics, S-64; Roselyn Wilson, R.D.H., B.S., M.P.H., S-68; Joanne Ikeda, R.D., S-72; H. Horowitz, D.D.S., M.P.H. and A. Horowitz, R.D.H., M.A., S-86; Vivienne Aronowitz, S-75; Interfaith Center on Corporate Responsibilites, S-28.

13. *See, e.g.*, NBC, S-67; ANA, S-71; CBS, S-45.

14. *See, e.g.*, ANA, S-71; CBS, S-45.

15. William S. Marbourg, S-25; Association of Independent TV Stations (INTV), S-56; NAB, S-62; NBC, S-67; American Advertising Federation (AAF), S-21; American Association of Advertising Agencies (4A's), S-22; Ogilvy and Mather, S-57; ANA, S-71; Food Service and Lodging Institute, S-83; CMA, S-44; Kellogg Co., S-50; General Mills, S-58; Ralston Purina Company, S-63; Toy Manufacturers of America(TMA), S-54.

16. CBS, S-45; INTV, S-56; The Producers Association for Children's Television (PACT), S-65; Ogilvy and Mather, S-57; AAF, S-21; General Mills, S-58; TMA, S-54.

17. CMA, S-44.

18. ACT, S-55; CSPI, S-60.

19. ACT, S-55.

20. *See, e.g.*, ANA, S-71; PACT, S-65.

21. CMA, S-44; General Mills, S-58.

22. ANA, S-71, *See also*, CMA, S-44.

23. However, staff's recommendation that the Commission not proceed to regulate children's television advertising by promulgating a trade regulation rule should not be construed as a belief that other branches of government or governmental entities could not or should not consider further study or regulation in this field.

24. SCPI, S-60; ACT, S-55.

25. *See, e.g.*, Kellogg, S-50; General Mills, S-58.

26. Kellogg, S-50.

27. General Mills, S-58; NBC, S-67.

28. The Commission's decision to terminate this rulemaking proceeding does not rest upon the resolution of any disputed issues of fact that have been proffered or raised in this proceeding.

[FR Doc. 81-28790 Filed 10-1-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 436, 452, 455, and 555

[Docket No. 81N-0245]

Microbiological Turbidimetric Assay for Chloramphenicol and Troleandomycin

AGENCY: Food and Drug Administration, HHS.

ACTION: Proposed rule.

SUMMARY: The Food and Drug Administration (FDA) is proposing to amend the antibiotic drug regulations by revising the microbiological turbidimetric assay method for chloramphenicol and troleandomycin for

both human and veterinary use. This action would result in reducing assay costs for these antibiotic drugs.

DATES: Comments by December 1, 1981; request for an informal conference by November 2, 1981.

ADDRESS: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Joan Eckert, Bureau of Drugs (HFD–140), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4290.

SUPPLEMENTARY INFORMATION: The current regulations for the microbiological turbidimetric assay used to determine the potency of chloramphenicol and troleandomycin provide for buffer solutions as the diluent used for the standard and sample preparations of these antibiotic drugs. Studies performed by FDA's laboratory, the National Center for Antibiotics Analysis (NCAA), demonstrate that the assay results using distilled water as the diluent are equivalent to the current method. Because distilled water costs less to prepare than buffer solutions, the use of distilled water as the diluent in these assays would result in an overall reduction in assay costs. Therefore, FDA is proposing to revise the microbiological turbidimetric assay for chloramphenicol and troleandomycin by replacing buffer solutions with distilled water as the diluent for standard and sample preparation.

In addition, FDA is also proposing that the sample preparation for the microbiological turbidimetric potency assay of fibrinolysin and desoxyribonuclease, combined (bovine) with chloramphenicol ointment be changed for a blending method to an extraction method. Based on a study performed by NCAA, the agency tentatively concludes that the extraction methods is more accurate than the existing method.

The data generated by FDA laboratories on which the agency relies in proposing these amendments to the antibiotic regulations are on public display in the Dockets Management Branch (address above).

The agency has determined pursuant to 21 CFR 25.24(b)(22) (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.

FDA, in accordance with the Regulatory Flexibility Act (RFA) (Pub. L. 96–354; 94 Stat. 1164–1170), has considered the effect that this regulation would have on small entities. The agency has determined that the proposed regulation would provide for the use of a less costly testing reagent, thus reducing the overall cost of the test method for the manufacturers of these antibiotic drugs, and would refine an existing technical provision without imposing a more stringent requirement. Under section 605(b) of the RFA, the agency certifies that this rulemaking, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 507, 512(n), 701 (f) and (g), 52 Stat. 1055–1056 as amended, 59 Stat. 463 as amended, 82 Stat. 350–351 (21 U.S.C. 357, 360b(n), 371 (f) and (g))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), it is proposed that Parts 436, 452, 455, and 555 be amended as follows:

PART 436—TESTS AND METHODS OF ASSAY OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

§ 436.106 [Amended]

1. Part 436 is amended in § 436.106 *Microbiological turbidimetric assay*, in the table of paragraph (a), for the item "Chloramphenicol" by inserting "Distilled water" in the first diluent column and for the items "Chloramphenicol" and "Troleandomycin" by changing in the second diluent column the figure "1" to read "Distilled water."

PART 452—MACROLIDE ANTIBIOTIC DRUGS

2. Part 452 is amended:

a. In § 452.75, paragraph (b)(1)(ii) is revised to read as follows:

§ 452.75 Troleandomycin.

* * * * *

(b) * * *

(1) * * *

(ii) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient 80 percent isopropyl alcohol solution (solution 15) to obtain a stock solution containing 1,000 micrograms per milliliter. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 25 micrograms of troleandomycin per milliliter (estimated).

* * * * *

b. In § 452.175a, paragraph (b)(1) is revised to read as follows:

§ 452.175a Troleandomycin capsules.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a high-speed glass blender jar containing sufficient 80 percent isopropyl alcohol solution (solution 15) to obtain a stock solution of 1,000 micrograms of troleandomycin per milliliter (estimated). Blend for 3 to 5 minutes. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 25 micrograms of troleandomycin per milliliter (estimated).

* * * * *

c. In § 452.175b, paragraph (b)(1) is revised to read as follows:

§ 452.175b Troleandomycin oral suspension.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with sufficient 80 percent isopropyl alcohol solution (solution 15) to obtain; a stock solution containing 1,000 micrograms of troleandomycin per milliliter (estimated). Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 25 micrograms of troleandomycin per milliliter (estimated).

* * * * *

d. In § 452.175c, paragraph (b)(1) is revised to read as follows:

§ 452.175c Troleandomycin oral suspension.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Reconstitute the drug as directed in the labeling. Dilute an accurately measured representative portion of the sample with sufficient 80 percent isopropyl alcohol solution (solution 15) to obtain a stock solution containing 1,000 micrograms of troleandomycin per milliliter (estimated). Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 25 micrograms of

troleandomycin per milliliter (estimated).

* * * * *

e. In § 452.175d, paragraph (b)(1) is revised to read as follows:

§ 452.175d Troleandomycin chewable tablets.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a high-speed glass blender jar with sufficient 80 percent isopropyl alcohol solution to obtain a stock solution of 1,000 micrograms of troleandomycin per milliliter (estimated. Blend 3 to 5 minutes. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 25 micrograms of troleandomycin per milliliter (estimated).

* * * * *

PART 455—CERTAIN OTHER ANTIBIOTIC DRUGS

3. Part 455 is amended:

a. In § 455.10, paragraph (b)(1)(i) is revised to read as follows:

§ 455.10 Chloramphenicol.

* * * * *

(b) * * *

(1) * * *

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient 95 percent ethyl alcohol to obtain a solution containing 10,000 micrograms of chloramphenicol per milliliter (estimated). Add sufficient distilled water to obtain a concentration of 1,000 micrograms of the chloramphenicol per milliliter (estimated). Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

b. In § 455.10a, paragraph (b)(1)(i) is revised to read as follows:

§ 455.10a Sterile chloramphenicol.

* * * * *

(b) * * *

(1) * * *

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed portion of the sample in sufficient 95 percent ethyl alcohol to obtain a solution containing 10,000 micrograms of chloramphenicol per milliliter (estimated). Add sufficient distilled water to obtain a concentration of 1,000 micrograms of the chloramphenicol per milliliter (estimated). Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

c. In § 455.110, paragraph (b)(1) is revised to read as follows:

§ 45.110 Chloramphenicol capsules.

* * * * *

(b) * * *

(1) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of capsules into a highspeed glass blender jar containing 100 milliliters of 95 percent ethyl alcohol. Blend for 2 minutes. Then add 400 milliliters of distilled water and blend again for 2 minutes. Remove an aliquot and further dilute with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

d. In § 455.210, paragraph (b)(1) is revised to read as follows:

§ 455.210 Chloramphenicol injection.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample in sufficient distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

e. In § 455.310a, paragraph (b)(1) is revised to read as follows:

§ 455.310a Chloramphenicol ophthalmic solution.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with sufficient distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

f. In § 455.310b, paragraph (b)(1)(i) is revised to read as follows:

§ 455.310b Chloramphenicol ophthalmic.

* * * * *

(b) * * *

(1) * * *

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Reconstitute as directed in the labeling. Dilute an accurately measured representative portion of the sample with sufficient distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

g. In § 455.310c, paragraph (b)(1) (i) and (iii) is revised to read as follows:

§ 455.310c Chloramphenicol ointment (chloramphenicol cream).

* * * * *

(b) * * *

(1) * * *

(i) *If the ointment is water miscible.* Place an accurately weighed representative portion of the sample into a high-speed glass blender jar containing 1.0 milliliter polyusorbate 80 and sufficient distilled water to obtain a stock solution of convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

(ii) *If the ointment is not water miscible.* Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of petroleum ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of distilled water and shake well. Allow the layers to separate. Remove the aqueous layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of distilled water. Combine the aqueous extractives in a suitable volumetric flask and dilute to volume with distilled water. Remove an aliquot and further dilute with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated). The potency of chloramphenicol ointment is satisfactory if it contains not less than 90 percent and not more than 130 percent of the

number of milligrams of chloramphenicol that it is represented to contain.

* * * * *

h. In § 455.410, paragraph (b)(1) is revised to read as follows:

§ 455.410 Chloramphenicol otic.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

i. In § 455.510d, paragraph (b) is revised to read as follows:

§ 455.510d Fibrinolysin and desoxyribonuclease, combined (bovine) with chloramphenicol ointment.

* * * * *

(b) *Tests and methods of assay; potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place an accurately weighed representative portion of the sample into a separatory funnel containing approximately 50 milliliters of petroleum ether. Shake the sample and ether until homogeneous. Add 20 to 25 milliliters of distilled water and shake well. Allow the layers to separate. Remove the aqueous layer and repeat the extraction procedure with each of three more 20- to 25-milliliter quantities of distilled water. Combine the aqueous extractives in a suitable volumetric flask and dilute to volume with distilled water. Remove an aliquot and further dilute with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

PART 555—CHLORAMPHENICOL DRUGS FOR ANIMAL USE

4. Part 555 is amended:

a. In § 555.110a, paragraph (b)(1)(i) is revised to read as follows:

§ 555.110a Chloramphenicol tablets.

* * * * *

(b) * * *

(1) * * *

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Place a representative number of tablets into a highspeed glass blender jar containing 100 milliliters of 95 percent ethyl alcohol. Blend for 2 minutes. Add 400 milliliters of distilled water and blend again for 2 minutes. Remove an aliquot and futher dilute with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

b. In § 555.110c, paragraph (b)(1) is revised to read as follows:

§ 555.110c Chloramphenicol oral solution.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

c. In § 555.210, paragraph (b)(1) is revised to read as follows:

§ 555.210 Chloramphenicol injection.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample with distilled water to obtain a stock solution of convenient concentration. Further dilute an aliquot of the solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

d. In § 555.310d, paragraph (b)(1)(i) is revised to read as follows:

§ 555.310d Chloramphenicol ophthalmic solution.

* * * * *

(b) * * *

(1) * * *

(i) *Microbiological turbidimetric assay.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Dilute an accurately measured representative portion of the sample in distilled water to give a stock solution of convenient concentration. Further dilute an aliquot of the stock solution with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

e. In § 555.310e, paragraph (b)(1) is revised to read as follows:

§ 555.310e Chloramphenicol-prednisolone-tetracaine-squalane topical suspension.

* * * * *

(b) * * *

(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Transfer an accurately measured portion of the sample into a separatory funnel containing 50 milliliters of petroleum ether. Shake the separatory funnel vigorously to bring about complete mixing of the sample and the petroleum ether. Add 20 milliliters of distilled water and shake well. Remove the aqueous layer and repeat the extraction with three additional 20-milliliter portions of distilled water. Combine the extractives and dilute to an appropriate volume with distilled water. Further dilute an aliquot with distilled water to the reference concentration of 2.5 micrograms of chloramphenicol per milliliter (estimated).

* * * * *

Interested persons may, on or before December 1, 1981, submit to the Docket Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments regarding this proposal. Two 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.

Interested persons may also, on or before November 2, 1981, submit to the Dockets Management Branch (address above) a request for an informal conference. If an informal conference is held, interested persons will have unitl December 1, 1981 or 30 days from the date of the conference, whichever is later, to submit their comments.

Dated: September 22, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc 81–28307 Filed 10–1–81; 8:45 am]

BILLING CODE 4110–03–M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Ch. XIV

Semiannual Regulatory Agenda

AGENCY: Equal Employment Opportunity Commission.

ACTION: Semiannual Regulatory Agenda.

SUMMARY: This semiannual regulatory agenda, issued pursuant to Executive Order 12291 (46 FR 13193, February 19, 1981), lists the following items: those EEOC guidelines that have been designated for review by the Presidential Task Force on Regulatory Relief under Section 3(i) of the Executive Order; proposed guidelines and regulations, or their amendments and revisions, that have been noticed in the Federal Register for public comment, the need and legal basis for the actions being considered, the name and telephone number of a knowledgeable official, and the status of items previously reported; a list of proposed guidelines and regulations, or their amendments and revisions, currently being developed or under consideration for development. An assessment of EEOC's regulations under review and development does not show that any of the proposed regulations or guidelines fall within the Executive Order's definition of a major rule.

EFFECTIVE DATE: October 1981.

FOR FURTHER INFORMATION CONTACT: Frederick D. Dorsey, Director, or Raj K. Gupta, Supervisory Attorney, Office of Policy Implementation, Equal Employment Opportunity Commission, 2401 E Street, NW, Washington, D.C. 20506; (202) 634–7060.

SUPPLEMENTARY INFORMATION: Executive Order 12291 requires that a regulatory agenda of regulations under development and review be published in the Federal Register in April and October of each year.

Signed at Washington, D.C., this 25th day of September 1981.

For the Commission:

J. Clay Smith, Jr.,

Acting Chairman.

Title	Description	Authority	Status	Contact
A. Guidelines to be reviewed pursuant to Executive Order 12291				
Uniform Guidelines on Employee Selection Procedures.	These guidelines, issued prusuant to Title VII of the Civil Rights Act of 1964, provide a uniform set of principles for all employers to assure that their selection procedures do not discriminate on the basis of race, color, religion, sex or national origin.	Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.*	Final Guidelines were published in 43 FR 38290 on Aug. 25, 1978, and became effective on September 25, 1978. EEOC will be reviewing the recordkeeping requirements under the guidelines.	Raj K. Gupta, Supervisory Attorney, Office of Policy Implementation, Equal Employment Opportunity Commission ("EEOC"), 2401 E Street, N.W., Washington, D.C., 20506. (202) 634–7060
Guidelines on Discrimination Because of Sex; Sexual Harassment.	The guidelines re-affirm the Commission's view that sexual harassment in the workplace is an unlawful employment practice. The guidelines outline employers' responsibility for sexual harassment experienced by their employees.	Title VII of the Civil rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*	The guidelins on sexual harassment became final on Nov. 10, 1980, upon publication in 45 FR 74676. EEOC will be reviewing these guidelines for adequacy of guidance provided to employers as to what constitutes prohibited conduct.	Raj K. Gupta, Office of Policy Implementation, EEOC, (202) 634–7060.
B. Proposed Regulations or Guidelines				
Employment Discrimination; Procedures for Handling Complaints.	These regulations, proposed by EEOC and Department of Justice, contemplate that most individual complaints of employment discrimination which are filed with Federal fund granting agencies under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and other federal laws will be referred to EEOC for processing.	Executive Order 12250, 45 FR 72995 (Nov. 4, 1980) and Executive Order 12067, 43 FR 28967 (June 30, 1978); Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*	Notice of proposed rule was published in 46 FR 22395 on Apr. 17, 1981. The comment period ended on June 16, 1981.	Douglas Beilan, Acting Director, Office of Interagency Coordination, EEOC, (202) 634–6915. David L. Rose, Chief, Federal Enforcement Section, Civil Rights Division, Department of Justice, Tenth Street and Pennsylvania Avenue, Washington, D.C. 20530, (202) 633–3831.
Recordkeeping Regulations	The Commission proposes to revise its recordkeeping regulations to require certain employers and labor unions to retain lists of applicants for employment for two years.	Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*	Notice of proposed revisions was published in 43 FR 32280 on July 25, 1978. Comment period ended Sept. 21, 1978, and a public hearing was held on Sept. 21, 1978.	Anthony DeMarco, Supervisory Attorney, Office of the General Counsel, EEOC, (202) 634–6595.
706 State and Local Agencies	A proposal to establish certification procedures for 706 deferral agencies.	Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*	Notice of proposed regulation published in 46 FR 37523 on July 21, 1981. Final regulations are contemplated in October 1981.	Nicholas M. Inzeo, Legal Counsel Division, Office of the General Counsel, EEOC, (202) 634–6595.
Non-Discrimination on the Basis of Handicap in Federally assisted Programs.	Proposed regulations setting forth procedures and policies to assure non-discrimination on the basis of handicap in employment and operations of programs receiving assistacne from the Equal Employment Opportunity Commission.	Section 504, Rehabilitation Act of 1973, Pub. L. 93-112, (29 U.S.C. 794) and Executive Order 11914, 41 FR 17871.	Proposed regulation published in 44 FR 68482 on Nov. 29, 1979. Comment period ended on Jan. 28, 1980. Approved by Commission and now in formal interagency coordination pursuant to Executive Order 12067.	Nicholas M. Inzeo, Legal Counsel Division, Office of the General Counsel, EEOC, (202) 634–6595.
Equal Employment Opportunity in the Federal Government; Complaints of Handicap Discrimination.	Amend the federal sector procedural regulations so that individuals complaining of handicap discrimination have available the same remedies, procedures and rights as are provided under Section 717 of Title VII; to make the Commission's regulations concerning the right to file a civil action (§§ 1613.281–1613.283) applicable to handicap discrimination complaints.	Sections 501 and 505 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 791 and 794a, Reorganization Plan No. 1 of 1978 (43 FR 19807), and Executive Order 12106 (44 FR 1053).	Notice of proposed rulemaking published in 45 FR 43794, June 30, 1980; comment period ended August 29, 1980. Approved by Commission and now in the clearance process under E.O. 12291.	Thomas L. Saltonstall, Director, Technical Guidance Division, Office of Field Services, EEOC, (202) 634–6855.
Collection of Applicant Data for Affirmative Action Purposes.	This amendment permits federal agencies to collect handicap information from applicants for employment in order to implement and evaluate special recruitment programs undertaken for affirmative action purposes.	EEO Management Directive 703; Reorg. Plan No. 1 of 1978; Section 501 of the Rehabilitation Act of 1973, as amended; Section 403 of the Vietnam Era Veterans' Readjustment Act of 1974.	Interim guidelines published in 46 FR 11285 became effective on Feb. 6, 1981. The period for written comments expired April 7, 1981.	Clayton J. Boyd, Division of Programs for Handicapped Individuals, Office of Government Employment, EEOC, Room 4208, Bailey's Crossroads, (703) 756–6046.

Title	Description	Authority	Status	Contact
Equal Employment Opportunity in the Federal Government; Remedial Relief under Sec. 717.	Proposed amendments provide that an agency or the Commission may award a complainant reasonable attorney's fees and costs and backpay when an allegation of discrimination prohibited by Section 717 is resolved in favor of the complainant.	Section 717 of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e–16.	Interim regulations, effective Apr. 11, 1980, were published in 45 FR 24130 on Apr. 9, 1980. Final regulations have been approved by the Commission and are in interagency coordination pursuant to Executive Order 12067. Final regulations are contemplated by October 1981.	Nicholas M. Inzeo, Legal Counsel Division, Office of the General Counsel, EEOC, (202) 634–6595.
The Equal Pay Act; Interpretations	The Commission proposes interpretations with respect to the enforcement of the Equal Pay Act. These interpretations would replace those issued by the Department of Labor at 29 CFR Part 800.	Secs. 1–19, 52 Stat. 1060, as amended; Sec. 10, 61 Stat 84; Pub. L. 88–38, 77 Stat. 56 (29 U.S.C. 201 *et seq.*); Sec. 1, Reorg. Plan No. 1 of 1978, 43 FR 19807; E.O. No. 12144, 44 FR 37193.	Proposed regulations were published in 46 FR 43848 on Sept. 1, 1981; Comment period ends on Nov. 2, 1981.	Anthony J. DeMarco, Supervisory Attorney, (202) 634–6595 or Clement Hyland, (202) 653–5490, Office of General Counsel, Legal Counsel, Division, or Raj K. Gupta, Supervisory Attorney, Office of Policy Implementation, EEOC, (202) 634–7060.
Procedures; Age Discrimination in Employment Act.	Proposed regulations advising the public as to the procedures which are to be followed in processing charges and issuing interpretations and opinions under the ADEA.	Sec. 9, 81 Stat. 605; (29 U.S.C. 628); Sec. 2 Reorg. Plan No. 1 of 1978 (43 FR 19807).	Proposed regulations were published on Jan. 30, 1981, 46 FR 9970. Comment period ended on Mar. 31, 1981. Commission vote on final regulation scheduled before end of 1981.	John J. Pagano, Legal Counsel Division, Office of General Counsel, EEOC, (202) 634–6595.
Proposed Interpretations of the Age Discrimination in Employment Act.	Commission interpretations of the proper construction of the ADEA; these interpretations rescind the interpretations issued by the Dept. of Labor.	Sec. 9, 81 Stat. 604; (29 U.S.C. 628); Sec. 2, Reorg. Plan No. 1 of 1978, 43 FR 19807.	Notice of proposed rulemaking was published in 44 FR 68858, Nov. 30, 1979, and 45 FR 64212, Sept. 29, 1980. The interpretations originally proposed in November 1979 were approved in August 1981 by the Commission for publication in final form in the **Federal Register** Final interpretations are expected to be published by October 1981.	John J. Pagano, Office of General Counsel, Legal Counsel Division, EEOC, (202) 634–6595
Privacy Act of 1974; proposed Privacy Act System of Records.	The EEOC has proposed regulations that will establish a system of records which will contain information on individuals who file charges or complaints under the ADEA or EPA and exempting this system of records from certain provisions of the Privacy Act.	Privacy Act of 1974, 5 U.S.C. 301 and 552a; Equal Pay Act, 29 U.S.C. 206(d) *et seq.*; Age Discrimination in Employment Act, 29 U.S.C. 621 *et seq.*; 44 U.S.C. 396(a); Reorg. Plan No. 1 of 1978, 43 FR 19807; Executive Order 12144, 44 FR 37193 (June 26, 1979).	Notice of the proposed privacy act system of records was published in 46 Fr 21819 on April 14, 1981. The comment period ended on June 15, 1981.	Anthony J. DeMarco, (202) 634–6595 or Clement Hyland (202) 653–5490, Legal Counsel Division, Office of General Counsel, EEOC.
Privacy Act Regulations	The proposed rule exempts System EEOC–1, Age and Equal Pay Act Discrimination Case Files, from certain provisions of the Privacy Act.	29 U.S.C. 206(d); 29 U.S.C. 621 *et seq.*; Reorg. Plan No. 1 of 1978, 43 FR 19807, E.O. 12144, 44 FR 37193.	Proposed rule was published in 46 FR 21784 on April 14, 1981; the comment period ended on June 15, 1981.	Anthony J. DeMarco, Supervisory Attorney, (202) 634–6595 or Clement Hyland (202) 653–5490, Legal Counsel Division, EEOC.
C. Final Regulations				
Procedural Regulations on Filing and Deferral of Charges or Discrimination.	Revision of procedural regulations on the filing and deferral of charges of discrimination after the Supreme Court's decision in *Mahasco Corp.* v. *Silver*, 447 U.S. 807 (1980).	Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*.	Final rule became effective on August 26, 1981, upon publication in 46 FR 43037.	Anthony J. DeMarco, Supervisory Attorney, (202) 634–6595 or Thomas J. Schlageter, (202) 653–5490, Legal Counsel Division, EEOC.

D. Regulations currently under development or being considered for development

(1) Title VI regulations to establish procedures for organizations receiving Federal funds from EEOC and for persons who believe they have been discriminated against by organizations receiving Federal funds from EEOC. Section 601 *et seq.* of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d *et seq.*

(2) Interpretative regulations under the Age Discrimination in Employment Act. Section 1 *et seq.* of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 621 *et seq.*; Reorganization Plan No. 1 of 1978 (43 FR 19807, May 9, 1978); and Executive Order 12106 (44 FR 1053, January 3, 1979).

(3) Amending 29 CFR 1611.1 *et seq.*, the Commission's Privacy Act regulations, to reflect EEOC's authority over Federal EEO records. Section 3 of the Privacy Act of 1974, 5 U.S.C. 552a.

(4) Revise regulations for processing Title VII EEO complaints in the Federal sector. Section 717 of Title VII of the Civil Rights Act of 1964, as amended 42 U.S.C. 2000e–16; Reorganization Plan No. 1 of 1978 (43 FR 19807, May 9, 1978); and Executive Order 12106 (44 FR 1053, January 3, 1979).

(5) Regulations for processing charges of discrimination which arise in connection with a personnel action appealable to the Merit Systems Protection Board. Section 205 of the Civil Service Reform Act of 1978, 5 U.S.C. 7702.

(6) Regulations for EEOC review of a final decision on any matter involving discrimination that is not otherwise appealable to the Merit Systems Protection Board by a greivant. Section 701 of the Civil Service Reform Act of 1978, 5 U.S.C. 7122.

(7) Procedural regulations for the Federal sector under the Equal Pay Act of 1963. Sections 4(f) and 6(d) of the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. 204(f) and 206(d); Reorganization Plan No. 1 of 1978 (43 FR 19807, May 9, 1978); and Executive Order 12106 (44 FR 1053, January 3, 1979).

E. Previous Agenda items that have been discontinued

The proposal to amend 29 CFR 1601.15 to coordinate subpoena enforcement under Title VII with that under the Equal Pay Act of 1963 has been discontinued. Because of statutory differences between the Equal Pay Act of 1963 and Title VII it was determined that this was not legally feasible. Instead, procedures for access to and production of evidence under the Equal Pay Act were included in the final recordkeeping and administrative regulations issued pursuant to the Equal Pay Act in 44 FR 4888 on January 19, 1981.

[FR Doc. 81–28448 Filed 10–1–81; 8:45 am]

BILLING CODE 6570–06–M

29 CFR Ch. XIV

Semiannual Agenda of Regulatory Activity Affecting Small Entities

AGENCY: Equal Employment Opportunity Commission.

ACTION: Semiannual agenda required by the Regulatory Flexibility Act of 1980.

SUMMARY: This agenda announces the pending proposed regulatory actions that are subject to the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) The Commission's purpose in publishing this agenda is to allow interested small entities a meaningful and early opportunity to comment and participate in all stages of Commission regulatory development.

FOR FURTHER INFORMATION CONTACT: Frederick D. Dorsey, or Raj K. Gupta, Supervisory Attorney, Office of Policy Implementation, Equal Employment Opportunity Commission, 2401 E Street, NW., Washington, D.C. 20506; Telephone 202–634–7060.

Signed at Washington, D.C., this 25th day of September 1981.

For the Commission.

J. Clay Smith, Jr.,

Acting Chairman.

Regulatory Flexibility Act of 1980

Regulatory Agenda

1. Amend Title VII recordkeeping regulations located at 29 CFR Part 1602 *et seq.* The proposed amendments were published for notice and comment in the **Federal Register** on July 25, 1978 (43 FR 32280). The proposed amendments were the subject of a public hearing held on September 21, 1978, and the Commission has received extensive public comment on them. The thrust of the amendments is to require all respondents subject to the Commission's annual reporting requirements to maintain and preserve applicant records for 2 years, or until the termination of a Commission or court proceeding. The Commission's review of the proposed amendments is expected to be completed by July 1983.

[FR Doc. 81-28449 Filed 10-1-81; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 950

Cancellation of Public Hearing on Modified Portions of the Wyoming Permanent Regulatory Program

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

ACTION: Cancellation of public hearing.

SUMMARY: OSM is announcing the cancellation of a public hearing on the adequacy of program modifications submitted to satisfy conditions imposed by the Secretary of the Interior on the approval of the Wyoming permanent regulatory program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice cancels the public hearing but does not alter the time and location at which the Wyoming program and proposed amendments are available for public inspection, or the comment period during which interested persons may submit written comments on the proposed program elements.

DATE: The following hearing is cancelled: The public hearing on the proposed modifications to the Wyoming program, October 6, 1981, at 10 a.m.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Hagen, Deputy Regional Director, Office of Surface Mining Reclamation and Enforcement, 1020 15th Street, Denver, Colorado 80202, Telephone: 303–837–5421.

SUPPLEMENTARY INFORMATION: On September 9, 1981, notice of opportunity for public hearing on the proposed modifications to the Wyoming program, was published in the **Federal Register** (46 FR 44995–44998). The proposed modifications are regulation changes required by the Secretary of the Interior in his conditional approval of the Wyoming program, along with three proposed program amendments submitted by the State.

The notice stated that any person interested in making an oral or written presentation at the hearing should contact Donald Crane by September 22, 1981, and that if no person contacted Mr. Crane to express an interest in participating in the hearing by the above date, the hearing would be cancelled.

Because no one expressed an interest in attending the hearing by September 22, 1981, the hearing has been cancelled.

While there is no public hearing, interested persons may still submit written comments on the proposed program elements. Written comments must be received on or before 4 p.m. on October 6, 1981, to be considered in the Secretary's decision on whether the proposed amendments satisfy the regulatory conditions imposed on the approval of the program and whether the additional proposed amendments meet requirements for approval.

Written comments should be mailed or hand-delivered to: Mr. Robert Hagen, Deputy Regional Director, Office of Surface Mining Reclamation and Enforcement, 1020 15th Street, Denver, Colorado 80202, Telephone: 303–837–5421.

Dated: September 28, 1981.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 81-28675 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-05-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[PP 6E1760/6E1874/7E1929/9E2136/OE2309/OE2361/P182; PH-FRL-1947-5]

Benomyl; Proposed Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Rule.

SUMMARY: This notice proposes that tolerances be established for the combined residues of the fungicide benomyl and its metabolites containing the benzimidazole moiety (calculated as benomyl). These proposals were submitted by the Interregional Research Project No. 4 (IR–4) and by the California Department of Food and Agriculture. This amendment will establish a maximum permissible level for the combined residues of benomyl and its metabolites at 0.2 part per million (ppm) in or on certain raw agricultural commodities.

DATE: Comments must be received on or before October 19, 1981.

ADDRESS: Written comments to: Donald Stubbs, Emergency Response Section, Registration Division (TS–767C), Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Donald Stubbs, (703–557–7123).

SUPPLEMENTARY INFORMATION: The Interregional Research Project No. 4 (IR–4), New Jersey Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, NJ 08903, has submitted pesticide petitions numbers 6E1760; 6E1874; 9E2136; OE2309; and OE2361 to the EPA on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Florida (6E1760); Florida, Louisiana, Wisconsin, Michigan, New York, and Washington (6E1874); California, Maryland, New Jersey, and Virginia (9E2136); Arkansas, California, Oregon, Texas, and Washington (OE2309); and New Jersey (OE2361). These petitions requested that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the

establishment of tolerances for the combined residues of the fungicide benomyl [methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate] and its metabolites containing the benzimidazole moiety (calculated as benomyl) at 0.2 ppm in or on the following raw agricultural commodities resulting from seed treatments: corn, fresh (including sweet, K+CWHR) and sweet corn, fodder and forage (6E1760); broccoli, brussels sprouts, cabbage, cauliflower, Chinese cabbage, collards, kale, kohlrabi, mustard greens, rutabagas, and turnips (tops and roots) (6E1874); and spinach (OE2309); 0.2 ppm in or on sweet potatoes resulting from transplant root dip treatment (9E2136); and 0.2 ppm in or on eggplants and peppers resulting from greenhouse application to bedding plants prior to transplant but not later than the 8-leaf stage (OE2361).

The California Department of Food and Agriculture, 1220 N St., Sacramento, CA 95814, has submitted pesticide petition 7E1929 requesting that the Administrator, pursuant to section 408(e) of the Federal Food, Drug, and Cosmetic Act, propose the establishment of a tolerance for the combined residues of benomyl and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodity garlic at 0.2 ppm from treatment of garlic seed (cloves).

A comprehensive review of the data available for the chemical was conducted in connection with the Rebuttable Presumption Against Registration (RPAR) for benomyl which was published in the **Federal Register** of December 6, 1977 (42 FR 61788).

This presumption was based on information indicating that benomyl posed the risks of mutagenicity (point mutation and non-disjunction), spermatogenic depression and teratogenic effects, acute toxicity to aquatic organisms and significant population reduction in nontarget organisms. In the **Federal Register** of August 30, 1979 (44 FR 51166), the agency issued a Preliminary Notice of Determination, which concluded that benomyl continued to pose the risks noted above with the exception of point mutations and significant population reductions in nontarget organisms. In this Notice and the accompanying Position Document 2/3, the agency weighed the risks and benefits of use together, and determined that certain modifications to the terms and conditions of use were necessary to reduce the risks of use to applicators.

Subsequent to these findings, data have been made available indicating that benomyl is oncogenic and additional teratogenic tests have been submitted. A re-review of the presently registered uses of benomyl in light of the oncogenic and teratogenic adverse effects are currently being performed.

Food residue studies on the crops for which tolerances are being proposed were submitted and evaluated for the petitions. These studies demonstrated that residues of benomyl in the crops will be less than the limits of sensitivity of analytical methodology, or less than 0.2 ppm. Thus, there will be minimal potential health risk to the general public since benomyl residues resulting from the proposed greenhouse and seed slurry treatments will be less than the sensitivity of the analytical method. These and all currently existing tolerances and registered uses will be reevaluated in a future RPAR position document.

The nature of the residues is adequately understood and adequate analytical methods (fluorometic or colorimetric) are available for enforcement purposes. Since no detectable residues have been found in treated crops, there will be no problem of secondary residues in meat, milk, poultry, and eggs. Even if small quantities of residues were to be found, in feed items, the established meat, milk, poultry, and egg tolerances would be adequate to cover residues from these uses.

Based on the above information considered by the agency, it is concluded that the amount of benomyl added to the diet from the proposed seed uses is too small to substantially increase the risk to humans. Thus, the proposed tolerances are considered to pose a negligible increment in risk and it is concluded that the tolerances established by amending 40 CFR Part 180 would protect the public health. It is proposed, therefore, that the tolerances be established as set forth below.

Any person who has registered or submitted an application for registration of a pesticide, under the Federal Insectide, Fungicide, and Rodenticide Act (FIFRA) as amended, which contains any of the ingredients listed herein, may request within 30 days after publication of this notice in the **Federal Register**, that this rulemaking proposal to referred to an Advisory Committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. As provided for in the Administrative Procedures Act (5 U.S.C. 553(d)(3)), the comment period time is shortened to less than 30 days because of the necessity to expeditiously provide a means for control of *Phoma lingam* (blackleg disease) on broccoli, brussels sprouts, cabbage, and cauliflower. Comments must bear a notation indicating both the subject and the petition and document control number, "[PP6E1760/6E1874/6E1929/7E1929/9E2136/0E2309/0E2361/P182]." All written comments filed in response to this petition will be available for public inspection in the office of Donald Stubbs from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

As required by Executive Order 12291, EPA has determined that this proposed rule is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this proposal from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

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

Dated: September 23, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

PART 180—TOLERANCES AND EXEMPTIONS FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Therefore, it is proposed that 40 CFR 1870.294 be revised to read as follows:

§ 180.294 Benomyl; tolerances for residues.

Tolerances are established for the combined residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidozole moiety (calculated as benomyl) in or on the following raw agricultural commodities:

Commodities	Parts per million
Almond hulls	1
Apples (pre- and post-H)	7
Apricots (pre- and post-H)	15
Avocados	1
Beans	2
Bean vine forage	50

Commodities	Parts per million
Beets, sugar, roots	0.2
Beets, sugar, tops	15
Blackberries	7
Blueberries	7
Boysenberries	7
Bananas (pre- and post-H) (NMT 0.2 ppm (N) shall be present in the pulp after peel is removed and discarded)	1
Broccoli	0.2
Brussels sprouts	0.2
Cabbage	0.2
Cauliflower	0.2
Cattle, fat	0.1
Cattle, meat	0.1
Cattle, mbyp	0.1
Celery	3
Cherries (pre- and post-H)	15
Chinese cabbage	0.2
Citrus fruit (pre- and post-H)	10
Collards	0.2
Corn, fresh (inc. sweet K + CWHR)	0.2
Corn, sweet, fodder and forage	0.2
Cucumbers	1
Dewberries	7
Eggplants	0.2
Eggs	0.1
Garlic	0.2
Goats, fat	0.1
Goats, meat	0.1
Goats, mbyp	0.1
Grapes	10
Hogs, fat	0.1
Hogs, meat	0.1
Hogs, mbyp	0.1
Horses, fat	0.1
Horses, meat	0.1
Horses, mbyp	0.1
Kale	0.2
Kohlrabi	0.2
Loganberries	7
Mangoes	3
Melons	1
Milk	0.1
Mushrooms (pre- and post-H)	10
Mustard greens	0.2
Nectarines (pre- and post-H)	15
Nuts	0.2(N)
Peaches (pre- and post-H)	15
Pears (pre- and post-H)	7
Peanuts	0.2
Peanut forage	15
Peanut hay	15
Peanut hulls	2
Peppers	0.2
Pineapples (post-H)	35
Plums (inc. fresh prunes) (pre- and post-H)	15
Poultry liver	0.2
Poultry, fat	0.1
Poultry, meat	0.1
Poultry, mbyp	0.1
Pumpkins	1
Raspberries	7
Rutabagas	0.2
Rice	5
Rice straw	15
Sheep, fat	0.1
Sheep, meat	0.1
Sheep, mbyp	0.1
Soybeans	0.2
Spinach	0.2
Squash, summer	1
Squash, winter	1
Strawberries	5
Sweet potatoes	0.2
Tomatoes	5
Turnips, roots	0.2
Turnips, tops	0.2

[FR Doc. 81-28756 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6152]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program, (202) 287-0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR 67.4 (a).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain mamagement requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribed how high to build in the floodplain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	City of Butler, Choctaw County	Wahalak Creek	Just upstream of South Mulberry Avenue	*105
		Wahalak Creek, Tributary 1	Just upstream of Smith Street	*150
		Brock Creek	Just downstream of South Mulberry Avenue	*101
			Just upstream of Riderwood Drive	*114
			Just upstream of Alabama Highway 10	*117
		Brock Creek, Tributary 2	Just upstream of Stevens Road	*122

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Pickett Creek	Just upstream of Alabama Highway 10 (Pushmataha Street).	*127
			Just upstream of Alabama Highway 17 (North Mulberry Street).	*143
		Pickett Creek, Tributary 5	Just upstream of Vanity Fair Avenue	*139
			Just upstream of Alabama Highway 17	*144
		Pickett Creek, Tributary 4	Just upstream of Vanity Fair Avenue	*132
		Pickett Creek, Tributary 3	Just upstream of Woodley Avenue	*137
			Just upstream of Alabama Highway 10	*147
Maps available for inspection at City Clerk's Office, City Hall, 114 North Academy Street, Butler, Alabama 36904.				
Send comments to Mayor Darryl C. Johnson, City Hall, P.O. Box 455, Butler, Alabama 36904.				
Alabama	Town of Heflin, Cleburne County	Cahulga Creek	Approximately 120 feet upstream at the confluence of Town Creek.	*858
		Town Creek	Approximately 280 feet upstream from Town Creek Road.	*869
			Just upstream from Almon Street	*885
			Approximately 150 feet upstream from Coleman Street	*900
Maps available for inspection at Town Hall, 405 Ross Street, Heflin, Alabama 36254.				
Send comments to Mayor Ewell Parker or Ms. Jane Shockley, Town Clerk, Town Hall, P.O. Box 128, Heflin, Alabama 36264.				
Alabama	Unincorporated Areas of Randolph County	Wehadkee Creek	Just upstream of Mark Head Road	*687
			Just downstream of County Road 30	*777
		High Pine Creek	Just upstream of Dickert Road	*655
			Just downstream of Connector Road	*686
		Town Creek	Just downstream of City of Roanoke Corporate Limits	*715
		Wedowee Creek	Just upstream of U.S. Highway 431 (Main Street)	*785
			Just downstream of County Road (Circle Drive)	*805
Maps available for inspection at Randolph County Courthouse, Main Street, Wedowee, Alabama 36278				
Send comments to Mr. Stell Benefield, Chairman, Randolph County Commission, Randolph County Courthouse, P.O. Box 249, Wedowee, Alabama 36278.				
Alabama	City of Roanoke, Randolph County	High Pine Creek	West Corporate Limits	*716
			North Corporate Limits	*724
		Town Creek	Just downstream of Lovina Street	*742
			Just downstream of Chestnut Street	*764
Maps available for inspection at City Hall, Main Street, Roanoke, Alabama 36274.				
Send comments to Mayor Bonner or Olin Shepard, Court Clerk, City Hall, P.O. Box 432, Roanoke, Alabama 36274.				
Alabama	Unincorporated Areas of Walker County	Mulberry Fork (near Gorgas)	Just downstream of the confluence of Backer Creek	*266
			Just upstream of State Highway 269	*269
			Just downstream of upstream limit of detailed study	*273
		Mulberry Fork (near Cordova)	Just upstream of Southern Railway	*278
			Approximately 1,000 feet downstream of County Road 30.	*280
			Just downstream of U.S. Highway 78	*285
		Lost Creek	Approximately 550 feet downstream of America Mine #7 Bridge.	*267
		Lost Creek (Near Carbon Hill)	Approximately 2,000 feet upstream of St. Louis San Francisco Railway.	*405
		Wolf Creek	Approximately 500 feet downstream of upstream limit of detailed study.	*265
		Blackwater Creek	Just upstream of State Highway 195	*457
			Just upstream of Harris Bridge	*473
			Just upstream of Staggs Bridge	*478
			Just downstream of County Highway 25	*500
		Poley Creek	Approximately 250 feet upstream of State Highway 69	*372
			Approximately 300 feet upstream of Shorerwood Drive	*390
		Poley Creek, Tributary One	Just downstream of upstream limit of detailed study	*415
		Town Creek	Just upstream of Southern Railway	*293
Maps available for inspection at Walker County Courthouse, 18th Street and Third Avenue, Jasper, Alabama 35501.				
Send comments to Mr. Grady Perry, Chairman, Walker County Commission or Frances Knight, County Administrator, County Courthouse, P.O. Box 1447, Jasper, Alabama 35501.				
Alabama	Town of Wedowee, Randolph County	Wedowee Creek	Just downstream of U.S. 431 (Main Street)	*785
			Just downstream of Circle Drive	*805
		Frog Level Branch	Just downstream of Woodland Avenue	*805
			Just downstream of U.S. 431 (Main Street)	*819
Maps available for inspection at Town Hall, Wedowee, Alabama 36278.				
Send comments to Mayor W. C. Lumpkin or Ms. Algalene Sheppard, Town Clerk, Town Hall, P.O. Box 270, Wedowee, Alabama 36278.				
Kentucky	City of Greenup, Greenup County	Ohio River	Entire river bank	*543
Maps available for inspection at City Hall, Walnut Street, Greenup, Kentucky 41144.				
Send comments to Mayor Jimmy Doran or Clifford Lowdenback, City Clerk, City Hall, 1011 East Main Street, Greenup, Kentucky 41144.				
Kentucky	City of Morehead, Rowan County	Triplett Creek	Just downstream of South Tolliber Road	*739
			Just upstream of a Walkway Bridge	*730
			Just upstream of State Highway 519	*715
		North Fork Triplett Creek	Just downstream of Interstate Highway 64	*690
		Christy Creek	At mouth (Confluence with Triplett Creek)	*742

Maps available for inspection at City Hall, 168 East Main Street, Morehead, Kentucky 40351.

Send comments to Mayor Crayton Jackson or Mr. A. T. McNeely, Building Inspector Engineer, City Hall, 168 East Main St., Morehead, Kentucky 40351

New Mexico	City of Grants, Valencia County	Rio San Jose	Approximately 125 feet downstream of U.S. Route 66 (Santa Fe Avenue).	*6415
			Approximately 270 feet downstream of Nimitz Drive	*6424
			Just downstream of State Highway 547 (First Street)	*6436
			Approximately 150 feet upstream of upstream crossing of Santa Fe Avenue (U.S. Route 66).	*6446
		Grants Canyon	Just downstream of Washington Avenue	*6434
			Approximately 125 feet downstream of Roosevelt Avenue.	*6445
			Approximately 500 feet upstream of confluence with Rio San Jose.	*6426
		Zuni Canyon	At I-40 culvert entrance	*6505

Maps available for inspection at Grants City Hall, 600 West Santa Fe, Grants, New Mexico 87020.

Send comments to Mayor Edward Wells, or David Martin, City Clerk, City Hall, P.O. Box 879, Grants, New Mexico 87020.

New Mexico	Village of Milan, Valencia County	Rio San Jose	Just downstream of Milan Street	*6513
			Just downstream of U.S. Highway 66	*6522
			Just downstream of Stanley Street	*6529
		Zuni Canyon	Approximately 670 feet upstream of Russell Avenue	*6506

Maps available for inspection at City Hall, 623 Uranrum Street, Milan, New Mexico 87021.

Send comments to Mayor Ed Jaramillo or Anges Lopez, City Clerk, City Hall, P.O. Box 2727, Milan, New Mexico 87021.

North Carolina	Town of Hot Springs, Madison County	French Board River	Just upstream of U.S. Highway 25 and 70	*1328
		Spring Creek	Just upstream of Bridge Street (State Highway 209)	*1333
			Just downstream of State Highway 209 at Station 120 miles above mouth.	*1361

Maps available for inspection at City Hall, Andrews Avenue, Hot Springs, North Carolina 28743.

Send comments to Mayor Swann Huff or Ms. Muriel Autry, Town Clerk, City Hall, P.O. Box 218, Hot Springs, North Carolina 28743.

North Carolina	Town of Kure Beach, New Hanover County	Atlantic Ocean	Approximately 175 feet East of Intersection of 2nd Avenue and F Avenue.	*13
			Approximately 200 feet East of Intersection of 2nd Avenue and I Avenue.	*13

Maps available for inspection at Town Hall, 115 North Third Street, Kure Beach, North Carolina 28449.

Send comments to Mayor S. C. Doty, Jr. or Ms. Frankie Jones, Town Clerk, Town Hall, P.O. Box 3, Kure Beach, North Carolina 28449

Texas	City of Amarillo, Potter and Randall Counties	West Amarillo Creek	Just downstream of West 9th Avenue	*3594
			Just upstream of Wallace Boulevard	*3636
		East Amarillo Creek	Approximately 100 feet upstream of Yucca Avenue	*3459
			Just upstream of Cliffside Avenue	*3483
			At Colorado Avenue	*3502
		Playa Lake #5	Entire Shoreline	*3686
		Playa Lake #6	Entire Shoreline	*3627
		Playa Lake #13	Entire Shoreline	*3624
		Playa Lake #14	Entire Shoreline	*3657
		Playa Lake #15	Entire Shoreline	*3623
		Playa Lake #16 (South Washington).	Entire Shoreline	*3625
		Playa Lake #17 (Bennett)	Entire Shoreline	*3642
		Playa Lake #19 (Santa Fe)	Entire Shoreline	*3633
		Playa Lake #20 (Gooch)	Entire Shoreline	*3674
		Playa Lake #21 (Tee-Anchor)	Entire Shoreline	*3612
		Playa Lake #22	Entire Shoreline	*3587
		Playa Lake #23 (Wild Horse)	Entire Shoreline	*3617
		Playa Lake #24	Entire Shoreline	*3627
		Playa Lake #26	Entire Shoreline	*3569
		Playa Lake #27	Entire Shoreline	*3543
		Playa Lake #28	Entire Shoreline	*3584

Maps available for inspection at City Hall, Planning Department, 507 East Ninth Street, Amarillo, Texas 79186.

Send comments to Mayor Richard Klein or Mr. J. O. Smith, Chief of Planning Department, City Hall, P.O. Box 1971, Amarillo, Texas 79186.

Texas	City of Belton, Bell County	Nolan Creek	Just upstream of Interstate Highway 35	*508
			Just downstream of Main Str. (State Highway 317)	*514
		Nolan Creek, Tributary 1	Just downstream of 2nd Avenue (FM 2748)	*533
			Just upstream of 2nd Avenue (FM 2748)	*550
		Nolan Creek, Tributary 2	Approximately 350 feet upstream of confluence with Nolan Creek Tributuary 1.	*558
		Mitchell Branch	Just upstream of Loop 121	*587
			Just downstream of Interstate Highway 35	*611
		Leon River	Just downstream of Belton Railroad	*476
			Just upstream of Waco Road (FM 817)	*492
			Just upstream of Main Street (State Highway 317)	*499

Maps available for inspection at City Hall, 333 East A Street, Belton, Texas 76513.

Send comments to Mayor Clyde Jones or Mr. Jeff Holberg, City Manager, City Hall, P.O. Box 120, Belton, Texas 76513.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director)

Issued: September 21, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28493 Filed 10-1-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6153]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: FEMA.

ACTION: Proposed Rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program, (202) 287–0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4 (a).

These elevations, together with the flood plain management measures required by § 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 USC 605(b), the Associate Director, to whom authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under Section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the floodplain area. The elevation determinations, however, impose no restriction unless and until the local community voluntarily adopts floodplain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the floodplain and do not prescribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Arizona	Apache County (unincorporated areas)	Little Colorado River at St. Johns	50 feet downstream of intersection of U.S. Highways 666 and 61 with Little Colorado River at St. Johns.	*5679
		Little Colorado River at Springerville	50 feet upstream of intersection of Airport Road and Little Colorado River at Springerville.	*6958
		San Francisco River	100 feet upstream of intersection of U.S. Highway 180 and San Francisco River.	*7923
			100 feet upstream of intersection of U.S. Highway 666 (Coronado Trail) and San Francisco River.	*7972

Maps available for inspection at Department of Planning and Zoning, Washington and Fifth, St. Johns, Arizona.

Send comments to the Honorable Louise Dennison, Box 428, St. Johns, Arizona 85936–428.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	San Luis Obispo County (unincorporated areas)	Braves Creek	200 feet upstream from center of U.S. Highway 101 (South Bound).	*775
		North Fork Paloma Creek	At confluence of North Fork Paloma Creek and Paloma Creek.	*881
		Paloma Creek	175 feet upstream from center of the Southern Pacific Railroad.	*878
			850 feet southwest of intersection of Southern Pacific Railroad and San Rafael Road.	*879
			650 feet southwest of confluence of Paloma Creek and South Fork Paloma Creek.	#1
		Salinas River	50 feet upstream from center of State Highway 46 (24th Street).	*682
			60 feet upstream from center of Templeton Road	*762
			At confluence of Salinas River and Santa Margarita Creek.	*893
		Santa Margarita Creek	25 feet upstream from center of Southern Pacific Railroad.	*910
			25 feet upstream from center of Yerba Buena Avenue	*1002
		Shallow Flooding	At intersection of Oak Road and Chestnut Avenue	*949
		Shallow Flooding	350 feet west of intersection of Oak Road and Walnut Avenue.	*950
		South Branch Toad Creek	125 feet downstream from center of U.S. Highway 101	*806
		Toad Creek (Main and North Branch).	70 feet upstream of the Southern Pacific Railroad	*749
			50 feet upstream from center of Florence Street	*789
		Shallow Flooding	200 feet west of intersection of Toad Creek and center of Southern Pacific Railroad.	*749
			350 feet east of the intersection of Ramada Drive and Main Street.	#2
		Unnamed Creek #1	25 feet upstream from center of River Road	*722
		Yerba Buena Creek	25 feet upstream of H Street	*999
			At intersection of Margarita Avenue and I Street	#1
Maps available for inspection at Planning Department, 2156 Sierra Way, San Luis Obispo, California.				
Send comments to the Honorable Steve Mac Elvaine, Administrative Offices, Room A-205, Courthouse Annex, San Luis Obispo, California 93408.				
Colorado	Vail (town), Eagle County	Red Sandstone creek	25 feet downstream from center of Frontage Road	*8080
		Middle Creek	35 feet downstream from downstream and of Interstate Highway to culvert.	*8174
		Spraddle Creek	20 feet downstream from center of West Meadow Drive.	*8145
		West Mill Creek	At upstream end of Gore Creek Drive culvert	*8165
		East Mill Creek	30 feet downstream from center of Gore Creek Road	*8188
		Booth Creek	10 feet downstream from downstream edge of Abandoned Bridge.	*8319
		Pitkin Creek	At downstream end of Interstate Highway 70 culvert	*8393
		Bighorn Creek	10 feet upstream from upstream edge of Spruce Drive	*8500
		Black Gore Creek	Confluence with Lower Gore Creek	*8574
		Gore Creek	At upstream edge of Glen Lyon Bridge	*8007
			75 feet upstream from center of Golf Course Entrance	*8214
			At upstream edge of Main Gore Drive	*8540
		Upper Gore Creek	100 feet upstream from confluence with Lower Gore Creek.	*8560
		Lower Gore Creek	Downstream edge of Black Gore Drive	*8568
Maps available for inspection at Community Development Division, 75 S. Frontage Road, Vail, Colorado.				
Send comments to the Honorable Rod Slifer, 75 South Frontage Road, Vail, Colorado 81657.				
Massachusetts	Cambridge (city), Middlesex County	Alewife Brook	100 feet upstream of Massachusetts Avenue	*8
		Wellington Brook	100 feet downstream of Brighton Street	*12
Maps available for inspection at City Engineer, 147 Hampshire Street, Cambridge, Massachusetts.				
Send comments to the Honorable Francis Duehay, 795 Massachusetts Avenue, Cambridge, Massachusetts 02139.				
Montana	Drummond (town), Granite County	Edwards Gulch	30 feet upstream of the intersection of First Street and Edwards Gulch.	*3960
		Bergman Slough	Intersection of Old U.S. Highway 10A (Main Street) and Bergman Slough.	*3949
		Clark Fork	100 feet south of intersection of Old U.S. Highway 10A (Main Street) and Chicago Milwaukee St. Paul and Pacific Railroad.	*3953
Maps available for inspection at Town Hall, Drummond, Montana.				
Send comments to the Honorable Chester Ahlin, Town Hall, Drummond, Montana 59832.				
Montana	Granite County (unincorporated areas)	Clark Fork (Downstream Segment)	Confluence with Gillespie Creek	*3605
		Clark Fork (upstream Segment)	100 feet upstream of the intersection of Old U.S. Highway 10A and Clark Fork.	*3953
		Clark Fork Divided Flow	Upstream side of Chicago, Milwaukee, St. Paul and Pacific Railroad Bridge.	*3900
		Bergman Slough	125 feet downstream of intersection of U.S. Highway 10A and Bergman Slough.	*3941
		Flint Creek	50 feet downstream of intersection of bridge on Gravel Road and Flint Creek.	*4023
		Frost Creek	Centerline of Sansome Street over Frost Creek	*5290

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Rock Creek	50 feet downstream of intersection of unnamed road and Rock Creek (2.74 miles above mouth).	*3592
			Confluence with Bear Gulch	*3887

Maps Available for inspection at Granite County Courthouse, Philipsburg, Montana.

Send comments to the Honorable Frank Waldbillig, P.O. Box B, Phillipsburg, Montana 59858.

Montana	Philipsburg (town), Granite County	Camp Creek	30 feet upstream of the intersection of Railroad Street and Camp Creek.	*5166
			Intersection of Footbridge and Camp Creek	*5270
		Frost Creek	Intersection of West Street and Frost Creek	*5255

Maps available for inspection at Town Hall, Philipsburg, Montana.

Send comments to the Honorable Zane Z. Murfitt, box 339, Philipsburg, Montana 58958.

Utah	Ogden (city), Weber County	Weber River	Downstream edge of 24th Street Viaduct	*4295
			Upstream edge of State Highway 79	*4319
		Ogden River	Approximately 150 feet upstream of center of Wall Avenue.	*4287
			Downstream edge of Valley Drive	*4407
		Burch Creek	Upstream edge of Shadow Valley Drive	*4905
		Beus Creek	Approximately 100 feet upstream of center of intersection of 4600 South and Old Post Road.	*4767
		Jumpoff Gulch	Upstream edge of Jackson Avenue	*4416

Maps available for inspection at Planning Department, 252 25th Street, Odgen, Utah.

Send comments to the Honorable Steven Dirks, P.O. Box 9699, Ogden, Utah 84409.

Utah	Weber County (Unincorporated Areas)	Ogden River	At confluence with Johnson Draw	*4650
		Burch Creek	220 feet downstream from center of 785 East Street	*4583
		Jumpoff Gulch	75 feet upstream of the Ogden-Brigham Aqueduct crossing.	*4740
		Coldwater Gulch	40 feet upstream from center of Fruitland Drive	*4448
		Weber River	75 feet upstream from center of 1900 West Street (State Highway 84).	*4252

Maps available for inspection at Planning department, Ben Lomond Hotel, 2nd Floor, Ogden, Utah.

Send comments to the Honorable Lee Holt, Ben Lomond Hotel, 2nd Floor, Ogden, Utah 84401.

Connecticut	Wolcott (town), New Haven County	Mad River	Downstream Corporate Limits	*462
			Approximately 180' downstream of confluence with Finch Brook.	*473
			1st Dam (upstream)	*509
			2nd Dam (upstream)	*532
			3rd Dam (upstream)	*574
			Approximately 1,250' upstream of State Route 69 (first crossing).	*610
			Approximately 2,300' upstream of State Route 69 (first crossing).	*630
			Center Street (upstream)	*680
			Approximately 1,270' upstream of Mad River Hill Road	*695
			Approximately 2,490' upstream of Mad River Hill Road	*709
		Old Tannery Brook	Downstream Corporate Limits	*462
			Nutmeg Road (upstream)	*465
			Tosum Road (upstream)	*482
			State Route 69 (upstream)	*512
			Approximately 740' upstream of State Route 69	*518
			Approximately 2,185' upstream of State Route 69	*527
			Approximately 3,925' upstream of State Route 69	*540
			Approximately 4,685' upstream of State Route 69	*560
		Lindsley Brook	Confluence with Sceville Reservoir	*533
			Approximately 620' upstream of Woodtick Road (first crossing).	*573
			approximately 40' downstream of Ransom Hill Road	*626
			Woodtick Road (second crossing) (upstream)	*668
			Center Street (upstream)	*686
			Woodtick Road (fourth crossing) (upstream)	*719
			Lindsley Drive	*744

Maps available for inspection at the Planning and Zoning Department, Wolcott Town Hall, 10 Kenea Avenue, Wolcott, Connecticut.

Send comments to the Honorable W. Richard Fish, Mayor of the Town of Wolcott, 10 Kenea Avenue, Town Hall, Wolcott, Connecticut 06716.

Delaware	Dover (city), Kent County	St. Jones River	Downstream corporate limits	*9
			Upstream of Silver Lake Dam	*18
			Upstream corporate limits	*25
		Puncheon Branch	Confluence with St. Jones River	*9
			Approximately 50 feet upstream of U.S. Route 113A	*17
			Approximately 50 feet upstream of CONRAIL	*25
			Approximately 3,500 feet upstream of CONRAIL	*28
		Maidstone Branch	Confluence with St. Jones River	*24
			Approximately 1,050' upstream of CONRAIL	*29
			Upstream corporate limits	*38
		Cahoon Branch	Confluence with Maidstone Branch	*30
			Upstream corporate limits	*35

Maps available for inspection at the City Engineer's Office, City Hall Annex, Dover, Delaware.

Send comments to Honorable Joseph McDonough, Mayor of Dover, P.O. Box 475, Dover, Delaware 19901.

Maryland	Gaithersburg, (city), Montgomery County	Muddy Branch	Downstream corporate limits	*316

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 80 feet upstream of confluence of Muddy Branch Tributary 1.	*330
			Upstream of Muddy Branch Road	*359
			Upstream of Brighton West Storm Water Retention Structure.	*375
			Upstream of Interstate Route 270 culvert	*410
			Downstream of State Route 355	*435
		Whetstone Run	Downstream corporate limits	*322
			124 feet upstream of confluence with Watkins Mill run	*330
			Downstream of Watkins Mill Road	*333
			Approximately 2,360 feet upstream of Watkins Mill Road.	*341
			Upstream of Goshen Road	*389
			Approximately 320 feet upstream of confluence with Left Branch Whetstone Run.	*398
			Upstream corporate limits	*426
		Muddy Branch Tributary 1	Confluence with Muddy Branch	*330
			Approximately 130 feet upstream of Muddy Branch Road.	*351
			Upstream corporate limits	*371
		Long Draught Branch	Downstream corporate limits	*358
			Approximately 80 feet upstream of Quince Orchard	*384
			Clusters II Water Retention Structure	
			Upstream of Clopper Road	*401
			Upstream of Quince Orchard Road	*422
			Downstream West Diamond Avenue	*429
		Left Branch Whetstone Run	Confluence with Whetstone Run	*396
			Upstream of Victory Farm Storm Water Retention Structure.	*434
			Approximately 2,690 feet upstream of Victory Farm Storm Retention Structure.	*452

Maps available for inspection at the Code Enforcement Office, City Hall, 31 South Summit Avenue, Gaithersburg, Maryland.

Send comments to Honorable Sanford Daily, City Manager of Gaithersburg, 31 South Summit Avenue, Gaithersburg, Maryland 20760.

Massachusetts	Carver (town), Plymouth County	Weweantic River	Downstream Corporate Limits	*64
			Rochester Road (upstream side)	*69
			Confluence of Rocky Meadow Brook and South Meadow Brook.	*77
		Rocky Meadow Brook	Confluence with Weweantic River	*77
			France Street (downstream side)	*80
			Upstream Corporate Limits	*85
		South Meadow Brook	Confluence with Weweantic River	*77
			Upstream of Holmes Street	*87
			Upstream side of Access Road above Pond Street	*99
		Crane Brook	Confluence with Weweantic River	*67
			Tremont Street (upstream side)	*74
			Cranberry Road (upstream side)	*77
			Upstream side of 5th access road upstream of Cranberry Road.	*84
			14 access road upstream of Cranberry Road (downstream side).	*101

Maps available for inspection at the Carver Town Hall, Main Street, Carver, Massachusetts.

Send comments to Honorable Frank R. Mazzilli, Chairman of the Town of Carver Board of Selectmen, Town Hall, Main Street, Carver, Massachusetts 02330.

Massachusetts	Chelsea (city), Suffolk County	Mill Creek	Confluence with Chelsea River	*11
			Upstream side of Broadway Avenue	*13
			Just downstream of the southeast exit ramps of U. S. Route 1 & Route 95.	*14

Maps available for inspection at the Chelsea City Hall, 500 Broadway, Chelsea, Massachusetts.

Send comments to the Honorable Joel Pressman, Mayor of the City of Chelsea, City Hall, 500 Broadway, Chelsea, Massachusetts 02150.

Massachusetts	Hopedale (town), Worcester County	Charles River	Approximately 3,800' downstream of downstream Conrail Bridge.	*236
			Upstream side of downstream Conrail Bridge	*238
			Upstream Corporate Limits	*243
		Mill River	Downstream Corporate limits	*217
			Approximately 5,800' upstream of Corporate Limits	*223
			Upstream side of Mill Street	*240
			Upstream side of Thwing Street	*241
			Upstream side of Freedom Street	*276
			Upstream Corporate Limits	*290

Maps available for inspection at the Hopedale Town Hall, Hopedale, Massachusetts.

Send comments to the Honorable John A. Hayes, Chairman of the Town of Hopedale Board of Selectmen, P.O. Box 7, Hopedale, Massachusetts 01747.

New Jersey	Egg Harbor (city), Atlantic County	Mullica River	Entire shoreline within Corporate Limits	*9
		Landing Creek	Approximately 2,860' below confluence of Union Creek	*25
			Moss Mill Road (Upstream side)	*32
			Duerer Avenue (Upstream side)	*36
			Upstream Corporate Limits	*44
		Union Creek	Confluence with Landing Creek	*29
			Duerer Avenue (Downstream side)	*39
			Upstream Corporate Limits	*52
		Union Creek Tributary	Confluence with Union Creek	*47
			Upstream Corporate Limits	*56

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Office of the City Clerk, City Hall, 500 London Avenue, Egg Harbor, New Jersey.				
Send comments to Honorable Jack C. Woerner, Mayor of the City of Egg Harbor, City Hall, 500 London Avenue, Egg Harbor, New Jersey 08215.				
New Jersey	Fairview (borough), Boren County	Wolf Creek	Confluence with Bellmans Creek Tidal Barrier (Upstream Side) Upstream Corporate Limits.	
Maps available for inspection at the Municipal Building, 59 Anderson Avenue, Fairview, New Jersey.				
Send comments to Honorable Mario Schettino, Mayor of the Borough of Fairview, 59 Anderson Avenue, Fairview, New Jersey 01022.				
New York	Cornwall-on-the-Hudson (village), Orange County	Hudson River	Entire shoreline within the community	*8
		Boulevard Creek	Confluence with Hudson River	*8
			Bayview Avenue (upstream side)	*132
			Payson Road (upstream side)	*174
			Approximately 1,660 upstream of Payson Road	*201
		Moodna Creek	Confluence with Hudson River	*8
Maps available for inspection at the Village Hall, Three Riverhead Avenue, Cornwall-on-the-Hudson, New York.				
Send comments to Honorable Edward Moulton Mayor of the Village of Cornwall-on-the-Hudson, Village Hall, Three Riverhead Avenue, Cornwall-on-the-Hudson, New York 12520.				
New York	New Paltz (town), Ulster County	Wallkill River	Downstream Corporate Limits	*192
			State Route 299 bridge	*194
			Upstream Corporate Limits	*196
Maps available for inspection at the Meeting Room, Town Hall, One Veterans Drive, New Platz, New York.				
Send comments to Honorable William Yeaple, Supervisor of the Town of New Platz, Town Hall, One Veterans Drive, New Platz, New York 12561.				
New York	Orangetown (town), Rockland County	Hudson River	Entire shoreline within community	*8.0
		Pascack Brook	Downstream Corporate Limits	*203
			Upstream West Washington Avenue	*223
			Upstream Corporate Limits	*236
		Muddy Creek	Corporate Limits	*214
			Downstream Margaret Keahon Road	*237
			Upstream of Private Drive	*256
		Nauraushaun Brook	Confluence with Hackensack River	*56
			Upstream of Private Drive	*72
			Downstream of Blauvelt Road	*100
			Downstream of Dam	*134
			Upstream of Dam	*144
			Abandoned railroad	*162
			Upstream of Town Line Road	*196
		Sparkhill Creek	Corporate Limits	*22
			Upstream of State Route 303	*34
			Upstream of Washington Street	*43
			Upstream of Conrail	*65
			Orangeburg Road	*76
			Downstream of Spruce Street	*95
			Upstream of Erie Street	*124
Maps available for inspection at the Department of Public Works, Route 303, Orangeburg, New York.				
Send comments to Honorable Joseph Collelo, Supervisor of the Town of Orangetown, Orangetown Town Hall, 26 Orangeburg Road, Orangeburg, New York 10962				
Pennsylvania	Franklin (township), Snyder County	Middle Creek	Approximately 720' downstream of the downstream Corporate Limits of Fmanklin Township and Borough of Middleburg.	*492
			Upstream Corporate Limits of Franklin Township and Borough of Middleburg.	*499
			Confluence of Tributary No.1 Legislative Route 54049 (Upstream).	*501
			Approximately 600' upstream of Legislative Route 54032.	*505
				*514
		Stumps Run	Downstream Corporate Limits Private Road (downstream) (Approximately 3,070' upstream of Corporate Limits).	*514
				*559
		Tributary No. 1	Confluence with Middle Creek U.S. Route 522 (Upstream) Private Road (Downstream) (Approximately 1,800' downstream of Legislative Route 54033).	*501
				*541
				*581
			Legislative Route 54033 (Downstream)	*597
		Tributary No. 2	Confluence with Middle Creek Approximately 770' upstream of Township Route 616.	*514
				*540
			Approximately 180' downstream of Township Route 690.	*562
Maps available for inspection at the residence of the Township Secretary, Mr. T. W. Erdley, Paxtonville, Pennsylvania.				
Send comments to Honorable Irvin Zechman, Chairman of the Franklin Board of Supervisors, R. D. 1, Middleburg, Pennsylvania 17842.				
Pennsylvania	Lower Mahanoy (township), Northumberland County	Susquehanna River	Confluence of Mahantango Creek	*404
			Confluence of Dalmatia Creek	*416
			Upstream corporate limits	*422
		Mahantango Creek	Confluence with Susquehanna River	*404
			Upstream Township Route 302	*420
			Upstream Township Route 303	*447
			Upstream Township Route 332	*453
			Upstream corporate Limits	*476
		Dalmatia Creek	Confluence with Susquehanna River	*416
			Approximately 900' upstream of 5th Private Road	*440
			Approximately 5,650' upstream of State Route 147	*475
		Fidler's Run	Downstream Corporate Limits	*461
			Upstream State Route 225 (1st crossing)	*498

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream Legislative Route 49008	*529
			60' downstream of T-337	*556

Maps available for inspection at the Township Building, Lower Mahanoy, Pennsylvania.

Send comments to Honorable Kenneth Schlegel, Chairman of the Lower Mahanoy Board of Supervisors, R. D. 1, Dalmatia, Pennsylvania 17017.

Pennsylvania	Middleburg (borough), Snyder County	Middle Creek	Downstream Corporate Limits	*493
			Confluence of Stumps Run	*497
			Upstream Corporate Limits	*499
		Stumps Run	Confluence of Middle Creek	*497
			Upstream of Private Road	*500
			Upstream of 3rd upstream footbridge	*505
			Upstream Corporate Limits	*512

Maps available for inspection at the Borough Building, Middleburg, Pennsylvania.

Send comments to Honorable Harold Walter, Mayor of Middleburg, 241 East Main Street, Middleburg, Pennsylvania 17842.

Pennsylvania	Plunketts Creek (township), Lycoming County	Loyalsock Creek	Downstream corporate limits	*616
			Approximately 1.77 miles upstream of corporate limits	*640
			Approximately 2.52 miles upstream of corporate limits	*650
			Approximately 3.58 miles upstream of corporate limits	*663
			Confluence of Little Bear Creek	*673
			Approximately 1.38 miles upstream of Bar Bottom Hollow.	*690
			Approximately 2.83 miles upstream of Bar Bottom Hollow.	*707
			Legislative Route 41105 (upstream)	*740
			Confluence of Plunketts Creek	*746
			Approximately 0.7 mile upstream of confluence of Plunketts Creek.	*753

Maps available for inspection at the Township Building, Plunketts Creek, Pennsylvania.

Send comments to Honorable Gary Abernatha, Chairman of the Plunketts Creek Board of Supervisors, Star Route, Trout Run, Pennsylvania 17771.

Virginia	Stony Creek (town), Sussex County	Stony Creek	Downstream Corporate Limits	*75
			Upstream of Seaboard Coastline Railroad	*79
			Upstream Corporate Limits	*80

Maps available for inspection at the Town Hall, Stony Creek, Virginia.

Send comments to Honorable T. W. Baicy, Mayor of Stony Creek, Office of the Mayor, Stony Creek, Virginia 23882.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued: September 21, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28492 Filed 10-1-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6154]

National Flood Insurance Program; Proposed Flood Elevation Determinations; Alabama et al.

AGENCY: FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the nation. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to quality or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, P.E., National Flood Insurance Program, (202) 287–0270, Federal Emergency Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the proposed determinations of base (100-year) flood elevations for selected locations in the nation, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR 67.4 (a)).

These elevations, together with the flood plain management measures required by Section 60.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or Regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

Pursuant to the provisions of 5 USC 605(b), the Administrator, to whom

authority has been delegated by the Director, Federal Emergency Management Agency, hereby certifies that the proposed flood elevation determinations, if promulgated, will not have a significant economic impact on a substantial number of small entities. A flood elevation determination under section 1363 forms the basis for new local ordinances, which, if adopted by a local community, will govern future construction within the flood plain area. The elevation determines, however, impose no restriction unless and until the local community voluntarily adopts flood plain ordinances in accord with these elevations. Even if ordinances are adopted in compliance with Federal standards, the elevations prescribe how high to build in the flood plain and do not proscribe development. Thus, this action only forms the basis for future local actions. It imposes no new requirement; of itself it has no economic impact.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	City of Jacksonville, Calhoun County	Tallasseehatchee Creek	Just downstream of Southern Railway	*624
			Just upstream of Southern Railway	*628
			Just upstream of Forney Street	*644
			Just upstream of Alabama Highway 21	*670
		Tallasseehatchee Creek Tributary 1	Just upstream of Marbut Drive	*648
			Just downstream of Alabama Highway 21	*670
			Just upstream of Alabama Highway 21	*673
			Just upstream of Church Street	*677
		Tallasseehatchee Creek, Tributary 2.	Approximately 300 feet upstream of Church Street	*685
		Tallasseehatchee Creek Tributary 3	Just upstream of Church Street	*676
			Just upstream of 8th Avenue	*721
			Just downstream of Macon Drive	*783
		Little Tallasseehatchee Creek	Approximately 300 feet upstream of Weaver Road	*645
	Maps available for inspection at Municipal Technical Advisor's Office and Mayor's Office, City Hall, 320 South Church St., Jacksonville, Alabama 36265.			
	Send comments to Mayor John Nisbet, or Mr. Jack Birkett, Municipal Technical Advisor, City Hall, 320 South Church St., Jacksonville, Alabama 36265.			
Arkansas	City of Magnolia, Columbia County	Nations Creek	Just upstream of Calhoun Road	*271
			Approximately 300 feet downstream of U.S. Highway 82.	*273
		Tanyard Branch	Approximately 100 feet downstream of Louisiana & Northwestern Railroad.	*267
			Approximately 50 feet upstream of State Highway 19	*276
		Barlow Branch	Approximately 50 feet upstream of U.S. Highway 82 Bypass.	*266
		Tributary to Barlow Branch	Approximately 140 feet upstream of U.S. Highway Bypass.	*273
			At U.S. highway 82 Business State Highway 19	*273
		Tributary to Big Creek	Approximately 150 feet upstream of North Height Street.	*269
	Maps available for inspection at City Hall, 306 North Jackson Street, Magnolia, Arkansas 72204.			
	Send comments to Mayor Harry Kolb or Ms. Dona Burns, City Secretary, City Hall, 306 North Jackson Street, Magnolia 72204.			
Georgia	City of Hinesville, Liberty County	Peacock Creek	Just downstream of Sandy Run Road	*20
		Peacock Creek	Just downstream of Fraser Drive extended	*19
		Tributary 1	Approximately 70 feet downstream of U.S. Highway 82	*51
		Mill Creek	Approximately 150 feet downstream of Perkin Road	*76
		Mill Creek	Just upstream of State Highway 196	*77
		Tributary 2	Just upstream of Pineland Road	*83
	Maps available for inspection at City Hall, 115 East South Street, Hinesville, Georgia 31313.			
	Send comments to Mayor James Brown or Mr. Billy Edwards, City Administrator, City Hall, 115 East South Steet, Hinesville, Georgia 31313.			
Georgia	City of Mountain Park, Fulton and Cherokee, Counties	Rocky Creek	At Mountain Park Road	*915
	Maps available for inspection at City Hall, 100 Mountain Park Road, Roswell, Georgia 30075.			
	Send comments to Mayor Judy Ray or Patsy Hawkings, Mayor—Protem, City Hall, 100 Mountain Park Road, Roswell, Georgia 30075.			
New Mexico	Village of Ruidoso Downs, Lincoln County	Rio Ruidoso	Approximately 80 feet upstream of Bridge-front	*6,431
			Just upstream of Entrance Road	*6,335
		Turkey Spring Canyon	Just upstream of U.S. Highway 37-70	*6,434
	Maps available for inspection at Village Hall, U.S. 70 Highway, Ruidoso Downs, New Mexico 88346.			
	Send comments to Mayor Norman Wheeler or Ms. Virgina Stall, Village Clerk, Village Hall, P.O. Box 348, Ruidoso Downs, New Mexico 88346.			
South Carolina	City of Chester, Chester County	Dry Fork Creek	At Chester Corporate Limits	*447
			Approximately 120 feet downstream of Center Street (U.S. Route 321).	*466
		Tributary DF-1	Just downstream of Cushman Drive extended	*454
		Tanyard Branch	Just downstream of West End Street	*456
			Approximately 170 feet downstream of Crestwood Drive.	*472
		Tributary TB-1	Just upstream of Arch Street extended	*471
	Maps available for inspection at City Hall, 100 West End Street, Chester, South Carolina 29706.			
	Send comments to Mayor Funderburk or Mr. W. Penn Colbin, City Manager, City Hall, 100 West End Street, Chester, South Carolina 29706.			
South Carolina	Unincorporated Areas of Fairfield County	Wateree Lake	Approximately 269 feet upstream from the County Boundary.	*239

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
	Maps avialable for inspection at Fairfield County Council's Office, County Courthouse, Winnsboro, South Carolina 29180.			
	Send comments to Mr. Donald Reed, Fairfield County Administrator, County Courthouse, P.O. Box 216, Winnsboro, South Carolina 29180.			
South Carolina	City of Lancaster, Lancaster County	Cane Creek	Just upstream of Highway 9 (Rockhill Road)	*439
			Just upstream of State Highway 9 Bypass	*441
		Bear Creek	Approximately 100 feet upstream of State highway 9	*442
			Just upstream of Tenth Street extension	*452
		Gills Creek	Just downstream of Roddey Drive	*445
			Just downstream of U.S. Highway 521 Bypass	*453
		Hannahs Creek	Just downstream of East Barr Street	*455
			Just downstream of State Highway 9 Bypass (U.S. Highway 521 Bypass).	*461
		Camp Creek	Just upstream of County Road 56 (University Drive)	*446
	Maps available for inspection at City Hall, 201 West Gay Street, Lancaster, South Carolina 29720.			
	Send comments to Mayor Joe Shaw or Mr. Paul Paskoff, City Administrator, City Hall, P.O. Box 190, Lancaster, South Carolina 29720.			
Tennessee	Town of Gallaway, Fayette County	Loosahatchie River	Just upstream of Gallaway Road	*276
		West Gallaway Branch	Just downstream of Brownville Road	*292
			Just upstream of U.S. Highway 70 and 79	*297
		Cane Creek	Just upstream of Brownville Road	*283
		Cane Creek Tributary	Just upstream of Louisville and Nashville Railroad	*285
			Just upstream of U.S. Highway 70 and 79	*295
	Maps available for inspection at Town Hall, 609 Watson Drive, Gallaway, Tennessee 38036.			
	Send comments to Mayor Layton Watson or Ms. Elna Watson, Town Recorder, Town Hall, P.O. Box 168, Gallaway, Tennessee 38036.			
Tennessee	Town of Somerville, Fayette County	Loosahatchie River	Just upstream of State Highway 76 and 59	*343
			Just downstream of Old Mill Road	*346
	Maps available for inspection at Town Hall, West North Street, Somerville, Tennessee 38068.			
	Send comments to Mayor Ted Davis or Mr. Jim Voss, Town Administrator, Town Hall, P.O. Box 216, Somerville, Tennessee 38068.			
Texas	City of South Lake, Tarrant and Denton Counties	Bear Creek	Just upstream of St. Louis Southwestern Railway	*575
			Just upstream of White Chapel Road	*595
			Just downstream of Oakwood Trail extended	*604
		Tributary BB6	Just downstream of the Dam	*577
			Just upstream of the Dam	*582
			Just upstream of Continental Boulevard	*584
		Tributary BB8	Just upstream of Continental Boulevard	*601
		Tributary BB9	Just upstream of FM 1709 (West South Lake Boulevard).	*644
		West Jones Branch	Just upstream of Shady Lane	*573
			Just upstream of Kimball Avenue	*582
		Dove Creek	Just upstream of East Dove Street	*574
			Just downstream of North Carroll Avenue	*593
			Just upstream of Northwest Parkway Southbound (State Highway 114).	*613
		South Fork Kirkwood Branch	Just upstream of North White Chapel Road	*570
			Approximately 100 feet downstream of Northwest Parkway North Bound (State Highway 114).	*593
			Just upstream of Dove Street	*608
		Higgins Branch	Approximately 100 feet at upstream of Dove Street	*601
	Maps available for inspection at City Hall, 667 North Carroll Street, South Lake, Texas 76292.			
	Send comments to Mayor Sam Sparger or Ms. Sandra LeGrand, City Secretary, City Hall, P.O. Box 868, South Lake, Texas 76292.			
Vermont	Richmond, Town, Chittenden County	Winooski River	Downstream Corporate Limits	*300
			Downstream Village Corporate Limits	*309
			Upstream Village Corporate Limits	*312
			Confluence of Huntington River	*323
			Upstream Corporate Limits	*325
		Huntington River	Confluence with Winooski River	*323
			Approximately 4,240' upstream of Cochran Road	*343
			Approximately 9,220' upstream of Cochran Road	*408
			Approximately 9,220' downstream of Huntington Road	*472
			Approximately 4,700' downstream of Huntington Road	*498
			Approximately 140' upstream of Huntington Road	*520
			Upstream Corporate Limits	*526
	Map available for inspection at the Richmond Town Clerk's Office, Town Hall, Box 285, Richmond, Vermont.			
	Send comments to the Honorable Willard Conant, Chairman of the Town of Richmond Board of Selectmen, Town Hall, Richmond, Vermont 05477.			
Vermont	Richmond, Village, Chittenden County	Winooski River	Downstream Corporate Limits	*309
			Upstream Corporate Limits	*312
	Maps available for inspection at the Richmond Village Clerk's Office, Village Hall, Box 285, Richmond, Vermont 05477.			
	Send comments to the Honorable Thomas McHugh, President of the Richmond Village Board of Trustees, Box 285, Richmond, Vermont 05477.			

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued: September 21, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-28534 Filed 10-1-81; 8:45 am]

BILLING CODE 6718-03-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 63 and 68

[CC Docket No. 80-53]

Bell System Procurement Practices; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Public Notice Regarding Notice of Inquiry; Extension of comment and reply comment period.

SUMMARY: This action extends the date for filing initial comments in CC Docket 80-53 concerning Bell System procurement practices. The extension has been granted to enable a greater number of persons to comment in the inquiry.

DATE: Comments are due October 15, 1981. Reply Comments are due by December 1, 1981.

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

FOR FURTHER INFORMATION CONTACT: Emily M. Williams, Common Carrier Bureau, (202) 632-6415.

SUPPLEMENTAL INFORMATION:

Adopted: September 22, 1981.

Released: September 23, 1981.

By the Chief, Common Carrier Bureau:

1. The Electronic Industries Association (EIA) has filed a motion to extend the time for submitting initial comments in the Bell System Procurement Practices inquiry (CC Docket No. 80-53) from October 1, 1981, to November 2, 1981.

2. EIA states that it plans to submit comments in this proceeding but, because of the complexity of the issues involved and the time necessary for coordinating an industry position, it will be unable to meet the Commission's announced filing date.

3. We believe that EIA has shown good cause for obtaining a partial extension of time. We recognize that the issues in this proceeding are extremely complex and the Commission has expressed its desire to get as much information and as many comments as possible on this subject. Nevertheless, we feel that a two-week extension should be sufficient for EIA.

4. Accordingly, it is ordered, pursuant to § 0.291 of the Commission's rules 47 CFR § 0.291, that the motion for extension of time to file comments in CC Docket 80-53 is granted to the extent set forth and otherwise denied. All interested parties shall file comments on or before October 15, 1981, and reply comments on or before December 1, 1981.

Gary M. Epstein,

Chief, Common Carrier Bureau.

[FR Doc 81-28544 Filed 10-1-81; 8:45 am]

BILLING CODE 6712-01-M

Notices

Federal Register
Vol. 46, No. 191
Friday, October 2, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

Salmon River Electric Cooperative, Inc.; Finding of No Significant Impact

The Rural Electrification Administration (REA) has prepared a Finding of No Significant Impact in connection with the proposed financing assistance to Salmon River Electric Cooperative, Inc., of Challis, Idaho, for the construction of 26 km (16 mi) of 69 kV electric transmission line.

The 69 kV transmission line will tap the existing 24.9 kV electric transmission feeder line which originates from Challis Substation in Custer County, Idaho. Salmon River has prepared a Borrower's Environmental Report concerning the proposed project. An Environmental Assessment was prepared by REA to evaluate the environmental impacts.

The proposed line will cross wetlands associated with the Pahsimeroi Valley area. There is no practical alternative that would avoid crossing the wetland area and the impact on wetlands will be minimized to the extent practicable.

Alternatives to the proposed project included no action, alternative route, conservation and underground construction. After examining these alternatives, REA determined that the proposed 69 kV transmission line is the best available practical alternative for providing power for present and projected energy demands in the area.

REA's evaluation of the environmental effects concludes that the construction of this project does not represent a major Federal action significantly affecting the quality of the human environment. A Finding of No Significant Impact was reached by REA in accordance with REA Bulletin 20–21:320–21.

REA's Finding of No Significant Impact, the Environmental Assessment, and the Borrower's Environmental Report may be obtained from or reviewed at the office of the Director, Distribution Systems Division, Room 3304, South Agriculture Building, Rural Electrification Administration, Washington, D.C. 20250, telephone (202) 447–4413, or at the office of the Salmon River Electric Cooperative, Inc., Main Street, Challis, Idaho 83226, telephone (202) 879–2283.

The 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 25th day of September, 1981.

Harold V. Hunter,

Administrator, Rural Electrification Administration.

[FR Doc. 81-28791 Filed 10-1-81; 8:45 am]

BILLING CODE 3410-15-M

Science and Education Administration

Joint Council on Food and Agricultural Sciences; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), Science and Education announces the following meeting:

Name: Joint Council on Food and Agricultural Sciences
Data: October 14, 15, 16, 1981
Time and place: Key Bridge Marriott Hotel, 1401 Lee Highway, Arlington, Virginia, 22209; Wednesday, October 14—1:00–5:00 p.m.; Thursday, October 15—8:30 a.m.–5:00 p.m.; Friday, October 16—8:30 a.m.–noon
Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit
Comments: The public may file written comments before or after the meeting with the contact person below
Purpose: Assess accomplishments of the Joint Council and plan its future goals and activities; review the Council's international responsibilities; plan for reports required of the Council by the new Farm Bill; hear update from the Program Structure Study Group and report on the OTA Assessment of U.S. Food and Agriculture Research
Contact person: Susan G. Schram, Executive Secretary, Joint Council on Food and Agricultural Sciences, U.S. Department of Agriculture, Room 351–A, Administration Building, Washington, D.C. 20250, telephone (202) 447–6651

Done at Washington, D.C., this 22d day of September 1981.

John G. Stovall,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 81-28694 Filed 10-1-81; 8:45 am]

BILLING CODE 3410-03-M

Joint Council on Food and Agricultural Sciences Executive Committee; Meeting

According to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776), Science and Education announces the following meeting:

Name: Executive Committee of the Joint Council on Food and Agricultural Sciences
Date: October 14, 1981
Time and place: 8:30 a.m.–12:00 noon: Key Bridge Marriott Hotel, 1401 Lee Hwy., Arlington, Virginia 22209
Type of meeting: Open to the public. Persons may participate in the meeting as time and space permit
Comments: The public may file written comments before or after the meeting with the contact person below
Purpose: Consider alternatives for reports required of the Joint Council by the new Farm Bill; review draft of 1981 Annual Report; consider other business appropriate to the Joint Council
Contact person: Susan G. Schram, Executive Secretary, Joint Council on Food and Agricultural Sciences, U.S. Department of Agriculture, Room 351–A, Administration Building, Washington, D.C. 20250, telephone (202) 447–6651

Done at Washington, D.C., this 22nd day of September 1981.

John G. Stovall,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 81-28695 Filed 10-1-81; 8:45 am]

BILLING CODE 3410-03-M

Soil Conservation Service

Lower Bayou Watershed, Oklahoma

AGENCY: Soil Conservation Service, Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Roland R. Willis, State Conservationist, Soil Conservation Service, Agricultural Center Building, Stillwater, Oklahoma 74074, telephone number (405) 624–4360.

NOTICE: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Council on Environmental Quality Regulations (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for three floodwater retarding structures and critical area treatment remaining to be installed in the Lower Bayou Watershed project, Love and Carter Counties, Oklahoma.

The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts to the human environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The action will involve the construction of three floodwater retarding structures and installation of critical area treatment measures.

The Notice of Finding of No Significant Impact (FNSI) has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Roland R. Willis. The FNSI has been sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the FNSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until 30 days after the date of this publication in the **Federal Register.**

Dated: September 23, 1981.

Roland R. Willis,

State Conservationist.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and project is applicable)

[FR Doc. 81-28768 Filed 10-1-81; 8:45 am]

BILLING CODE 3410-16-M

CIVIL RIGHTS COMMISSION

New Jersey Advisory Committee; Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the New Jersey Advisory Committee to the Commission will convene at 6:30 p.m. and will end at 8:30 p.m., on October 29, 1981, at the Ramada Inn, New Brunswick, New Jersey. The purpose of this meeting is to discuss program planning.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Mr. Clyde Allen, 620 Sheridan Ave., Plainfield, NJ 07060 212/572-7577, or the Eastern Regional Office, Jacob K. Javits Bldg., 26 Federal Plaza, Room 1639, New York, NY 10278, 212/264-0400.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 29, 1981.

John I. Brinkley,

Advisory Committee Management.

[FR Doc. 81-28814 Filed 10-1-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Precipitated Barium Carbonate From the Federal Republic of Germany; Early Determination of Antidumping Duty

AGENCY: International Trade Administration, Commerce.

ACTION: Early determination of antidumping duty.

SUMMARY: The Department of Commerce has conducted an early determination of the antidumping duty to be assessed upon imports of precipitated barium carbonate from the Federal Republic of Germany entered, or withdrawn from warehouse, for consumption from February 18 to June 24, 1981. This determination will also be the basis for the deposit of estimated antidumping duties on future entries of such merchandise.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT: Richard W. Moreland or David R. Chapman, Office of Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230, (202-377-4236/2657).

SUPPLEMENTARY INFORMATION:

Background

On June 25, 1981, the Department of Commerce ("the Department") published in the **Federal Register** (46 FR 32864) an antidumping duty order covering imports of precipitated barium carbonate from the Federal Republic of Germany ("West Germany"). In accordance with the order, Customs officers were directed to require a deposit of estimated antidumping duties on the merchandise pending liquidation.

On July 2, 1981, the only known manufacturer of the merchandise, Kali-Chemie AS ("Kali"), requested that we waive the deposit of estimated duties and make an early determination of duty. On July 24, 1981, we announced (46 FR 38113) that, in accordance with section 736(c) of the Tariff Act of 1930 ("the Tariff Act"), we were satisfied that we would be able to determine foreign market value and United States price for all entries by Kali from the date of our preliminary affirmative determination to the date of the International Trade Commission's final determination. Deposit of estimated duties was waived pending the early determination of duty.

Scope of the Investigation

We investigated all imports of West German precipitated barium carbonate entered, or withdrawn from warehouse, for consumption during the period from February 18 to June 24, 1981.

For the purpose of this notice, the term "precipitated barium carbonate" applies to a chemical compound ($BaCO_3$), currently classifiable under item 472.0600 of the Tariff Schedules of the United States Annotated (TSUSA).

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 of West German precipitated barium carbonate were to unrelated U.S. customers and were concluded before the merchandise was imported into the United States. We calculated purchase prices on the basis of C.I.F. prices to unrelated U.S. purchasers with deductions for foreign inland freight, ocean freight, insurance, U.S. duty and brokerage fees.

Foreign Market Value

In calculating foreign market value, the Department used home market price, as defined in section 773(a) of the Tariff Act, since sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. Home market price was based on delivered price with adjustments for inland freight, insurance, discounts, rebates and differences in packing. A claim was

made for a circumstance-of-sale adjustment for technical assistance, as defined in § 353.15 of the Commerce Regulations. We determined that only a part of the amount claimed bore a direct relationship to the sales under consideration. Accordingly, we decided to grant a circumstance-of-sale adjustment for technical assistance for that part in the amount of DM 0.20 per metric ton.

Analysis of Comments Received

Interested parties were given an opportunity to submit written and oral comments. Comments were submitted by the petitioners and the manufacturer. The petitioners suggested that the Department may have overlooked some transportation charges and used too small a packing differential in calculating the statutory prices. We deducted transportation charges and calculated packing differentials based upon Kali's verified data and no additional adjustment is warranted. Kali's oly comment was that the margins occurred because of shipping difficulties beyond the firm's control. The circumstances described by Kali are not of the type considered by the Department in calculating possible dumping margins.

Results of Early Determination

As a result of our comparison of United States price to foreign market value, we determine that the weighted-average margin for all sales is 0.9 percent.

The Department shall determine, and the U.S. Customs Service shall assess, duties on all shipments entered, or withdrawn from warehouse, for consumption from February 18 to June 24, 1981. Individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisement instructions separately to the Customs Service.

Further, as provided for by § 353.48(b) of the Commerce Regulations, a cash deposit of 0.9 percent of the entered value shall be required on all shipments of West German precipitated barium carbonate entered, or withdrawn from warehouse, for consumption on or after the date of publication of these results.

This deposit requirement shall remain in effect until publication of the final results of the next administrative review. The Department intends to conduct the next administrative review by the end of June 1983.

This notice is published pursuant to section 736(c)(3) of the Tariff Act (19 U.S.C. 1673(e)) and § 353.49 of the Commerce Regulations (19 CFR 353.49).

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

September 28, 1981.

[FR Doc. 81-28664 Filed 10-1-81; 8:45 am]

BILLING CODE 3510-25-M

[Orders No. 41-4 (Amdt. 2)]

Organization and Function Order; Assistant Secretary for Trade Administration

This order further amends ITA Organization and Function Order 41-4 of August 26, 1980 (45 FR 65003, 46 FR 31911) to reflect the field structure of the Compliance Division, Office of Export Administration.

Effective Date: August 18, 1981.

Part V, Section 2.05b is revised to read:

b. Special Agents-in-Charge, New York and San Francisco Field Offices, Compliance Division, Office of Export Administration

Part V, Section 4.04 is revised to read:

.04 The *Compliance Division*, in consultation with the Department's Office of General Counsel, shall enforce the Export Administration Regulations, except those relating to foreign boycotts against countries friendly to the United States. The division shall perform its assigned functions through the following subordinate elements:

a. The *Intelligence Branch* shall develop intelligence information regarding areas of possible export administration violations; and collect intelligence data on overseas firms and individuals in order to identify and evaluate their suitability and reliability as recipients of U.S. exports.

b. The *Investigations Branch* shall investigate suspected export administration violations; and, in consultation with the Department's Office of General Counsel, prepare cases on violations for referral for administrative proceedings by the Department and criminal prosecution by the Department of Justice.

c. The *Facilitation Branch* shall conduct on-site physical inspections of cargo for evidence of export administration violations; promote compliance with export clearance regulations; and maintain liaison with the U.S. Customs Service, Census Bureau, and postal authorities.

d. The *Field Offices* in New York, New York, and San Francisco, California, shall perform as appropriate the functions of the Investigations Branch and the Facilitation Branch.

Approved:

Lionel H. Olmer,

Under Secretary for International Trade.

Lawrence J. Brady,

Assistant Secretary for Trade Administration.

Bohdan Denysyk,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 81-28776 Filed 10-1-81; 8:45 am]

BILLING CODE 3510-25-M

[Order No. 41-5 (Amdt. 1); D.O.O. Reference 10-3, 40-1]

Organization and Function Order; Assistant Secretary for Trade Development

ITA Organization and Function Order 41-5 of January 16, 1981 (46 FR 19956), is amended to (1) establish and assign functions to the Deputy Assistant Secretary for Trade Development, (2) establish the Coal Export Staff in the Office of the Assistant Secretary, (3) reflect the transfer of responsibility for international expositions held in the United States from the Associate Deputy Secretary to the Deputy Assistant Secretary for Export Development, (4) consolidate branches in the Asia/Africa Division of the Office of Country Marketing, and (5) transfer Post Commercial Action Plan responsibilities from the Office of the Director of the Office of Export Planning and Evaluation to the Planning and Evaluation Division.

Effective date: August 17, 1981.

1. Section 3.04 of Part I is renumbered as Section 3.06. Section 3.03 is amended and new Sections 3.04 and 3.05 are added, to read as follows:

.03 The Office of the Assistant Secretary shall include the Deputy Assistant Secretary for Trade Development who shall serve as the principal deputy to the Assistant Secretary, perform such duties as the Assistant Secretary shall assign, and perform the functions of the Assistant Secretary in the latter's absence.

.04 The Office of the Assistant Secretary also shall include the Coal Export Staff headed by a Director who shall advise the Assistant Secretary in the latter's capacity as coordinator of the National Coal Export Program and shall serve as Executive Director of the Interagency Coal Export Working Group and the Commerce Department Coal Export Task Force, both chaired by the Assistant Secretary. The staff shall maintain liaison with members of the Working Group and the Task Force. The staff shall propose action programs and coordinate ITA programs dealing with coal exports; maintain liaison with the coal industry and other private sector and state and local government organizations concerned with coal exports; monitor trade and domestic economic situations which affect coal

exports; and report periodically to the Assistant Secretary on the progress of Commerce's coal export programs and those of other agencies.

.05 The Assistant Secretary shall direct the activities of:

a. Deputy Assistant Secretary for Trade Development.

b. Deputy Assistant Secretary for Export Development.

c. Deputy Assistant Secretary for East-West Trade.

d. Deputy Assistant Secretary for the U.S. Commercial Service.

2. Subparagraphs .01h and .0li are added to Part II, Section 1 as follows:

h. The Act of May 27, 1970 (P.L. 91–269, 22 U.S.C. 2801 *et seq.*) relating to U.S. participation in international expositions.

i. The Act of December 29, 1979 (P.L. 96–169, 93 Stat. 1281) regarding U.S. participation in the International Energy Exposition to be held in Knoxville, Tennessee in 1982.

3. Paragraph .04 is added to Part II, Section 3 as follows:

.04 The Office of the DAS shall contain the *International Expositions Staff* which shall review applications for Federal recognition of international expositions to be held in the United States and prepare the report to the President for decision on such recognition; coordinate all Department activities involving the Bureau of International Expositions (BIE) in Paris and furnish official U.S. representation to it; prepare the plan required of the Secretary of Commerce by Section 3 of P.L. 91–269 for Federal participation in international expositions to be held in the United States; and carry out such plans and other responsibilities of the Department of Commerce for ensuring appropriate Federal participation in such expositions. The Staff also shall be responsible for supporting, as appropriate, the activities of any commissioner general appointed by the President or the Secretary for particular expositions. The appropriate relationship between the Staff and commissioner general shall be established for each exposition by agreement between the commissioner general and the Assistant Secretary for Trade Development.

4. Subparagraph .02c of Part II, Section 6 is amended to read:

c. *Asia/Africa Division*
East Asia Branch
ASEAN/Australasia Branch
Africa Branch

5. Part II, section 7.02 is deleted and sections 7.03, 7.04 and 7.05 are renumbered as 7.02, 7.03 and 7.04 respectively.

6. The new Section 7.02 is amended to read as follows:

.02 The *Planning and Evaluation Division* shall develop and manage a planning system which includes the setting of short and long term objectives, goals, and strategies; the development of program initiatives and priorities for export development activities; recommendation of the allocation of related resources; and provision of criteria for measuring and evaluating the performance of export development programs. The Division shall consult with other offices in development of this system. The Division shall make recommendations designed to improve the efficiency, effectiveness and responsiveness of programs which will enable the DAS to meet domestic/international market developments, exporter needs, and achieve export development objectives. It shall maintain a system to forecast quantitative accomplishments for these programs; prepare analyses of program performance; analyze implications of program results and accomplishments; develop criteria for measuring and evaluating program performance; direct and conduct value analysis, benefit/cost analyses and similar analyses; review and coordinate responses to program recommendations and monitor compliance with and implementation of the endorsed program recommendations. The Division shall also be responsible for developing the design and specifications for the Post Commercial Action Plans (PCAPs); reviewing and coordinating workload levels and clearances for PCAPs; participating in review of performances of the U.S. Foreign Commercial Service in carrying out PCAP and analyzing PCS post's resource utilization patters; and coordinating and monitoring Commerce contributions and clearance of policy and resource management papers (PARMs) within the National Security Council/Interdepartmental Group structure.

Approved:

Lionel H. Olmer,

Under Secretary for International Trade.

William H. Morris, Jr.,

Assistant Secretary for Trade Development.

[FR Doc. 81-28777 Filed 10-1-81; 8:45 am]

BILLING CODE 3510-25-M

Lamb Meat From New Zealand; Initiation of Countervailing Duty Investigation

Correction

In FR Doc. 81–27754 appearing at page 47106 in the issue for Thursday, September 24, 1981, please make the following correction:

On page 47107, in the first column; in the last paragraph, in the third line, the date "September 11, 1981" should read "December 11, 1981".

BILLING CODE 1505-01-M

Michelin X-Radial Steel Belted Tires From Canada; Final Results of Administrative Review of Countervailing Duty Order

AGENCY: International Trade Administration Department of Commerce.

ACTION: Notice of Final Results of Administrative Review of Countervailing Duty Order.

SUMMARY: On June 10, 1981, the Department of Commerce published in the **Federal Register** a notice of "Preliminary Results of Administrative Review of Countervailing Duty Order" with respect to Michelin X-radial steel belted tires from Canada. The review covered the period January 1, 1978 through December 31, 1979. The notice stated that the Department had preliminarily determined the amount of net subsidy to be 4.57 and 2.25 percent *ad valorem* for 1978 and 1979, respectively. Interested parties were invited to comment on these preliminary results. Upon review and analysis of all comments received and correction of clerical errors, the Department determines that countervailing duties in the amount of 2.91 and 1.60 percent of the f.o.b. invoice price shall be assessed on all entries made during 1978 and 1979, respectively. The Department further determines that a cash deposit of estimated countervailing duties of 1.60 percent of the f.o.b. invoice price of the merchandise shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice.

EFFECTIVE DATE: October 2, 1981.

FOR FURTHER INFORMATION CONTACT:

Josephine A. Russo or Joseph A. Black, Office of Compliance, Room 2804, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202–377–1168 or 377–1774).

SUPPLEMENTARY INFORMATION:

Background

On January 8, 1973, a notice of "Final Countervailing Duty Determination", T.D. 73–10, was published in the **Federal Register** (38 FR 1018). The notice stated that the Department of the Treasury ("Treasury") had determined that exports of Michelin X-radial steel belted tires from Canada benefitted from bounties or grants, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) ("the Tariff Act"). Accordingly, imports into the United States of this merchandise were subject to countervailing duties.

On June 10, 1981, the Department of Commerce ("the Department") published in the **Federal Register** a notice of the preliminary results of its administrative review of the countervailing duty order regarding this merchandise (46 FR 30676). The Department has now completed that review.

Scope of Review

Imports covered by this review are X-radial steel belted tires manufactured in Canada by Michelin Tires (Canada), Limited. Such imports are currently classifiable under item number 772.51 of the Tariff Schedules of the United States.

The review covered the period January 1, 1978 through December 31, 1979 and is limited to the programs found countervailable in the final determination. Those programs are: (1) a preferential long-term loan from Industrial Estates Limited ("IEL"); (2) capital and training grants from the Federal Department of Regional Economic Expansion ("DREE") and IEL; and (3) a preferential property tax agreement.

Analysis of Comments Received

Interested parties were invited to comment on the preliminary results. As a result of our review of the comments received from interested parties, our analysis of some of the programs and the countervailing duty rates as set forth in our preliminary results have changed. The comments received and our analysis of them are discussed below.

I. General Issues

(1) Comment: Michelin states that the Department may not apply the Trade Agreements Act of 1979 ("TAA") retroactively to entries made prior to January 1, 1980.

Determination: As stated in our notice of preliminary results, the Department has applied the substantive law of the Tariff Act, as in effect prior to its amendment by the TAA, to entries made prior to January 1, 1980, the effective date of the TAA. However, the procedural aspects of the TAA apply to all administrative reviews and assessment determinations commenced on or after its effective date.

(2) Comment: Michelin argues that administrative *res judicata* binds the Department to Treasury's computational methodologies except to the extent changed circumstances mandate re-examination.

Determination: The Department does not agree with Michelin that *res judicata* applies to section 751 administrative reviews. Further, even if *res judicata* did apply, it clearly would be inapplicable to the issue of our front-end loading of grant allocations, which is the only specific determination challenged by Michelin on this basis. The issues are not identical because Treasury's methodology was based on allocating the grants over the life of the loan to which they were tied. When the pledge tying the grants to the loan's repayment was abrogated in 1972, there was a change in circumstances and the Department is now required to make a new determination about the method of allocating the grants. Michelin has admitted that *res judicata* does not apply when there has been a change in circumstances.

(3) Comment: Michelin claims that the Department's refusal to make an adjustment for the income tax consequences of the bounties and grants is improper. Michelin further states that Treasury proposed to consider such tax offsets in subsequent reviews.

Determination: The Department's action is consistent with the substantive provisions of the Tariff Act prior to amendment by the TAA and with established policy. At the time of the final determination, Treasury may have proposed to consider tax offsets during subsequent reviews. However, it did not do so, and later notified Michelin of its decision in another case not to consider the alleged government recapture, through taxes, of a bounty or grant. Consistent with that Treasury practice, the Department has determined that it is inappropriate to make an adjustment for tax offsets in calculating the final subsidy rates for 1978 and 1979, and has not done so.

II. Programs

The IEL Preferential Loan Agreement

(4) Comment: Michelin argues that the Department should calculate the subsidy on this program using the effective interest rate for the 1970 and 1972 loan agreements combined.

Determination: The Department has determined that an effective rate of interest for the two loan agreements combined is not an appropriate basis for calculating the interest differential. The 1970 and 1972 agreements provided for different rates of interest to be applied to two separate amounts of loan principal. The Department, therefore, has calculated the values of benefit for this program as stated in the preliminary notice, and the amounts of benefits for this program are 0.31 and 0.23 percent *ad valorem* for 1978 and 1979, respectively.

The Preferential Property Tax Agreement

(5) Comment: Michelin alleges that, absent changed circumstances, the Department may not deviate from Treasury's methodology and thus may not include the value of Michelin Canada's land in computing the property tax subsidy.

Determination: The value of property that Michelin submitted in response to our questionnaire did not include the value of its land. The preferential property tax agreement provided that approved enterprises, such as Michelin, would be liable for 1 percent of the actual costs of construction of a new structure or building or the purchase price of an existing building, plus the costs of any improvements. This clearly does not include the value of land. Normal appraisement for property tax purposes includes any land, in addition to buildings and structures situated on the land, and the value of any improvements, alterations, extensions, or additions. Absent the preferential agreement, Michelin would have been liable for the full property tax payment, a portion of which would have been based upon the value of the land. "Administrative consistency" does not require that the Department persist in calculating a subsidy utilizing Treasury's previously applied methodology if, upon further analysis by us, we discover inaccuracies in fact or assumption. Therefore, in the final results, the Department has included the value of land in its calculation of the property tax subsidy. The amounts of benefits for this program are 0.08 and 0.07 percent *ad valorem* for 1978 and 1979, respectively.

The Federal and Provincial Grants

(6) Comment: Michelin states that the IEL training grants should be amortized on the same basis as the capital grants since these grants were not actually tied to the training of employees.

Determination: As stated in our notice of preliminary results, the 1970 loan agreement contained a pledge which tied all grants received to the repayment of the loan. Treasury therefore allocated these grants over the same loan repayment schedule. Michelin informed the Department in September 1980, that the 1972 agreement abrogated that pledge. The Department has determined that, in light of this new information, it is no longer appropriate to amortize the training grants and, therefore, has applied the remaining balances of these grants to the first available year, 1978. The *ad valorem* rates of benefit for these grants are 1.04 percent for 1978 and 0 percent for 1979.

(7) Comment: Michelin argues that the training and capital grants should be amortized on a straight line basis over the full useful life of the assets.

Determination: We have explained our method of allocation of the training grants in our determination for respondent's comment number 6 above.

With regard to the capital grants, we have determined that using a straight-line method of allocation which relies on the full accounting or full physical useful life of an asset is not an appropriate method for measuring the benefit of a capital grant. Instead, the Department has allocated the grants, using a straight line basis, over half of the accounting useful life of the assets purchased with the grants. This action by the Department is consistent with the Congressional intent expressed in the House and Senate Reports to the Trade Agreements Act that subsidies such as capital grants be calculated as to reflect more accurately the real competitive benefit to the recipient. While the statutory authority to allocate such grants to reflect the much greater competitive benefits in the early years pre-existed the Trade Agreements Act, Congress made clear its intent that such authority be exercised, as it has been here.

We believe that our use here of half of the accounting useful life is a reasonable approach to meeting congressional intent and therefore have used this approach in setting the final rates for the years 1978 and 1979. The amounts of benefit for capital grants are 1.48 and 1.30 percent for 1978 and 1979, respectively.

At the same time, the Department recognizes that there may be other reasonable methods of measuring competitive benefit for our use in future reviews in this and other cases. The Department therefore wishes to invite comments from all interested parties, proposing other methods and describing, with particularity, means of implementation. We will allow submission of comments for 60 days from the date of publication of this notice and will reserve judgment on the possible future use of such other methods until those comments can be analyzed by the Department.

(8) Comment: Michelin further claims that, absent a showing of immediate competitive advantage, the Department may not apply an accelerated method of allocation.

Determination: The Department has determined that there is no requirement in the legislative history for a specific demonstration of competitive advantage in a particular case before we may apply front-loading methods of allocation. Rather, and in the absence of convincing evidence to the contrary, it is correct to presume that in instances where grants aid an enterprise in acquiring plant and equipment, using such accelerated methods better reflects the inherent competitive advantage conferred on the recipient.

(9) Comment: Michelin states that, in the calculation of the subsidy rates, the Department should allow offsets due to the cost of locating in an economically disadvantaged area.

Determination: The Department has concluded that, since Michelin did not provide sufficient or verified evidence of these costs, we therefore have not made adjustments to the subsidy rates for these offsets. Because Congress made clear in the legislative history to the TAA that offsets of this type are not permissible on or after January 1, 1980, the Department will not consider allowing these offsets in future reviews.

III. Value of Production

To obtain an *ad valorem* rate of subsidy for 1978 and 1979, we need to divide the total amount of the bounties and grants each year by the annual value of production by the subsidized facility. In our notice of preliminary results, we stated that Michelin failed to submit in a timely manner and in acceptable form figures for its 1978 and 1979 values of production and, further, Michelin failed to allow verification by the Department of any such values. Therefore, the Department calculated the subsidy rates using the value of Michelin's exports to the United States during those years as the best information otherwise available. Michelin claims that it provided, in a timely manner, acceptable figures for its total annual value of production and further that the Department does not have the authority to use "best evidence" in a section 751 review. As discussed more fully below, the Department disagrees with both arguments. Since Michelin's data was neither acceptable nor timely, the Department has used import statistics and a surrogate for Canadian consumption as the best information otherwise available of Michelin Canada's value of production.

(10) Comment: Michelin claims that the Department does not have authority by statute or regulation for requiring verification or for using the best information otherwise available in a section 751 administrative review.

Determination: The Department is not *required* by statute to verify *all* information relied upon by the Department in making final section 751 determinations. However, the Department must be able to support, on the record, its acceptance and use of information submitted by a respondent. If, in order to discharge properly its responsibilities under the law, the Department determines that an on-site verification is necessary to satisfy itself as to the accuracy of the information it relies upon and to defend its final section 751 determinations in any possible court challenge by interested parties, then the Department may require verification of such information. Because it is the Department which must satisfy itself as to the accuracy of information and defend challenges to its determinations, it, not the respondent, must determine what evidence is needed to support its determination.

The only way to insure cooperation with a request by us for verification is for us to refuse to use such information unless it is verified. If we exclude unverified information, a substitute must be found. We must then turn to the best information *otherwise* available. Although the statute and regulations discuss the use of best information otherwise available in the context of investigations, these provisions are intended to, and in fact do, apply to section 751 reviews as well.

We must resort to best information not only when a party refuses to allow verification but also when a party refuses to supply the proper information in a timely manner. Clearly Congress intended that the Department have authority to compel timely responses to Departmental requests for information. While the statute is silent on the explicit authority of the Department to verify and/or rely on best information in section 751 reviews, the logic in favor of implied authority is compelling. When reviewing an outstanding order, the Department is requesting and reviewing information from parties whose exports to the United States have been determined to be "dumped" or subsidized. Such parties have incentive to minimize in their submissions the magnitude of their dumping or subsidization.

We stress that our refusal to use Michelin's submitted information and our subsequent reliance on best information otherwise available was based first and foremost on Michelin's failure to supply timely acceptable information and not on Michelin's failure to allow verification. Until July 6, 1981, Michelin consistently refused to supply the Department with value of production information acceptable to the Department.

Only on July 6th did Michelin arguably submit value of production data in the proper form. This information, although claimed by Michelin to be timely submitted, in no way can be considered so. The Department must be able to use best information when a respondent, who is clearly in a position to cooperate and who knows the consequences of

noncooperation, chooses not to provide requested information until a time so late in the review proceeding as to cause serious delay and expense to the Department and to other interested parties. Congress clearly did not intend that the Department should only have the power to compel timely cooperation during investigations. Congress was very dissatisfied with earlier delays in making assessments after the issuance of orders and therefore set up a procedure with time limits for the conduct of reviews of both antidumping and countervailing duty orders. Congress could not have intended the Department's ability to meet these deadlines to be completely thwarted by a respondent's refusal, as here, to submit required information in a timely manner. Accordingly, the Department has properly declined to take such information into account.

(11) Comment: The Department may not close the record nor refuse to consider new factual evidence presented at any point during the administrative review.

Determination: The Department, as administering authority of the countervailing duty laws, must have the authority to require the submission of information by respondents within a period which allows for adequate analysis and comment while still enabling the Department to meet its statutory deadlines. The fact that the Department has not published regulations which specify absolute time limits for the submission of information does not nullify its authority to refuse to accept Michelin's submission made after publication of the preliminary results. Clearly, any agency vested with responsibility for making a determination on a record must close that record at some time prior to its actual determination. Otherwise it would be impossible to take into account fully and properly all of the information in the record and to ensure a reasonable opportunity for comment by interested parties. Where, as here, an agency is to make a determination within a statutory time limit, the need is even greater to close the record after a reasonable opportunity for submission of information. Michelin had actual notice well before publication of the preliminary results of our decision to reject its information and so stated its understanding in several letters to the Department.

(12) Comment: Michelin states that the Department cannot rely on best information which does not account for sales of Michelin-Canada's tires in the Canadian market. Michelin has suggested alternative sources as evidence for those Canadian sales.

Determination: According to Michelin, alternative sources of best information for Canadian consumption of its tires are contained in the record of the Michelin Customs Court case or in the company's earlier submissions to the Department. Two of the suggested figures contained in the court record are much earlier time periods and therefore are not relevant to the present review. The other suggested figures are based on unverified submissions by Michelin. Finally, the Department has not used these figures because we cannot allow a respondent who has forced us to use best information *otherwise* available to choose that latter information. Doing so would sanction, indeed reward noncooperation. Best information otherwise available is not the best information that a respondent is willing to produce.

In addition to considering Michelin's suggested alternative sources of information, we have conducted a thorough search of our own to ascertain the Canadian consumption of Michelin-Canada's tires. We have also requested that the United States Embassy in Canada locate such a number from independent Canadian sources but they were unable to do so. In addition, at Michelin's request, figures were submitted to us by Canadian Customs. We were unable through our discussions with Canadian Customs to determine the basis of these figures or that they were adequately verified and they, therefore, were not used.

Since we have not found any independent figures for Canadian consumption we have decided that the best information otherwise available is an estimate based on the ratio of Canadian passenger car registration in 1978 and 1979 to the sum of Canadian and United States passenger car registration in those years. These comparisions result in figures for Canadian consumption of 7.72 and 7.68 percent, respectively. We have increased our values of production by these percentages.

(13) Comment: The Department must include the value of the additional semi-finished products furnished on July 27, 1981, in Michelin-Canada's value of production.

Determination: The Department was able to corroborate independently the nature of the processes that Michelin performed in Nova Scotia to produce these products. Therefore, we accepted the value of such products in our calculations.

IV. Petitioner's Comments

1. Comment: The Rubber Manufacturers Association, Tire Division, the original petitioner in this proceeding, argues that the Department should recalculate the capital grants conferred, by taking into account the time value of money. Petitioner suggests that this be done by quantifying and capturing the "interest-related economic benefit" of the future stream of benefits.

Determination: We have considered and not adopted petitioner's comment and recommendations for quantifying this benefit. We consider the half-useful-life method the most appropriate method in valuing the grants for 1978 and 1979.

Final Results of the Review

As a result of our analysis of the comments received and our corrections of clerical errors, we determine that Michelin X-radial steel belted tires from Canada have benefitted from total net subsidies of 2.91 and 1.60 percent of the f.o.b. invoice prices for the years 1978 and 1979, respectively. Therefore, the Department will instruct the Customs Service to assess countervailing duties of 2.91 percent of the f.o.b. invoice price on all unliquidated shipments of Michelin X-radial steel belted tires from Canada entered, or withdrawn from warehouse, for consumption during 1978 and to assess countervailing duties of 1.60 percent of the f.o.b. invoice price on all unliquidated shipments entered, or withdrawn from warehouse, for consumption during 1979.

As provided by section 751(a)(1) of the Tariff Act, a cash deposit of estimated countervailing duties in the amount of 1.60 percent of the f.o.b. invoice price shall be required on all shipments entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit requirement shall remain in effect until the publication of the final results of the next administrative review. The Department intends to complete the next administrative review by the end of January, 1982. The amount of countervailing duties to be imposed on entries made during 1980 will be determined in the next administrative review. Consequently, the suspension of liquidation previously ordered will continue for all shipments entered, or withdrawn from warehouse, for consumption on or after January 1, 1980.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and section 355.41 of the Commerce Regulations (19 CFR 355.41).

September 30, 1981.

Gary N. Horlick,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-28864 Filed 10-1-81; 8:45 am]

BILLING CODE 3510-25-M

Minority Business Development Agency

Financial Assistance Application Announcement

The Minority Business Development Agency announces that it is seeking applications under its program to operate one San Francisco Region project for a twelve month period. The total cost of the project is $150,000.

Funding Instrument: It is anticipated that the funding instrument, as defined by the Federal Grants and Cooperative Agreements Act of 1977, will be a grant.

Program Description: The Portfolio Growth Program is designed to focus consultant assistance on the most effective and immediate approach for increasing the growth of large size minority firms ($2 million or more). The emphasis of the program is primarily on doubling the sales of minority firms selected for the program within a three-year period. A three-year portfolio of a minimum of ten clients is prescribed, which requires a client firm's participation on a cost-sharing basis.

The project will operate in the states of California, Arizona, Hawaii, Nevada, Oregon and Washington at a cost not to exceed $150,000. The Project I.D. Number is 09-10-80027-01.

A pre-application conference will be held on October 14, 1981, at 450 Golden Gate Avenue, Room 13216C, San Francisco California, from 10:00 AM to 12:00 PM.

Eligibility Requirements: There are no restrictions. Any profit or non-profit institution is eligible to submit an application.

Application Materials: An application kit for this project may be requested by writing the following address: U.S. Department of Commerce, Minority Business Development Agency, Grants Administration Unit, 450 Golden Gate Avenue, Box 36014, San Francisco, California 94102.

In requesting an application kit, the applicant must specify its profit status, i.e., State or local government, Federally recognized Indian tribal units, educational institution, or other type of profit or non-profit institution. This information is necessary to enable MBDA to include the appropriate cost principles in the application kit. Questions regarding this announcement should be referred to the San Francisco Grants Administration Unit at (415) 556-3090.

Award Process: All applications that are submitted in accordance with the instructions in the application kit will be submitted to a panel for review and ranking. Specific criteria by which applications will be evaluated are included in the application kit.

Closing Date: Applicants are encouraged to obtain an application kit as soon as possible in order to allow sufficient time to prepare and submit an application before the closing date of November 17, 1981.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

This program is not subject to the requirements of OMB Circular A-95.

R. V. Romero,

Regional Director.

[FR Doc. 81-28782 Filed 10-1-81; 8:45 am]

BILLING CODE 3510-21-M

National Bureau of Standards

[FIPS Pub 29-1]

Interpretation Procedures; For Federal Information Processing Standard Programming Languages

Under the provisions of Pub. L. 89-306 (79 Stat. 1127; 40 U.S.C. 759(f)) and Executive Order 11717 (38 FR 12315, dated May 11, 1973), the Secretary of Commerce (Secretary) is authorized to establish uniform Federal automatic data processing standards. In Federal Information Processing Standard Publication (FIPS PUB) 29, published by the National Bureau of Standards in June 1974, a set of procedures for requesting interpretations of the Federal Information Processing Standard Programming Language COBOL (FIPS PUB 21-1) and for providing responses to those requests was established.

The Secretary approved two additional Federal Information Processing Standard Programming Languages, FIPS PUB 68 for Minimal BASIC and FIPS PUB 69 for FORTRAN, each of which identifies the procedures of FIPS PUB 29 for the issuance of official interpretations. The purpose of this notice is to advise that FIPS PUB 29 has been revised editorially so as to clarify the scope of the interpretation procedures set out in FIPS PUB 29 as they apply to COBOL, Minimal BASIC and FORTRAN. Revised FIPS PUB 29 (FIPS PUB 29-1) is set forth below.

Effective Date. The effective date of the revision to FIPS PUB 29 is December 31, 1981.

Dated: September 29, 1981.

Ernest Ambler,

Director.

Federal Information Processing Standards Publication 29-1

Interpretation Procedures for Federal Information Processing Standard Programming Languages

1. Purpose. The purpose of this Federal Information Processing Standards Publication (FIPS PUB) is to establish the procedures that will be followed in requesting an interpretation of any of the Federal Information Processing Standards (FIPS) Programming Languages and in providing a solution to the request.

2. Background. The FIPS Programming Languages define the elements of the programming languages and the rules for their use. During the use of the standards, whether implementing processors, validating processors, or writing source programs, questions arise as to the meaning of certain language specifications. It is desirable to provide solutions to these questions that can be used uniformly throughout the Federal Government. In order to achieve this objective, a Federal Interpretations Committee (FIC) is organized for each FIPS Programming Language. The mission of these committees is to assist the National Bureau of Standards in examining and resolving any questions of interpretation for the respective FIPS. The membership for a committee is solicited from Federal agencies. The members are selected on the basis of their knowledge and experience with the subject language and their outstanding technical and managerial abilities. The representatives to these committees from the Institute for Computer Sciences and Technology, National Bureau of Standards, and the Federal Compiler Testing Center, General Services Administration, are nonvoting members.

3. Applicability.

a. The provisions of this document apply to all Federal departments and agencies and to vendors of processors for FIPS Programming Languages in their dealings with the Federal Government.

b. Interpretations that are developed and approved as a result of employing these procedures apply to all processors for FIPS Programming Languages that are brought into the Federal inventory after the effective date that is specified with each interpretation.

4. Cross Index. a. FIPS PUB 21-1, COBOL; b. FIPS PUB 68, Minimal BASIC; c. FIPS PUB 69, FORTRAN; d. FPMR 101-32.1305.

5. Approving Authority of Interpretations. Director, National Bureau of Standards.

6. Maintenance Agency. U.S. Department of Commerce, National Bureau of Standards (Institute for Computer Sciences and Technology).

7. Implementing Schedule. These procedures become effective 90 days after publication of this FIPS PUB in the **Federal Register.**

8. Procedures. (In the following procedure, each reference to "Federal Interpretation Committee" (FIC) should be construed to mean the specific interpretation committee

responsible for the language to which the request applies.)

a. Requesting an Interpretation.

(1) Requests may be submitted by a vendor of a processor intended to conform to a FIPS Programming Language or by any department or agency of the Federal Government.

(2) A request will contain the following information:

(a) Name of organization submitting the request.

(b) Name of individual within the submitting organization who may be contacted by the FIC concerning the request.

(c) Date by which interpretation is desired.

(d) Appropriate references to FIPS Programming Language specifications that have a bearing on the problem cited in the request.

(e) A concise explanation of the problem requiring an interpretation.

(f) Any supporting documentation that will assist in understanding or describing the problem.

(g) Any recommendations the requesting organization would like to make concerning a possible interpretation, along with appropriate justification or comments.

(3) Requests for interpretation will be sent to the Chairperson of the FIC. See paragraph 9 for address.

b. Processing a Request for Interpretation.

(1) Upon receipt, all requests for interpretation will be distributed to all FIC members. A meeting of the FIC will normally be convened within 2 weeks of receipt of a request.

(2) Position papers on proposed solutions to a cited problem may be submitted by any FIC member for consideration by the FIC membership.

(3) The requestor of an interpretation may be invited to attend the meeting at which the request will be considered. The requestor will be encouraged to participate in the discussion of the problem identified by the request.

(4) A recommended interpretation consisting of the information specified in paragraph 8.c(2) below will be developed by the FIC and submitted to the National Bureau of Standards.

(5) Upon receipt of an FIC recommended interpretation, the National Bureau of Standards will:

(a) Arrange for publication of the recommended interpretation in the **Federal Register** and forward it to Federal agencies for the purpose of soliciting comments from Federal agencies, vendors, and private industry.

(b) Review, as deemed appropriate, the technical details of the recommended interpretation with pertinent voluntary standards bodies.

(c) Notify requestor of the recommended interpretation.

(6) Comments received as a result of publication and review of the recommended interpretation will be then reviewed by the FIC and a final recommended interpretation will be developed by the FIC and submitted to the National Bureau of Standards for approval.

c. Dissemination of an Approved Interpretation.

(1) The National Bureau of Standards will be responsible for the dissemination of interpretations for the FIPS Programming Language.

(2) The approved interpretation will consist of the following information:

(a) Definition of the problem being resolved.

(b) Discussion of the issues relevant to the problem.

(c) Discussion of the solution to the problem (interpretation).

(d) Any necessary clarification to the FIPS Programming Language to effect the resolution.

(e) Effective date of the interpretation.

(3) The approved interpretation will be disseminated in at least the following manner: publication in the **Federal Register**; letter to the Federal agencies; and letter to the requestor.

(4) The National Bureau of Standards will maintain a central register of approved interpretations for reference.

9. Points of Contact. The following addresses will be used:

a. For correspondence directed to a Chairperson of a Federal Interpretations Committee: Chairperson, Federal (insert pertinent language name) Interpretations Committee, Data Management and Programming Languages Division, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, DC 20234.

b. For correspondence directed to the National Bureau of Standards: Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, DC 20234.

[FR Doc. 81-28686 Filed 10-1-81; 8:45 am]

BILLING CODE 3510-13-M

National Oceanic and Atmospheric Administration

Approval of the Florida Coastal Management Program by Office of Coastal Zone Management

Pursant to the authority contained in section 306(a) of the Coastal Zone Management Act of 1972, as amended (16 U.S.C. 1445(a)), notice is hereby given that the Assistant Administrator for Coastal Zone Management (on behalf of the Secretary of Commerce) on September 24, 1981 approved the Florida Coastal Management Program.

Approval activates Federal agency responsibility for being consistent with this program pursuant to the Federal consistency provisions of the Coastal Zone Management Act as of the date of approval. Further information on the responsibilities of affected Federal agencies in this regard may be found in 15 CFR Part 930, published in the Federal Register, at page 37142, on June 25, 1979.

A copy of the findings made by the Assistant Administrator in determining that this program meets the requirements of the Coastal Zone Management Act may be obtained upon request from the Office of Coastal Zone Management. Inquiries regarding the Florida Program should be addressed to: Ann Berger-Blundon, Gulf/Islands Regional Manager, Office of Coastal Zone Management, Page Building #1, Room 354, 3300 Whitehaven Street NW., Washington, D.C. 20235, (202) 254-7546.

Dated: September 28, 1981.

William Matuszeski,

Acting Assistant Administrator for Coastal Zone Management.

[FR Doc. 81-28682 Filed 10-1-81; 8:45 am]

BILLING CODE 3510-08-M

National Marine Fisheries Service; Receipt of Applications for General Permits

Notice is hereby given that the following applications have been received to make marine mammals incidental to the pursuit of commercial fishing operations within the U.S. fishery conservation zone during 1982 as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and the regulations thereunder.

1. Japan Deep-Sea Trawlers Association, No. 601 Daito Building, 3-6, Kandaogawacho, Chiyoda-ku, Tokyo, Japan, has applied for a Category 1: "Towed or Dragged Gear" general permit to take 20 phocid seals and 20 otariid seals in the Bering Sea/Gulf of Alaska and one seal and one cetacean in the North Atlantic.

2. The National Federation of Medium Trawlers, Toranomon Chuo Building VI, 1-16, Toranomon, 1-chome, Minatoku, Tokyo, Japan, has applied for a Category 1: "Towed or Dragged Gear" general permit to take 10 otariid seals and 2 cetaceans in the Bering Sea and Aleutian Islands.

3. The North Pacific Longline-Gillnet Association, Zenkeiren Building, 2-7-2, Hirakawa-cho, Chiyoda-ku, Tokyo, Japan, has applied for a Category 5: "Other Gear" general permit to take marine mammals by harassment only.

The applications are available for review in the Office of the Assistant Administrator for Fisheries, National Marine Fisheries Service, 3300 Whitehaven Street, N.W., Washington, D.C.

Interested parties may submit written views on this application within 30 days of the date of this notice to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: September 25, 1981.

Richard B. Roe,

Acting Director, Office of Marine Mammals and Endangered Species, National Marine Fisheries Service.

[FR Doc. 81-28885 Filed 10-1-81; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981 Additions; Pallet, et al.

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

ACTION: Additions to procurement list.

SUMMARY: This action adds to Procurement List 1981 a commodity to be produced by and a service to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: October 2, 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: 1C. W. Fletcher (703) 557-1145.

SUPPLEMENTARY INFORMATION: On July 17, 1981 and May 15, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (46 FR 37069 and 46 FR 26806) of proposed additions to Procurement List 1981, November 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodity and service listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodity and service are hereby added to Procurement List 1981:

Class 3990

Pallet, Material Handling, 3990-00-222-1051

SIC 7349

Janitorial/Custodial, Air Recovery and Rescue Squadron (Building 2036), SAC/MET Office (Building 2001B), Fairchild Air Force Base, Washington.

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 81-28885 Filed 10-1-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981 Deletion; Paper Set

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

ACTION: Deletion from procurement list.

SUMMARY: This action deletes from Procurement List 1981 commodities produced by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: October 2, 1981.

ADDRESS: Committe 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 July 24, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published a notice (46 FR 38119) of proposed deletion from Procurement List 9181, Novermber 12, 1980 (45 FR 74836).

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46-48c, 85 Stat. 77.

Accordingly, the following commodities are hereby deleted from Procurement List 1981:

Class 7530

Paper Set, Manifold and Carbon
7530-00-880-9154 (GSA Regions 1,2,3,5)
7530-00-401-6910 (GSA Regions 1,3,5)
7530-01-072-2536 (GSA Regions 1,2,3,5)
7530-01-072-2537 (GSA Regions 1,2,3,5)
7530-01-072-2538 (GSA Regions 1,2,3,5)
7530-01-072-2539 (GSA Regions 1,2,3,5)
7530-00-205-0511 (GSA Regions 1,2,3,5)

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 81-28883 Filed 10-1-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981 Proposed Addition; Tube, Miling and Filing

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

ACTION: Proposed addition to procurement list.

SUMMARY: The Committee has received a proposal to add to Procurement List 1981 a commodity to be produced by workships for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: November 4, 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 addition, all entities of the Federal Government will be required to procure the commodity listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following commodity to Procurement List 1981, November 12, 1980 (45 FR 74836):

Class 8110

Tube, Mailing and Filing
8110-00-412-4410

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 81-28884 Filed 10-1-81; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF DEFENSE

Department of the Navy

Naval Discharge Review Board; Hearing Locations

In November 1975, the Naval Discharge Review Board (NDRB) commenced to convene and conduct prescheduled discharge review hearings for a number of days each quarter in locations outside of the Washington, D.C., area. The cities in which these hearings are scheduled are determined in part by the concentration of applicants in a geographic area.

The following Naval Discharge Review Board itinerary for October 1981 through February 1982 has been approved, but remains subject to modification if required:

October 19 through October 30, 1981—San Diego, CA.

October 26 through November 6, 1981—Chicago, IL; Minneapolis, MN.

November 30 through December 11, 1981—Dallas, TX; Albuquerque, NM.

January 11 through January 22, 1982—Atlanta, GA; Tampa, FL.

February 22 through March 5, 1982—New Orleans, LA; St. Louis, MO.

Any former member of the Navy or Marine Corps who desires a discharge review, either in Washington, D.C., or in a city nearer to his or her residence, should file an application with the Naval

Discharge Review Board, using DD Form 293. If a personal appearance is requested, the petitioner should enter on the application the hearing location which is preferred. Application forms (DD 293) may be obtained from, and the completed application should be mailed to, the following address: Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, Virginia 22203.

Notice is hereby given that, since the foregoing itinerary is subject to modification and since, following receipt of a new application, the Naval Discharge Review Board must obtain the applicant's military records before a hearing may be scheduled, the submission of an application to the Naval Discharge Review Board is not tantamount to scheduling a hearing. Applicants and their representatives will be notified by mail of the date and place of hearing when personal appearance has been requested.

For further information concerning the Naval Discharge Review Board, contact: Captain James C. Price, U.S. Navy, Executive Secretary, Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, Virginia 22203, telephone No. (202) 696–4881.

Dated: September 22, 1981.

P. B. Walker,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 81-28726 Filed 10-1-81; 8:45 am]

BILLING CODE 3810-AE-M

Office of the Secretary

Defense Science Board Task Force on Defense Nuclear Agency Technology Base Program; Advisory Committee Meeting

The Defense Science Board Task Force on the Defense Nuclear Agency Technology Base Program (DNA TBP) will meet in closed session on 25–26 October 1981 at Headquarters, Defense Nuclear Agency, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At its meeting on 25–26 October 1981 the Task Force will continue its comprehensive review of the Defense Nuclear Agency NWE Technology Base Program including blast and shock, cratering, EMP, SGEMP, freefield environments, and the coupling effects and the response of generic systems to these effects.

In accordance with 5 U.S.C. App. 1 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c) (1) (1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

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

September 29, 1981.

[FR Doc. 81-28803 Filed 10-1-81; 8:45 am]

BILLING CODE 3810-01-M

Defense Science Board Task Force on Retention of Contractor Civilians on Critical Jobs Overseas During Hostilities

The Defense Science Board Task Force on Retention of Contractor Civilians on Critical Jobs Overseas During Hostilities will meet in closed session on 21 October 1981 at the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

At the meeting on 21 October 1981, the Task Force will review the extent of contractor civilians in critical jobs overseas, the resulting impact if these critical civilians were not retained during hostilities, and assess the adequacy of existing statutes and regulations pertaining to retention of these critical civilian contractors.

In accordance with 5 U.S.C. App. 1 § 10(d)(1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in U.S.C. 552b (c)(1) (1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

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

September 29, 1981.

[FR Doc. 81-28804 Filed 10-1-81; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF EDUCATION

National Advisory Council on Adult Education; Meeting

AGENCY: National Advisory Council on Adult Education.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act.

DATES: October 28, 1981, 9:00 a.m. to 12:00 noon, Executive Committee meeting; 1:00 to 3:00 p.m., full Council meeting: October 29, 1981, 9:00 a.m. to 4:00 p.m., full Council meeting: October 30, 1981, 2:30 to 4:30 p.m., and October 31, 1981, 2:00 to 4:00 p.m., public hearings on the reauthorization of the Adult Education Act.

ADDRESS: Disneyland Hotel, 1150 West Cerritos, Anaheim, California.

FOR FURTHER INFORMATION CONTACT: Dr. Gary A. Eyre, Executive Director, National Advisory Council on Adult Education, 425 13th St., NW., Washington, D.C. 20004–1867 (202/376–8892).

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under Section 313 of the Adult Education Act (20 U.S.C. 1201). The Council is established to:

Advise the Secretary in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommndations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the Council is open to the public. The proposed agenda includes: 1980 Census Demography; 1981 Annual Report; Council Operational Budget; Reauthorization of the Federal Adult Education Act; Public Hearings.

Records are kept of all Council proceedings, and are available for public inspection at the office of the National Advisory Council on Adult Education, 425 13th St., NW., Suite 323, Washington, D.C. 20004, from the hours of 8:00 a.m. to 4:30 p.m.

Signed at Washington, D.C., on September 28, 1981.

Gary A. Eyre,

Executive Director, National Advisory Council on Adult Education.

[FR Doc. 81-28697 Filed 10-1-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

National Petroleum Council, Committee on Environmental Conservation; Meeting

Notice is hereby given that the Committee on Environmental Conservation will meet in October 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 Committee on Environmental Conservation meeting follows:

The Committee Environmental Conservation will hold its third meeting Thursday, October 29, 1981, starting at 10:00 a.m., in Executive Chambers I and II, The Madison Hotel, Fifteenth and M Streets, NW, Washington, D.C.

The tentative agenda for the meeting follows:

1. Review of the draft report on Environmental Conservation—The Oil and Gas Industries.

2. Discuss any other matters pertinent to the overall assignment from the Secretary.

The meeting is open to the public. The Chairman of the Committee on Environmental Conservation 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 Committee on Environmental Conservation 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, Gas, and Shale Resources Development Division, Fossil Energy, 202/633-8395, 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 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on September 25, 1981.

September 25, 1981.

Jan W. Mares,

Assistant Secretary for Fossil Energy.

[FR Doc. 81-28674 Filed 10-1-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Hudson & Hudson; Proposed Remedial Order

Pursuant to 10 CFR § 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Hudson & Hudson of Fort Worth, Texas.

This Proposed Remedial Order charged Hudson & Hudson with pricing violations in excess of $1 million in sales of domestic crude oil during the time period September 1, 1973 through November 30, 1980.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from William D. Miller, District Manager of Enforcement, 324 East 11th Street, Kansas City, Missouri 64106-2466. Within 15 days of publication of this notice, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, NW, Washington, D.C. 20461, in accordance with 10 CFR § 205.193.

Issued in Kansas City, Mo., on the 23d day of September 1981.

William D. Miller,

District Manager, Economic Regulatory Administration.

David H. Jackson,

Chief Enforcement Counsel, Central Enforcement District.

[FR Doc. 81-28673 Filed 10-1-81; 8:45 am]

BILLING CODE 6450-01-M

Office of Hearings and Appeals

Cases Filed; Week of September 4 Through September 11, 1981

During the week of September 4 through September 11, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations. For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

September 28, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

List of Cases Received by the Office of Hearings and Appeals

[Week of Sept. 4 through Sept. 11, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Sept. 8, 1981	Atlantic Richfield Company, Washington, D.C.	BRD-1452 and BRH-1452	Motion for Discovery and Request for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted by Atlantic Richfield Company in response to the Proposed Remedial Order (Case No. BRO-1452) issued to the firm.
Sept. 9, 1981	Petroleum Wholesale, Inc., Ardmore, Okla.	BEE-1692	Exception to the Reporting Requirements. If granted: Petroleum Wholesale, Inc. Would be granted and extension of time in which to file Form EIA-9A.
Do	Taylor Oil Company, Alexandria, Va.	BRD-0130	Motion for Discovery. If granted: Discovery would be granted to Taylor Oil Company in connection with the Statement of Objections submitted in response to the Proposed Remedial Order (Case No. BRO-1284) issued to Taylor Oil Company by the Office of Enforcement.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Sept. 4 through Sept. 11, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Sept. 10, 1981	Air Conditioning & Refrigeration Institute, Arlington Va	BEE-1691 and BES-1691	Exception from the Energy Conservation Program for Consumer Products Request for Stay. If granted: Air Conditioning & Refrigeration Institute would receive an exception from the provisions of 10 CFR Part 430 which would permit the firm to modify the energy efficiency test procedures applicable to air conditioning and refrigeration equipment. The firm would receive a stay of the provisions of 10 CFR 430 pending a final determination on its Application for Exception
Do	GAMA, Arlington, Va	BXE-1693	Exception from the Energy Conservation Program for Consumer Products. If granted: GAMA would not be required to perform energy efficiency tests of its vented home heating equipment as required under 10 CFR Part 430.
Sept. 11, 1981	Conoco, Inc., Houston, Tex	BRD-1455	Motion for Discovery. If granted: Discovery would be granted to Conoco, Inc. in connection with the Statement of Objections submitted in response to the June 8, 1981, Proposed Remedial Order (Case No. BRO-1455) issued to the firm by the Office of Special Counsel.
Do	OE/Arcone Oil Company, Inc., Washington, D.C.	BEF-0089	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, in connection with the March 27, 1980, Consent Order issued to Arcone Oil Company, Inc.
Do	OE/Milam, M. C., Inc., Washington, D.C.	BEF-0090	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, in connection with the July 24, 1979, Consent Order issued to Milam, M. C., Inc.
Do	OE/Partlow & Cochonour, Washington, D.C.	BEF-0091	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, in connection with the September 27, 1979, Consent Order issued to Partlow & Cochonour.
Do	OE/Phoenix Resources Company, Washington, D.C.	BEF-0088	Implementation of Special Refund Procedures. If granted: The Office of Hearings and Appeals would implement Special Refund Procedures pursuant to 10 CFR Part 205, in connection with the December 14, 1979, Consent Order issued to Phoenix Resources Company.
Do	Pioneer Refining, Inc., Washington, D.C.	BEN-0086	Request for Interim Order. If granted: Pioneer Refining, Inc. would receive exception relief on an interim basis pending a final determination on its Application for Exception (Case No. BEE-1634).
Do	The Dallas Morning News, Dallas, Tex	BFA-0739	Appeal of an Information Request Denial. If granted: The September 3, 1981, Information Request Denial issued by James K. Wright would be rescinded and the Dallas Morning News would receive access to information regarding an audit concering the Strategic Petroleum Reserve's handling of the Naval exchange program.

[FR Doc. 81-28670 Filed 10-1-81; 8:45 am]

BILLING CODE 6450-01-M

Cases Filed; Week of September 11, Through September 18, 1981

During the week of September 11 through September 18, 1981, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under DOE procedural regulations, 10 CFR Part 205, any person who will be aggrieved by the DOE action sought in these cases may file written comments on the application within ten days of service of notice, as prescribed in the procedural regulations For purposes of the regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

George B. Breznay,

Director, Office of Hearings and Appeals.

September 28, 1981.

List of Cases Received by the Office of Hearings and Appeals

[Week of Sept. 11, 1981 through Sept. 18, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Sept. 11, 1981	Berger & Montague, P.C., Philadelphia, Pa	BFA-0711	Appeal of Information Request Denial. If granted: The July 9, 1981, Information Request Denial issued by the Office of Oil and Gas, Energy Information Administration would be rescinded, and Berger & Montague, P.E. would receive access to certain DOE information.
Do	Placid Refining Company, Washington, D.C.	BES-0174	Request for Stay. If granted: Placid Refining Company would receive a stay of its entitlements purchase obligations for the period of January 1981.
Sept. 14, 1981	Mapco, Inc., Washington, D.C.	BEE-1695	Price Exception. If granted: Mapco, Inc. would be permitted to sell at upper tier ceiling prices the crude oil produced from the Yarhola Lease located in Creek County, Oklahoma.

List of Cases Received by the Office of Hearings and Appeals—Continued

[Week of Sept. 11, 1981 through Sept. 18, 1981]

Date	Name and location of applicant	Case No.	Type of submission
Do	Silver Eagle Refining Company, LaBarge, Wyo	BEE-1694	Exception to the Entitlements Program. If granted: Silver Eagle Refining Company would receive an exception from the provisions of 10 CFR 211.67 which would modify the firm's entitlements purchase obligations.
Sept. 15, 1981	Emond Oil Company, Pawtucket, R.I	BED-0221 and BEH-0221	Motion for Discovery and Request for Evidentiary Hearing. If granted: Discovery would be granted and an evidentiary hearing would be convened in connection with the Statement of Objections submitted By Emond Oil Company in response to the Proposed Remedial Order issued to the firm.
Do	Leo Winstead's Inc., Raytown, Mo	BRR-0161	Request for Modification/Rescission. If granted: The August 3, 1981, Remedial Order (Case No. DRO-0232) issued to Leo Winstead's Inc. by the Office of Hearings and Appeals would be modified regarding the sales of petroleum products.
Sept. 16, 1981	Calumet Industries, Inc., Washington, D.C.	BFA-0742	Appeal of an Information Request Denial. If granted: The August 13, 1981, Information Request Denial issued by the Enforcement Information Division, ERA, would be rescinded, and Calumet Industries, Inc. would receive access to certain DOE information.
Do	Plateau, Inc., Washington, D.C.	BYR-0160	Request for Modification. If granted: The September 1, 1981, Decision and Order (Case No. BEX-0157) issued to Plateau, Inc. by the Office of Hearings and Appeals would be modified with respect to the firm's entitlements purchase obligations.
Do	Steptoe & Johnson (Perkins), Washington, D.C.	BFA-0740	Appeal of an Information Request Denial. If granted: The August 17, 1981, Information Request Denial issued by the Division of Freedom of Information and Privacy Acts Activities would be rescinded, and Steptoe & Johnson would receive access to certain DOE information.
Sept. 17, 1981	Locus Corporation, Washington, D.C.	BFA-0743	Appeal of an Information Request Denial. If granted: The August 14, 1981, Information Request Denial issued by the Office of Special Investigations Division of the Office of General Counsel would be rescinded, and Locus Corporation would receive access to certain DOE information.
Do	Texas Armada Refining Company, Washington, D.C.	BEE-1696	Exception from the Entitlements Program. If granted: Texas Armada Refining Company would receive an exception from the provisions of 10 CFR 211.69 which would modify its entitlements purchase obligations for the periods prior to October 1980.
Sept. 18, 1981	Demetriou, Del Guercio, & Lovejoy, Los Angeles, Calif	BFA-0741	Appeals of Information Request Denial. If granted: The August 31, 1981, Information Request Denial issued by the Office of Special Counsel for Compliance would be rescinded, and Demetriou, Del Guercio, & Lovejoy would receive access to certain DOE information.
Do	Honeywell, Inc., Minneapolis, Minn	BFA-0744	Appeal of an Information Request Denial. If granted: The May 25, 1981, Information Request Denial issued by the DOE Albuquerque Operations Office would be rescinded, and the Honeywell, Inc. would receive access to certain DOE information.

[FR Doc. 81-28871 Filed 10-1-81; 8:45 am]

BILLING CODE 6450-01-M

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, Department of Energy.

ACTION: Notice of Implementation of Special Refund Procedures and Solicitation of Comments.

SUMMARY: The Office of Hearings and Appeals of the Department of Energy solicits comments concerning the appropriate procedures to be followed in refunding to adversely affected parties $160,000 obtained by the DOE under the terms of a consent order entered into with Anderson Butane Service, Inc. The funds were provided by the firm in order to settle enforcement proceedings brought by the Office of Enforcement.

DATE AND ADDRESS: Comments must be filed within 30 days of publication of this notice in the **Federal Register** and should be addressed to the Office of Hearings and Appeals, Department of Energy, 2000 M Street NW., Washington, D.C. 20461. All comments should display conspicuously a reference to case number BEF-0066.

FOR FURTHER INFORMATION CONTACT: Thomas O. Mann, Acting Deputy Director, Office of Hearings and Appeals, Department of Energy, 2000 M Street NW., Washington, D.C. 20461, (202) 653-3137.

SUPPLEMENTARY INFORMATION: In accordance with § 205.282(b) of the procedural regulations of the Department of Energy, 10 CFR § 205.282(b), notice is hereby given of the issuance of the Proposed Decision and Order set out below. The Proposed Decision and Order tentatively establishes procedures to distribute to adversely affected parties a total of $160,000 obtained by the DOE under the terms of a consent order entered into with Anderson Butane Service, Inc. The funds were provided to the DOE by Anderson in order to settle all claims and disputes between the firm and the DOE regarding the first sales prices of propane and/or butane charged by the firm during the period between August 17, 1973 and November 30, 1974. In the consent order, the parties stipulated that the funds were to be distributed by the DOE pursuant to 10 CFR, Part 205, Subpart V.

The Proposed Decision and Order sets forth the procedures and standards that the DOE has tentatively formulated in order to distribute the contents of the escrow accounts funded by Anderson. The DOE has tentatively decided that Applications for Refunds should be accepted from the initial purchases of propane or butane from Anderson during the covered period. In addition, the DOE determined that Applications for Refund also should be accepted from persons who bought products produced with or from the propane or butane sold by Anderson during the relevant time periods. The Proposed Decision and Order states that in order to be entitled to receive any portion of the settlement funds, a purchaser must furnish the DOE with evidence which demonstrates that the claimant was injured by the alleged unlawful prices for propane or butane charged by Anderson, including specific documentation concerning the date, place, price, and volume of product purchased, whether the increased costs were absorbed by the claimant or passed through to other purchasers, and the extent of any injury alleged to have been suffered.

The Proposed Decision and Order also provides for the distribution of any funds remaining after all valid claims

are paid. The Proposed Decision and Order states DOE's view that the remainder of the consent order funds should be distributed through the initial purchasers to persons or groups of persons who are likely to have been injured by the alleged unlawful sales price for propane or butane charged by Anderson. The DOE therefore invites those firms to develop and submit plans for distributing the funds to the parties who likely paid increased prices as a result of the alleged overcharges. The DOE also solicits proposals from other interested parties as well.

In the Proposed Decision and Order the DOE recognizes that in some cases a firm may not be inclined to spend the time and resources necessary to develop and implement an effective restitution plan. This is participarly the case where the costs associated with developing and administering a restitution plan exceed the fund available for distribution. Therefore, the DOE is proposing that any remaining funds which would otherwise go undistributed be deposited in the Tresaury of the United States.

It should be pointed out that until final procedures are adopted, no claims for refunds will be accepted. Applications for Refund therefore should *not* be filed at this time. Appropriate public notice, including notice published in the **Federal Register**, will be provided prior to the acceptance of claims.

Any member of the public may submit written comments regarding the proposed refund procedures. Commenting parties are requested to submit two copies of their comments. Comments should be submitted within 30 days of publication of this notice in the **Federal Register** and should be sent to the address set forth at the beginning of this notice. All comments received in this proceeding will be available for public inspection in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. between the hours of 1:00 to 5:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on September 28, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

September 28, 1981.

Memorandum For: Gordon W. Harvey, Director, Office of Enforcement, Economic Regulatory Administration.

From: George B. Breznay, Director, Office of Hearings and Appeals.

Subject: Special Refund Proceeding in the Matter of Anderson Butane Service, Inc., Case No. BEF-0066.

Attached is a copy of a Decision and Order recently issued to the Office of Enforcement by the Office of Hearings and Appeals. As set forth in the Decision and Order, the Office of Hearings and Appeals has proposed to establish special refund procedures to distribute $160,000 obtained by the DOE from Anderson Butane Service, Inc.

If you have any questions regarding this memorandum, please contact Thomas O. Mann at 653-3137.

Attachment.

September 28, 1981.

Proposed Decision and order of the Department of Energy

Special Refund Procedures

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matter of Anderson Butane Service, Inc.

Date of Filing: June 25, 1981.

Case Numbers: BEF-0066

Under the regulations of the Department of Energy, the Economic Regulatory Adminstration's Office of Enforcement (OE) may request the Office of Hearings and Appeals (OHA) to formulate and implement procedures for distributing funds received as a result of an enforcement proceeding in order to remedy the effects of alleged violations of the DOE regulations. *See* 10 CFR, Part 205, Subpart V. In accordance with these regulatory provisions, the OE recently filed a Petition for the Implementation of Special Refund Procedures in connection with the consent order entered into with Anderson Butane Service, Inc. (Anderson). Pursuant to the consent order, Anderson agreed to refund $160,000 in settlement of enforcement proceedings concerning violations of the DOE price regulations it is alleged to have committed. The funds have been paid to the DOE and are now being held in an escrow account pending receipt of instructions from the OHA regarding their distribution.

I. *Background*

Anderson is a "gas plant operator" within the meaning of 10 CFR § 212.162. During the relevant time periods, the firm was therefore subject to the Mandatory Petroleum Price Regulations set forth in 6 CFR, Part 150, Subpart L, and 10 CFR, Part 212, Subparts E and K. Those regulations governed the maximum prices that could lawfully be charged in the first sales of propane and butane.

In its audit of Anderson, the OE found possible violations with respect to first sales of butane and propane during the period from August 1, 1973 through November 30, 1974. During that period Anderson sold its output of propane and butane to four firms: Scott Petroleum Corporation; Consolidated Aluminum Company; Sewanee Petroleum Company; and Meyers Propane Company. In order to settle all claims and disputes between the parties, Anderson agreed to pay $160,000 to the DOE. The parties further agreed that this amount would be distributed by the DOE pursuant to 10 CFR, Part 205, Subpart V. On June 13, 1979, the DOE published notice of the Anderson Consent Order in the **Federal Register** and requested that persons believing that they had a claim to all or a portion of the settlement fund file written notification of such claim with ERA within 30 days. 44 FR 33925 (1979). No claim was filed.

II. *Jurisdiction*

The procedural regulations of the Department of Energy set forth guidelines according which the Office of Hearings and Appeals may formualte and implement a plan of distribution for funds received as a result of an enforcement proceeding. 10 CFR, Part 205, Subpart V. The Subpart V process is intended to be used in situations where the OE is unable to identify readily persons who are entitled to refunds or to ascertain readily the amounts that such persons are entitled to receive as a result of enforcement proceedings. 10 CFR § 205.280.

After reviewing the record developed in this proceeding, we have concluded that the implementation of Subpart V proceedings is appropriate. In the instant case, there is a significant degree of difficulty inherent in identifying the persons who were injured by the alleged overcharges. Moreover, even in cases where an injured person can be identified, it is difficult to ascertain the amounts that such persons should receive. Until recently, propane and butane were subject to a comprehensive price regulation scheme which could be used to channel refunds to ultimate consumers.

However, on January 28, 1981, President Reagan exempted crude oil and all refined petroleum products from the DOE regulatory program. Exec. Order No. 12287, 46 FR 9909 (1981). As a result, price rollbacks are now an ineffective means of making restitution to purchasers who may have been injured since there are currently no price ceilings against which price rollbacks can be measured. Moreover, to make refunds to the parties affected by the alleged overcharges, a determination must be made regarding the extent to which the higher costs were passed through to downstream customers. As a result, the persons entitled to refunds are not readily identifiable, and the amounts of the refunds that such persons should receive are not readily ascertainable. Under these circumstances, we believe that Subpart V provides the most useful mechanism to effect restitution to persons actually injured by alleged pricing violations. We have therefore decided to exercise jurisdiction over the funds received by the DOE in settlement of the enforcement proceeding underlying the Petition for Implementation of Special Refund Proceedings filed by the OE in this matter.

III. *Authority to Foshion Refund Procedures*

In several recent decision we have considered Petitions for the Implementation of Special Refund Procedures filed pursuant to 10 CFR, Part 205, Subpart V. *See, e.g., Office of Enforcement*, 8 DOE ¶ 82,597 (1981), 46 FR 38132 (July 24, 1981) (hereinafter referred to as *Vickers*); *Office of Enforcement*, No. BEF-0021 (March 13, 1981) (proposed decision), 36 FR 17839 (1981) (hereinafter referred to as *Alcoa*); *Office of Enforcement*, No. BEF-0030 (May 1, 1981), 46 FR 25535 (1981) (hereinafter referred to as *Fagadau*). The considerations that led us to conclude that special refund procedures should be implemented in *Vickers*, the most

recent final determination issued by the Office of Hearings and Appeals establishing final procedures for the distribution of settlement funds received by the DOE under a consent order, are equally applicable to this case as well. Subpart V authorizes the OHA, upon request by the appropriate enforcement official, to fashion special procedures to distribute refunds obtained as part of settlement agreements. 10 CFR §§ 205.281, 205.282. The special refund procedures are part of an overall regulatory program and are intended to implement several different statutes. Congress provided for mandatory price controls on crude oil, residual fuel oil, and refined petroleum products in the Emergency Petroleum Allocation Act of 1973 (EPAA), 15 U.S.C. section 751 (1976). Propane and butane are included within the definition of petroleum products and were therefore subject to the provisions of the DOE price regulations during the periods covered by the consent order. *Mobil Oil Corp.* v. *FEA*, 566 F. 2d 87 (Temp. Emer. Ct. App. 1977).

The authority to enforce the regulations governing the pricing of petroleum products such as propane and butane was first vested in the Cost of Living Council under the Economic Stabilization Act (ESA), 12 U.S.C. section 1904 note (1970), then delegated in turn to the Federal Energy Office, The Administrator of the Federal Energy Administration, and finally, in 1977, to the Secretary of Energy. Federal Energy Administration Act (FEAA) § 5, 15 U.S.C. section 765 (1974); Department of Energy Organization Act (DOE Act), section 301(a), 42 U.S.C. section 7151(a) (1979). To carry out these statutory mandates, the regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration, and the Department of Energy have provided throughout the existence of the price control program for the issuance of remedial orders "requiring a person to cease a violation or to eliminate or compensate for the effects of a violation, or both." 6 CFR 155.81(b) (1973); 10 CFR 205.2 (1974) (defining "remedial order").

As we have noted in previous Subpart V decision, restitution is designed to accomplish two purposes: disgorgement of the fruits of a regulatory violation from the wrongdoers, and compensation of persons injured by the regulatory violation. *Vickers; see Sauder v. DOE*, 648 F.2d 1341 (Temp. Emer. Ct. App. 1981). The latter objective—refunds to overcharged persons—furthers the specific goal in section 4(b)(1)(F) of the EPAA of providing for the "equitable distribution of * * * refined petroleum products at equitable prices * * * among all users." 15 U.S.C. section 753(b)(1)(F)

III. *Proposed Refund Procedures*

To fulfill the objectives expressed in the statutes and regulations discussed above, and the consent order itself, the procedures to be implemented in this case should, to the maximum extent practicable, provide for the distribution of the refund amounts to the parties who bore the effects of the alleged overcharges.

As we have stated before, refunding moneys obtained by DOE enforcement proceedings is the primary focus of Subpart V. 10 CFR § 206.280; *see Alcoa, Vickers*. Subpart V provides an effective means of compensating many individuals who, because they either lack the resources or do not have a substantial financial stake in the outcome to institute their own private lawsuits under Section 210 of the ESA, have suffered injuries which would otherwise go unredressed. The Supbart V process is also an efficient administrative mechanism for returning overcharges to injured parties since it eliminates the need for long and costly court actions.

Based on our growing experience in implementing special refund procedures, we believe that the distribution of refunds should generally take place in two stages. In the first stage of the process, payment should be made to persons and firms who file applications for refund and demonstrate they should receive a portion of the funds obtained by the DOE. After meritorious claims are paid to firms and individuals in the first stage, a second stage may be necessary. In this second stage, there are a number of alternative procedures which may be adopted. For example, under one alternative, payments for the benefit of injured persons may be made to entities which are in a position to devise and implement measures which effectuate the restitutionary purposes discussed above. *Office of Enforcement*, No. BEF–0014 (May 22, 1981) (proposed decision), 46 FR 28929 (May 29, 1981) (herein after referred to as *Belridge*); *Fogadau*, slip op. at 6; *Alcoa*, slip op. at 6; *Vickers* at 85,397–99. As a second alternative, or in the event that implementation of the methods discussed above would not accomplish its intended objectives or fails to exhaust all of the settlement fund, § 205.288(c) provides thet "any remaining funds . . . shall be deposited in the United States Treasury or distributed in any other manner specified in the Decision and Order referred to in § 205.282(c)." 10 CFR 205.287(c); *Office of Enforcement*, No. BEF–0049 (August 18, 1981) (proposed decision), 46 FR 42743 (August 24, 1981) (hereinafter referred to as *Worldwide*), at 42746; *Belridge*, slip op. at 11.

A. *Refunds to Claimants.* As a first stage in the refund process, the consent order funds should be distributed to claimants who satisfactorily demonstrate that they have been adversely affected by the alleged overcharges in sales of propane or butane by Anderson. To the extent that the first purchasers of propane or butane from Anderson can establish that they absorbed the alleged overcharges rather than passed them on to their own customers, they will receive a pro rata share of the consent order funds. To qualify for a refund a first purchaser will be required to demonstrate that during the period covered by the consent order it would have kept its prices at the same level had the alleged overcharges not occurred. While there are a variety of means by which a claimant can make this showing, generally a reseller must demonstrate that at the time it purchased covered products from its supplier it had unrecovered unrecovered product costs which were at least equal to the amount of the refund claimed, and that market conditions would not permit it to increase its prices to pass through additional costs. In addition, the firm must have maintained a "bank" of unrecovered costs in order to demonstrate that it did not subsequently recover these costs by increasing its prices. The amount of the refund will be limited to the amount of unrecovered costs available to the claimant for recovery through price increases. If the initial purchasers are able to make this showing, the entire amount of the funds at issue in this proceeding may be disbursed to them. In the event they are unable to make a satisfactory showing, however, the next group of persons who may receive a portion of these funds are those firms and individuals who purchased propane or butane from the first purchasers.

In order to establish that it should receive a refund, a person claiming to be an injured party must satisfactorily demonstrate that it purchased, during the relevant time period, a specific quantity of propane, butane, or products which were produced with or from the propane or butane sold by Anderson. Privity with either Anderson or one of its first purchasers need not be established; evidence need only be presented that the products purchased by the claimants flowed through a chain of distribution leading back to Anderson. In addition, unless the purchaser is an ultimate consumer, it should generally be able to demonstrate that it did not pass through any cost increases resulting from the alleged overcharges to its own customers. For example, purchasers who resold the identified product should be prepared to show that market conditions did not permit them to raise prices charged to downstream customers, and that consequently they were forced to absorb the cost increases represented by the alleged overcharges. In the absence of that showing, we would generally conclude that the claimant was not injured in a monetary sense by the alleged overcharge. However, we noted in the *Vickers* decision that the nature of the showing required might be too burdensome for individuals and smaller firms who might otherwise be entitled to refunds. We also observed that many smaller purchasers might lack the type of records required to support such a showing. *Vickers* at 85,396. In that case, we therefore established a threshold level of purchases under which applicants, primarily smaller firms and individuals, were not required to make a detailed showing of injury. For those applicants who were claiming less than that level of purchases, we required only proof of the amount of products purchased by the applicant during the relevant audit period. However, the *Vickers* decision did require applicants whose purchases exceeded the threshold level to provide detailed information demonstrating that they did not pass through the price increases to their customers. *Id.* This proposed decision is being published in the **Federal Register** in order to give interested parties an opportunity to submit comments on this tentative distribution scheme. We will consider using the same type of treatment for smaller claimants in this proceeding, and we specifically request comments from the public on this issue.

Refunds to persons who establish that they should receive a refund will be made on a

volumetric basis—*i.e.* based on the proportion of propane or butane purchased by the applicant to the total amount of those products sold by Anderson during the relevant audit period.

Any purchaser claiming a portion of the refund amount will be entitled to file an Application for Refund pursuant to 10 CFR 205.283. Applications should provide all relevant information necessary to establish a claim, including specific documentation concerning the date, place, price, and volume of product purchased, the retention of increased costs, and the extent of any injury alleged. Detailed procedures for filing applications will be provided in a final Decision and Order. *See Vickers.* Before disposing of any of the funds received as a result of the consent order involved in this proceeding, we will widely publicize the distribution process and provide an opportunity for any affected party to file a claim. In addition the publishing notice in the **Federal Register**, notice will be provided in varied publications in the areas in which the first purchasers marketed their respective products during the period covered by the consent order. As a final matter, we note that refund applications filed on behalf of groups of claimants identifying themselves as adversely affected purchasers also will be considered. Such applicants will be evaluated on a case-by-case basis.

B. *Distribution of the Remainder of the Refund Amount.* After all of the claims of parties identifying themselves as adversely affected purchasers of the propane and butane sold by Anderson have been filed and the share of the settlement fund to which they are entitled has been determined, the settlement fund provided by Anderson, while diminished, may not be exhausted.

During the second stage of the refund process, the remainder of the funds should be distributed in accordance with the goals set forth in the DOE's enabling legislation and implementing regulations. In this Decision, we are proposing several alternatives for the second-stage refund procedure. However, we wish to emphasize that any consideration of the second-stage procedure at this point in time involves a number of uncertainties. As we noted in *Vickers:*

" " " [Such] a step would be difficult to justify before the analysis and processing of Applications for Refund filed on the first stage of the distribution of the Consent Order funds to claimants, since the amount remaining after all meritorious claims have been paid directly affects the appropriateness of the second-stage distribution scheme. " " "

Vickers at 85,400. As in that case; we intend to set forth a number of second-stage alternatives in this Proposed Decision, consider the comments received after publication in the **Federal Register**, and then issue a final Decision and Order establishing procedures for the first stage. In that Decision, we will summarize and address briefly the comments received concerning the proposed second-stage procedure, and solicit another round of comments on the distribution of the funds remaining after payment of claims in the first stage. In this way, we will have several opportunities to resolve the outstanding issues before reaching a final decision on the second stage.

Since restitution is the primary focus of Subpart V, we believe that the remaining funds should, if administratively and economically feasible, be distributed to groups of ultimate consumers who were likely to have borne a portion of the alleged unlawful prices charged by Anderson. In view of the relatively small sums of money likely to be involved in many ultimate consumer claims, and the improbability that members of this class will possess records sufficient to establish their claims, we anticipate that only a limited number of ultimate consumers who were actually injured by the alleged overcharges will be able to prove that they are entitled to refunds. *See Vickers.* The fact that claims to specific refunds may not have been proved, however, does not mean that injuries to ultimate conumers have not occurred. Rather, the absence of claims for the full amount of the settlements would tend to reflect the difficulty such parties encounter in establishing a valid claim for a portion of the consent order funds.

In *Alcoa, Fagadau,* and *Belridge* we observed that first purchasers of NGLs generally are in the best position to assist the DOE in identifying and distributing refunds to those persons who are likely to have been injured by the alleged overcharges. *Alcoa,* slip op. at 9; *Fagadau,* slip op. at 9; *Belridge,* slip op. at 9. In this case as well, we believe that the first purchasers of propane and butane from Anderson can most effectively assist the DOE in channeling the remaining consent order funds to persons who are most likely to have been injured by the alleged overcharges. Consequently, one alternative we propose is that after payments are made to successful claimants, any remaining funds be distributed through Anderson's first purchasers. We invite those firms to develop and submit to this Office a proposal which contains a plan for identifying those parties who actually paid increased prices as a result of the alleged overcharges and also provides for the return of these funds to the parties identified. Each firm should take into account its distribution and marketing system and its method of calculating prices during the relevant period. To the extent that product purchases from Anderson can be isolated in the appropriate distribution system, the plans should limit the proposed refunds to customers who were downstream purchasers of the propane or butane covered by the consent order. The plans should also be designed to exclude from participation in this stage of the refund proceeding any purchaser who recovered a portion of the consent order funds during the first-stage distribution. In developing the plans, first purchasers should give paramount consideration to the cost efficiency and administrative burden of any proposed refund plan. For example, to the extent that propane or butane used by agricultural producers, the plan may propose to distribute funds through agricultural cooperatives in the affected areas rather than to individuals. *See Belridge,* slip op. at 10; *Fagadau,* slip op. at 10; *Alcoa,* slip op at 9.

Although the primary aim of the Subpart V process is to distribute the consent order funds to the parties who were injured as a result of alleged overcharges, we recognize that in some cases a firm would not be inclined to spend the time or devote the resources necessary to develop and implement an effective restitutionary plan and consequently, in several instances injuries may go unredressed. For example, the funds to be distributed by a particular firm may be so small in relation to the number of parties entitled to share in the proceeds that the costs to the firm would outweigh the benefits of the plan. In this regard, we note that in *Belridge,* preliminary data supplied by the OE indicated that four of one firm's first purchasers would have available for distribution the folllowing amounts: $56.25, $43.75, $518.75, and $537.50. *Belridge,* slip op. at 10. With respect to these insubstantial amounts, it is apparent that the costs associated with administering a refund plan would be far out of proportion to the fund available for distribution. We would not expect a first purchaser with such a small claim to develop a restitutionary plan.

In view of these considerations, we propose that the portion of the settlement fund which, because of prohibitive administrative costs, would otherwise go undistributed, be deposited in the United States Treasury. We also propose as an alternative to the type of general downstream distribution scheme discussed above that any funds remaining after the completion of the first stage claims procedure be deposited directly into the United States Treasury. subpart V regulations specifically sanction this course of action, *see* 10 CFR 205.288(c), and direct payments to the Treasury may well be appropriate in those cases where other remedies would be ineffectual or administratively burdensome. *See Citronelle-Mobile Gathering, Inc.* v. *O'Leary,* 499 F. Supp. 871 (S.D. Ala. 1980); *Golden Eagle Oil Company,* 6 DOE ¶83,005 at 86,065 (1980); *cf. Chano's Auto Service Center,* 8 DOE ¶ 83,002 (1981). However, as noted above we will not be in a position to decide what should be done with any remaining funds until after the first-stage refund procedure is completed. Only then will we know the amount of money available for the second stage of the refund process. This factor, as noted above, will strongly influence the ultimate disposition selected for those funds.

Although we believe that Anderson's first purchasers are, in the present case, uniquely situated to develop and implement an effective plan for distributing the settlement funds to the parties who absorbed the overcharges, nothing contained herein should be interpreted to suggest that we are discouraging the submission by other parties of proposals containing alternative distribution schemes. We will fully consider any plan submitted and we encourage any party interested in submitting such a plan to do so.

It Is Therefore Ordered That:

The $160,000 refund amount supplied by Anderson Butane Service, Inc. will be

distributed in accordance with the foregoing Decision.

[FR Doc. 81-28672 Filed 10-1-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-1947-2]

Availability of Environmental Impact Statements

AGENCY: Office of Federal Activities (A-104), Environmental Protection Agency.

PURPOSE: This notice lists the Environmental Impact Statements (EISs) which have been officially filed with the EPA and distributed to Federal agencies and interested groups, organizations and individuals for review pursuant to the Council on Environmental Quality's regulations (40 CFR Part 1506.9) during the week of September 21, 1981 to September 25, 1981.

REVIEW PERIODS: The 45-day review period for draft EIS's listed in this notice is calculated from October 2, 1981 and will end on November 16, 1981. The 30-day review period for final EISs as calculated from October 2, 1981 will end on November 2, 1981.

EIS AVAILABILITY: To obtain a copy of an EIS listed in this notice you should contact the Federal agency which prepared the EIS. If a Federal agency does not have the EIS available upon request you may contact the Office of Federal Activities, EPA, for further information. Copies of EIS's previously filed with EPA or CEQ which are no longer available from the originating agency are available with charge from the following source: Information Resources Press, 1700 North Moore Street, Arlington, Virginia 22209, (703) 558-8270.

FOR FURTHER INFORMATION CONTACT: Kathi L. Wilson, Office of Federal Activities, Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 245-3006.

Dated: September 29, 1981.

William N. Hedeman, Jr.,

Director, Office of Federal Activities (A-104).

Department of Agriculture

FS: Final—Belknap-Foley Geothermal Area Leasing, Willamette and Deschutes National Forests, Lane, Linn, Deschutes, and Jefferson Counties, Oregon (EIS Order #810789).

Army Corps of Engineers

Draft—Hilo Harbor Area Small Craft and Deep Draft Navigation Improvement, Hawaii County, Hawaii (EIS Order #810793).

Draft Supplement—Cresent City Inner Harbor Basin and Entrance Channel, Del Norte County, California (EIS Order #810790).

Final Supplement—Tamaqua Local Flood Protection Plan, Schuylkill County, Pennsylvania (EIS Order #810791).

Report—Hahn/Marion Mall Regional Shopping Center, Marion County, California (EIS Order #810788).

Correction: Report—Pamlico and Beaufort Sound Waterway Maintenance, Carteret County, North Carolina—should have appeared in the September 25, 1981 FR (EIS Order #810754).

Department of Energy

Draft—Savannah River Plant, Defense Waste Processing Facility, Aiken County, Georgia; the review period for this EIS has been extended until November 30, 1981 (EIS Order #810799).

Department of Housing and Urban Development

Draft—Southdown Subdivision, Mortgage Insurance, Brazoria County, Texas (EIS Order #810792).

Department of the Interior

BLM: Final—Prairie Potholes Area, Vegetation Allocation, Montana (EIS Order #810795).

BLM: Final—Lakeview Grazing Management Plan, Harney, Lake and Klamath Counties, Oregon (EIS Order #810796).

Extension: BLM: Draft—Norton Sound OCS Oil and Lease Sale #57, Alaska—published FR June 26, 1981—the review period for this EIS has been extended until October 16, 1981 (EIS Order #810487).

Environmental Protection Agency

EPA6: Draft—Dolet Hills Power Plant, NPDES Permit, DeSoto Parish, Louisiana (EIS Order #810794).

Upper Mississippi River Basin Commission

Draft—Upper Mississippi River System Management Plan, Illinois, Iowa, Minnesota, Missouri and Wisconsin (EIS Order #810798).

Veterans Administration

Final—New York VA Medical Center Expansion, New York (EIS Order #810797).

[FR Doc. 81-28817 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-37-M

[ER-FRL-1947-3]

Design and Construction of Wastewater Treatment Facilities, Plymouth, Mass.; Intent To Prepare an Environmental Impact Statement; Meeting

AGENCY: Environmental Impact Office, Region I, Environmental Protection Agency.

ACTION: Notice of Intent To Prepare a Draft Environmental Impact Statement (EIS).

PURPOSE: In accordance with Section 102(2)(C) of the National Environmental Policy Act, the EPA has identified a need to prepare an EIS and therefore publishes this Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Mendoza, Environmental Impact Office, U.S. Environmental Protection Agency, Region I, JFK Federal Building, Boston, MA 02203, 617/223-3190.

SUMMARY: The USEPA Region I has announced its intention to prepare an environmental impact statement on the approval of a facilities plan and the issuance of grant monies pursuant to Section 201 of the Clean Water Act for the design and construction of wastewater treatment facilities located in Plymouth, Massachusetts. Further information is available from the Project Officer identified above.

EPA estimates the Draft EIS will be available for public review around October 1983. All interested parties are encouraged to submit their name and address to the person indicated above for inclusion on the list to receive the draft EIS and related public notices.

SCOPING: EPA will hold meetings to determine the scope of the Draft EIS. The first meeting is scheduled for Thursday, October 22, 1981 at 7:30 pm in the Town Office Building, Plymouth, Massachusetts. A second meeting will be held on Monday, October 26, 1981 at 10:00 am in the JFK Federal Building, Boston, Massachusetts. Public notice will be given prior to all subsequent meetings.

Dated: September 29, 1981.

Thomas R. Sheckells,

Deputy Director, Office of Federal Activities (A-104).

[FR Doc. 81-28818 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-37-M

[EN-10-FRL-1946-7]

Issuance of Prevention of Significant Deterioration (PSD) Permit to Harney Electric Cooperative, Inc.

Notice is hereby given that on August 14, 1981, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit to The Harney Electric Cooperative, Inc. for approval to construct two wood/coal-fired boilers in conjunction with a steam-powered turbine facility at Hines, Oregon.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR Part 52.21) regulations, subject to certain conditions specified in the permit.

Under Section 307(b)(1) of the Clean Air Act, judicial review of the PSD Permit is available *only* by the filing of a

petition for review in the Ninth Circuit Court of Appeals within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the permit are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Room 11C, M/S 521, Seattle, Washington 98101.

Dated: September 23, 1981.

L. Edwin Coate,

Acting Regional Administrator.

[FR Doc. 81-28753 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-38-M

[EN-10-FRL-1946-7]

Issuance of Prevention of Significant Deterioration (PSD) Permit to The Department of Energy (Idaho National Engineering Laboratory)

Notice is hereby given that on June 5, 1981, the Environmental Protection Agency (EPA) issued a Prevention of Significant Deterioration (PSD) permit to the Department of Energy for approval to construct two coal-fired boilers at the Idaho National Engineering Laboratory near Idaho Falls, Idaho.

This permit has been issued under EPA's Prevention of Significant Air Quality Deterioration (40 CFR Part 52.21) regulations, subject to certain conditions specified in the permit.

Under Section 307(b)(1) of the Clean Air Act, judicial review of the PSD Permit is available *only* by the filing of a petition for review in the Ninth Circuit Court of Appeals within 60 days of today. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may *not* be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

Copies of the permit are available for public inspection upon request at the following location: EPA, Region 10, 1200 Sixth Avenue, Room 11C, M/S 521, Seattle, Washington 98101.

Dated: September 23, 1981.

L. Edwin Coate,

Acting Regional Administrator.

[FR Doc. 81-28754 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-38-M

[TSH-FRL—1948-3; OPTS-51324]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of three PMN's and provides a summary of each.

DATES: PMN 81-480, 81-481, and 81-482; written comments by: November 26, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51324]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW, Washington, DC 20460 (202-755-5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW, Washington, DC 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer of the PMN's received by EPA:

PMN 81-480

Close of Review Period. December 26, 1981.

Manufacturer's Identity. Buckman Laboratories, Inc., 1256 N. McLean Boulevard, Memphis, TN 38108.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Cationic acrylamide copolymer.

Use. The manufacturer states that the PMN substance will be used as a flocculent, a paper-making additive, and in sludge dewatering.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	20,000	60,000
2nd year	50,000	100,000
3rd year	75,000	150,000

Physical/Chemical Properties

pH—2.0 to 3.5.
Specific gravity—1.05 to 1.06.
Flash point—164° F.
Viscosity—4,000 to 20,000 cps.

Toxicity Data

Acute oral toxicity LC_{50} (rat)—6.49 Males; 7.52 Females.

Acute dermal toxicity LC_{50} (rat)—>8 g/kg.

Primary skin irritation (rabbit)—Non-irritating.

Primary eye irritation (rabbit)—Irritating.

Ames salmonella—Non-mutagenic.

Environmental Test Data

LD_{50} 24 hrs. (bluegill sunfish)—3.30 parts per million (ppm). 48 hrs.—2.05 ppm. 96 hrs.—1.75 ppm.

LD_{50} 24 hrs. (rainbow trout)—0.87 ppm.
48 hrs.—0.38 ppm. 96 hrs.—0.33 ppm.

Exposure. The manufacturer states that 256 workers may experience dermal exposure up to 12 hrs/day, up to 100 days/yr.

Environmental Release/Disposal. Disposal is to a publicly owned treatment works (POTW).

PMN 81-481

Close of Review Period. December 26, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of linear glycols, aliphatic dicarboxylic acid, and aromatic dicarboxylic acid.

Use. The manufacturer states that the PMN substance will be used as a plastic material for electrical installation.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	23,000	91,000
2d year	34,000	140,000
3d year	140,000	225,000

Physical/Chemical Properties

Appearance—Solid.
Specific gravity—1.200-1.250.
Melting point—75-105° C.
Viscosity @ 140° C—2,000-4,000 cps.
Acid value—20-25.
Hydroxyl value—25-40.
Particle size—1/16-¼ in.
Molecular weight—M_N—1,100-1,400. M_N—2,000-3,000.
Volatile loss @ 150° C<1.5%.
Water extractables 0.6816%.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing 60 workers may experience dermal and

inhalation exposure 18 hrs/day, 100 days/yr during cooling and grinding.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the the air and land. Disposal is to an approved landfull.

PMN 81-482

Close of Review Period. December 26, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polymer of linear glycols, aliphatic dicarboxylic acid, and aromatic di-(tri-) carboxylic acids.

Use. The manufacturer states that the PMN substance will be used as a plastic material for electrical installation.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	1,500	25,000
2d year	2,000	40,000
3d year	40,000	65,000

Physical/Chemical Properties

Appearance—Solid.
Specific gravity—1.200–1.250.
Melting point—60–70° C.
Viscosity @ 140°—5,500–8,500 cps.
Acid value—20–25.
Hydroxyl value—20–40.
Particle size—1/16 1/4 in.
Molecular weight—M_N—880. M_W—1,500.
Volatile loss @ 150° C <1%.
Water extractables 0.1860%.

Toxicity Date. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing 10 workers may experience dermal and inhalation exposure 9 hrs/day, 6 days/yr during cooling and grinding.

Environmental Release/Disposal. The manufacturer states that less than 10 kg/yr will be released to the air and land. Disposal is to an approved landfill.

Dated: September 28, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-28707 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-31-M

[TSH-FRL-1947-1; OPTS-51323]

Certain Chemicals Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in EPA statements of interim policy published in the **Federal Register** of May 15, 1979 (44 FR 28558) and November 7, 1980 (45 FR 74378). This notice announces receipt of nine PMN's and provides a summary of each.

DATES: PMN 81-471, 81-472, 81-473, 81-474, 81-475, 81-476, 81-477, 81-478, and 81-479. Written comments by: November 22, 1981.

ADDRESS: Written comments, identified by the document control number "[OPTS-51323]" and the specific PMN number should be sent to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW, Washington, D.C. 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT: David Dull, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-216, 401 M St., SW, Washington, D.C. 20460 (202-426-2601).

SUPPLEMENTARY INFORMATION: The following are summaries of information provided by the manufacturer on the PMN's received by EPA:

PMN 81-471

Close of Review Period. December 22, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Between $10,000,000 and $99,999,999.

Manufacturing site—Middle Atlantic region.

Standard Industrial Classification Code—2899.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Urethane polymer.

Use. The manufacturer states that the PMN substance will be used in a contained use.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	500	1,000
2d year	800	5,000
3d year	3,000	12,000

Physical/Chemical Properities

Viscosity—50,000 to 500,000 cps @ 20° C.

Solubility: water—Nil to 7% @ 20° C.

Density—1.0 to 1.1 gm/cc.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture, processing, and use a total of 47 workers may experience dermal exposure up to 8 hrs/day, up to 200 days/yr. Exposure may occur during formulation and application.

Environmental Release/Disposal. The manufacturer states that from 10 to 1,000 kg/yr may be released to land during the draining of the final product. Disposal is to an approved landfill.

PMN 81-472

Close of Review Period. December 22, 1981.

Importer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Alicyclic alcohol.

Use. Claimed confidential business information.

IMPORT ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	10	100
2d year	10	1,000
3d year	100	2,000

Physical/Chemical Properties

Appearance—Pale to light yellow w/ camphor-turpentine odor.

Specific gravity—0.933-0.935 @ 25° C.

Flash point—Above 100° F.

Solubility: water—Slightly soluble.

Refractive index—1.474-1.482 @ 25° C.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—> 5.0 gm/kg.

Acute dermal toxicity LD_{50} (rat)—2.0 gm/kg.

Primary skin irritation (rabbit)—Not a primary irritant.

Primary eye irritation (rabbit)—Not a primary irritant.

Repeated insult patch test/photosensitization study in human subjects—Not a primary irritant.

Exposure. The importer states that during use 2 workers may experience exposure less than 1 hr/day, less than 20 days/yr during blending operations.

Environmental Release/Disposal. The importer states that less than 10 kg/yr

may be released to the air less than 1 hr/day, less than 10 days/yr. No disposal problems are anticipated.

PMN 81-473

Close of Review Period. December 22, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—East North Central region.

Standard Industrial Classification Code—28.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Oxoarylpolyalkylbenzene alkanoic acid ester.

Use. The manufacturer states that the PMN substance will be used as a captive intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Melting point—58° F.

Solubility: Water—Insoluble. acetone—Soluble. ethanol—Soluble. ether—Soluble. DMSO—Soluble. dimethoxyethane—Soluble.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—400-500 mg/kg.

Acute dermal toxicity LD_{50} (rabbit)—0.2 ml/kg.

Primary skin irritation (rabbit)—Slightly irritating.

Primary eye irritation (rabbit)—Moderately irritating.

Skin sensitization (guinea pig)—Non-mutagenic.

Exposure. The manufacturer states that during manufacture 2 workers may experience dermal and inhalation exposure 18 hrs/day, 90 days/yr during transfer of the product.

Environmental Release/Disposal. The manufacturer states that release to the environment will be negligible. Vapors will be condensed; liquids will be destroyed by biological waste treatment or thermal oxidizer.

PMN 81-474

Close of Review Period. December 22, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500,000,000.

Manufacturing site—East North Central region.

Standard Industrial Classification Code—28.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Polyhaloalkylbenzene alkanoic acid ester.

Use. The manufacturer states that the PMN substance will be used as a captive intermediate.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties

Boiling point—72-74° C @ 0.25 mm.

Solubility: water—Insoluble. acetone—Infinitely soluble. ethanol—Infinitely soluble. ether—Soluble. DMSO—Soluble. dimethoxyethane—Soluble.

Density—1.23 g/ml.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—> 5.0 mg/kg.

Primary skin irritation (rabbit)—Slight by irritating.

Primary eye irritation (rabbit)—Slight by irritating.

Environmental Test Data

Inhalation toxicity LC_{50} 1 hr (rat)—>3.19 mg/l actual.

Inhalation toxicity LD_{50} 4 hr (rat)—>0.24405 mg/l nominal.

Exposure. The manufacturer states that during manufacture workers may experience dermal and inhalation exposure 24 hrs/day, 33 days/yr during transfer of the product.

Environmental Release/Disposal. The manufacturer states that release to the environment will be negligible. Vapor will be condensed; liquids will be destroyed by biological waste treatment or thermal oxidizer.

PMN 81-475

Close of Review Period. December 22, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Tris(substitutes alkyl) phosphate.

Use. The manufacturer states that the PMN substance will be used as a chemical intermediate.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	275,000	350,000
2d year	300,000	400,000
3d year	300,000	500,000

Physical/Chemical Properties

Boiling point—>200°C @ 760 mm/Hg.

Melting point—<10°>C.

Solubility: water—>10. octanol—<10.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—>3,000 mg/kg.

Acute dermal toxicity LD_{50} (rat)—>20 mL/kg.

Skin irritation (rabbit)—Slight.

Eye irritation (rabbit)—Slight.

Repeated 10-day skin application—Moderate exacerbation of the irritative response.

Skin sensitization potential—Low.

Environmental Test Data

COD mg/1—1.43 g/g.

BOD_5—0.06 g/mL.

BOD_{20}—0.05 g/mL.

TOD—1.75 g/mL.

Secondary Waste Treatment Compatibility Study—A solution of 5.000 mg/L showed no effects.

Acute Effects on Five Aquatic Species—A solution of 100 µL/L showed no effects.

Germination Effects on Three Plant Species—A solution of 100 µL/L showed no effects.

Exposure. The manufacturer states that during manufacture and processing 28 workers may experience dermal and inhalation exposure up to 4 hrs/day, up to 46 days/yr.

Environmental Release/Disposal. The manufacturer states that no release to the environment is anticipated. Wastewater is treated in an activated sludge wastewater treatment system. Organic chemicals are oxidized and/or absorbed on the produced biological sludge. The sludge is dewatered and then burned.

PMN 81-476

Close of Review Period. December 22, 1981.

Importer's Identity. CIBA-GEIGY Corporation, Saw Mill River Road, Ardsley, NY 10502.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Substituted mercaptophosphate.

Use. The importer states that the PMN substance will be used as an antioxidant for lubricants.

Import Estimates. Claimed confidential business information.

Physical/Chemical Properties

Appearance—Yellowish liquid.

Solubility: alcohol—Soluble. ketones—Soluble. aliphatic hydrocarbons—Soluble.

Density—d 20/20=1.06.

Refractive index—n 20/20=1.49.

Toxicity Data

Acute oral toxicity LD_{50} (rat)—3,300 mg/kg.

Acute dermal toxicity LD_{50} (rat)—3,000 mg/kg.

Skin irritation (rabbit) (Draize 3.8/8)—Moderate.

Eye irritation (rabbit)—None.

Exposure. The importer states that during processing and use exposure could occur when opening drums, when pouring and transferring the contents into the lubricant mixer and when drumming the lubricant.

Environmental Release/Disposal. The importer states that less than 10 kg/yr may be released to the environment. Byproducts would be sent to incineration facilities or lubricant regeneration facilities.

PMN 81-477

Close of Review Period. December 22, 1981.

Manufacturer's Identity. Westinghouse Electric Corporation, 304 Hoover Street, Hampton, SC 29924.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Melamine-formaldehyde-polyethylene glycol resin.

Use. The manufacturer states that the PMN substance will be used in laminated plastics.

PRODUCTION ESTIMATES

	Kilograms per year (in millions)	
	Minimum	Maximum
1st year	3	10
2d year	3	14
3d year	3	16

Physical/Chemical Properties. No data were submitted.

Toxicity Data. No data were submitted.

Exposure. The manufacture states that during manufacture and use 16 workers may experience exposure up to 3 hrs/day, up to 250 days/yr.

Environmental Release/Disposal. The manufacturer states that there will be no release to the environment. Since 100% of the material will be used on site, there will be no disposal.

PMN 81-478

Close of Review Period. December 22, 1981.

Manufacturer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Acrylic modified epoxy-ester resin.

Use. The manufacturer states that the PMN substance will be used as an ingredient of coating for packaging.

PRODUCTION ESTIMATES

	Kilograms per year	
	Minimum	Maximum
1st year	1,000	10,000
2d year	5,000	25,000
3d year	15,000	100,000

Physical/Chemical Properties

Appearance—Solid.

Acid value—50.

Molecular weight—>10,000.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and use 15 workers may experience dermal exposure up to 4 hrs/day, up to 200 days/yr. Exposure may occur during sampling and fill off.

Environmental Release/Disposal. The manufacture states that no materials are anticipated being released to the environment. Disposal is to an approved landfill.

PMN 81-479

Close of Review Period. December 22, 1981.

Manufacturer's Identity. Claimed confidential business information. Organization information provided:

Annual sales—Over $500 million.

Manufacturing site—Midwest region.

Standard Industrial Classification Code—28.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: Unsaturated acyl ureaurethane diol prepolymer.

Use. Claimed confidential business information. Generic use information provided: The manufacturer states that the PMN substance will be used as a raw material ingredient.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properities. Claimed confidential business information.

Toxicity Data. No data were submitted.

Exposure. The manufacturer states that during manufacture and processing 12 workers may experience exposure during transfer operations up to 2 hrs/day, up to 120 days/yr. Workers will not be exposed to the polymer per se since manufacture and use are as a solution in an organic solvent.

Environmental Release/Disposal. The manufacturer states that the only release of material will be in solution form. Spills will be removed by a chemical absorbent which will be disposed of in an approved dump site.

Dated: September 28, 1981.

Woodson W. Bercaw,

Acting Director for Management Support Division.

[FR Doc. 81-28711 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-31-M

[PH-FRL-1948-1; PF-238]

Certain Pesticide Chemicals; Pesticide and Food Additive Petitions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that certain companies have filed petitions proposing a food additive regulation and establishing tolerances for certain pesticide chemicals in or on certain agricultural commodities.

ADDRESS: Written comments to the product manager (PM) cited in each specific petition at the address below: Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Written comments may be submitted while the petitions are pending before the agency. The comments are to be identified by the document control number "(PF-238)" and the specific petition number. All written comments filed in response to this notice will be available for public inspection in the product manager's office from 8:00 a.m. to 4:00 p.m., Monday through Friday, except legal holidays.

FOR FURTHER INFORMATION CONTACT: The product manager cited in each petition at the telephone number provided.

SUPPLEMENTARY INFORMATION: EPA gives notice that the following food additive and pesticide petitions have been submitted to the agency requesting establishment of a food additive regulation and tolerances for certain pesticide chemicals in or on certain raw agricultural commodities in accordance with the Federal Food, Drug, and Cosmetic Act. The analytical method for determining residues, where required, is given in each petition.

PP 1F2543. Stauffer Chemical Co., 1200 S. 47th St., Richmond, CA 94804. Proposes amending 40 CFR 180.328 by establishing a tolerance for the residues of the herbicide *N,N*-diethyl-2-(1-naphthalenyloxy)-propionamide in or on the raw agricultural commodities leafy vegetables and cucurbits at 0.1 part per million (ppm). The proposed analytical method for determining residues is gas-liquid chromatography using the

Coulson conductivity detector specific for nitrogen. (PM–25, Robert J. Taylor, 557–7066).

FAP 1H5316. Union Carbide Corp., P.O. Box 12014, T. W. Alexander Dr., Research Triangle Park, NC 27709. Proposes amending 21 CFR 193.15 by establishing a regulation permitting the combined residues of the insecticide/nematocide aldicarb (2-methyl-2-(methylthio) propionaldehyde *O*-(methylcarbamoyl)oxime and its cholinesterase-inhibiting metabolites aldicarb sulfoxide and aldicarb sulfone on the commodity sorghum bran at 1.0 ppm. (PM–12, Jay Ellenberger, 557–77024).

PP 1F2544. Dow Chemical Co., P.O. Box 1706, Midland, MI 48640. Proposes amending 40 CFR 180.342 by establishing tolerances for the combined residues of the insecticide chlorpyrifos [*O,O*-diethyl-*O*-(3,5,6-trichloro-2-pyridyl)phosphorothioate] and its metabolite 3,5,6-trichloro-2-pyridinol in or on the raw agricultural commodities corn, fodder and corn, forage at 10.0 parts per million (ppm). The proposed analytical method for determining residues is gas chromatography using electron capture detector. (PM–12, Jay Ellenberger, 557–7024).

PP 1F2537. Ciba-Geigy Corp. Agricultural Division, P.O. Box 11422, Greensboro, NC 27409. Proposes amending 40 CFR 180 by establishing tolerances for the combined residues of the fungicide metalaxyl [*N*-(2,6-dimethylphenyl)-*N*-(methoxyacetyl)alamine methyl ester] and its metabolite containing the 2,6-dimethylaniline moiety, each expressed as metalaxyl in or on the raw agricultural commodity hops at 0.2 ppm. The proposed analytical method for determining residues is gas chromatography with flame ionization detector or mass spectrometry. (PM–21, Henry Jacoby, 557–7060).

PP 1F2540. American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540. Proposes amending 40 CFR 180.352 by establishing tolerances for the combined residues of the insecticide terbufos (*S*-[(1,1-dimethyl)thio] methyl] *O,O*-diethyl phosphorodithioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities sorghum forage and fodder and sorghum grain at 0.05 ppm. The proposed analytical method for determining residues is a gas chromatographic procedure equipped with a flame photometric detector in the phosphorus mode. (PM–16, William Miller, 557–7040).

(Sec. 408(d)(1), 68 Stat. 512 (7 U.S.C. 136); 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348))

Dated: September 23, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-28705 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL-1947-8; PP 5G1623/T320]

Amitraz; Extension of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended temporary tolerances for residues of the insecticide amitraz (*N'*-(2,4-Dimethylphenyl)-*N*-[[2,4-dimethylphenyl]imino]-methyl]-*N*-methylmethanimidamide) and its metabolites *N'*-(2,4-dimethylphenyl-*N*-methylmethanimidamide) and *N*-(2,4-dimethylphenyl) formamide in or on the raw agricultural commodities grapefruits, lemons, oranges, and tangerines at 1.0 part per million (ppm); and meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.01 ppm; and milk at 0.01 ppm.

DATES: These tolerances expire June 28, 1982.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 12, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 400, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703–557–7024).

SUPPLEMENTARY INFORMATION: EPA issued a notice that published in the **Federal Register** of August 28, 1980 (45 FR 57539) that Upjohn Co., Agricultural R & D, Kalamazoo, MI 49001, had submitted pesticide petition 5G1623 to the EPA. The petition requested a renewal of temporary tolerances for residues of the insecticide amitraz (*N'*-(2,4-Dimethylphenyl)-*N*-[[2,4-dimethylphenyl]imino]-methyl]-*N*-methylmethanimidamide) and its metabolites *N-(2,4-dimethylphenyl-N*-methylmethanimidamide) and *N*-(2,4-dimethylphenyl) formamide in or on the raw agricultural commodities grapefruits, lemons, oranges, and tangerines at 1.0 ppm; and meat, fat, and meat byproducts of cattle, hogs, horses, and sheep at 0.01 ppm; and milk at 0.01 ppm. These tolerances expired July 17, 1981.

The Upjohn Co. has requested 1-year extension of the tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of experimental use permit 1023–EUP–35 which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that an extension of the temporary tolerances will protect the public health. Therefore, these temporary tolerances have been extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Upjohn Chemical Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This extension expires June 28, 1982. Residues not in excess of the amounts authorized remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Mayor" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: September 23, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-28703 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL-1948-6; PP OG2290/T325]

Isobutyric Acid; Extension of an Exemption From Requirement of a Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended the exemption from the requirement of a tolerance for residues of the plant growth regulator isobutyric acid in or on the raw agricultural commodity grapes.

DATE: This temporary exemption from the requirement of a tolerance expires June 6, 1982.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25 Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, 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 July 18, 1980 (45 FR 48241) that a temporary exemption from the requirement of a tolerance had been established for residues of the herbicide isobutyric acid in or on the raw agricultural commodity grapes. This exemption from the requirement of a tolerance was extended in response to a pesticide petition (PP OG2290) submitted by DMB Packing Corp., Box 517, Newman, CA 95360. The company requested a 1-year extension of the temporary tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with the provisions of experimental use permit 44544-EUP-1 which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that the exemption from the requirement of a tolerance will protect the public health. Therefore, the temporary exemption from the requirement of a tolerance has been extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. DMB Packing Corp. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This temporary exemption from the requirement of a tolerance expires June 6, 1982. Residues remaining in or on the raw agricultural commodity after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary exemption from the requirement of a tolerance. This temporary exemption from the requirement of a tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary exemption from the requirement of a tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary exemption from the requirement of a tolerance from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601-612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516 (21 U.S.C. 346a(j)))

Dated: September 23, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-28709 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL 1947-6; PW-27]

Mobay Chemical Corp.; Withdrawal of Pesticide Petition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Mobay Chemical Corp. has withdrawn a pesticide petition for use of the nematocide ethyl 3-methyl-4-(methylthio)phenyl(1-methylethyl) phosphoramidate in or on certain raw agricultural commodities.

FOR FURTHER INFORMATION CONTACT: Henry Jacoby, Product Manager (PM) 21, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 418, CM#2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7060).

SUPPLEMENTARY INFORMATION: In the **Federal Register** of August 15, 1980 (45 FR 54426) Mobay Chemical Corp., PO Box 4913, Hawthorn Road, Kansas City, MO 64120, submitted a pesticide petition (PP OF2385) proposing the establishment of tolerances for the combined residues for use of the nematocide ethyl 3-methyl-4-(methylthio)phenyl (1-methylethyl)phosphoramidate in or on the raw agricultural commodities corn, fresh (including sweet) at 0.01 ppm; corn grain (including field and popcorn); at 0.01 ppm; and corn forage and fodder at 0.5 ppm.

Mobay Chemical Corp. has withdrawn this petition without prejudice to further filing in accordance with the regulations.

(Sec. 408 of the Federal Food Drug, and Cosmetic Act (21 U.S.C. 346a(d)))

Dated: September 23, 1981.

Douglas D. Campt

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-28710 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL—1948-2; PP 6G1667/T329]

Tebuthiuron Extension of Temporary Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has extended temporary tolerances for residues of the herbicide tebuthiuron (*N*-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-*N,N'*-dimethylurea) and its metabolites in or on the raw agricultural commodities pasture grasses and grass hay at 20 parts per million (ppm).

DATE: These tolerances expire July 23, 1981.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 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 August 26, 1980 (45 FR 56912) that temporary tolerances had been renewed for residues of herbicide tebuthiuron (*N*-[5-(1,1-dimethylethyl)-1,3,4-thiadiazol-2-yl]-*N,N'*-dimethylurea) and its metabolites in or on the raw agricultural commodities pasture grasses and grass hay at 20 ppm. These tolerances were renewed in response to a pesticide petition (PP 6G1667) submitted by Elanco Products Co., 740 South Alabama St., Indianapolis, IN 46285. The company requested a 1-year extension of the temporary tolerances to permit the continued marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit (1471–EUP–43) which is being extended under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that the extension of the temporary tolerances will protect the public health. Therefore, the temporary tolerances have been extended on the condition that the pesticide be used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Elanco Products Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These tolerances expire July 23, 1982. Residues not in excess of this amount remaining in or on the raw agricultural commodities after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerances. These tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: September 23, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-28706 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL-1947-7; PP 6G1802/T330]

Oryzalin Renewal of Temporary Tolerance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has renewed a temporary tolerance for residues of the herbicide oryzalin [3,5-dinitro-N^4,N^4-dipropylsulfanilamide] in or on the raw agricultural commodity wheat at 0.1 part per million (ppm).

DATE: This temporary tolerance expires August 6, 1982.

FOR FURTHER INFORMATION CONTACT: Robert J. Taylor, Product Manager (PM) 25, Registration Division (TS–767C), Office of Pesticide Programs, Environmental Protection Agency, 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 July 30, 1980 (45 FR 50653) that a temporary tolerance had been renewed for residues of the herbicide oryzalin [3,5-dinitro-N^4,N^4-dipropylsulfanilamide] in or on the raw agricultural commodity wheat at 0.1 ppm. This tolerance was renewed in response to a pesticide petition (PP 6G1802) submitted by Elanco Products Co., 740 South Alabama St., Indianapolis, IN 46285. The company requested a 1-year renewal of the temporary tolerance to permit the continued marketing of the above raw agricultural commodity when treated in accordance with the provisions of the experimental use permits (1471–EUP–58 and 1471–EUP–69) which are being renewed under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended, (92 Stat. 819; 7 U.S.C. 136).

The scientific data reported and all other relevant material were evaluated, and it was determined that a renewal of the temporary tolerance will protect the public health. Therefore, the temporary tolerance has been renewed on the condition that the pesticide be used in accordance with the experimental use permits with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permits.

2. Elanco Products Co. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The company must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

This tolerance expires August 6, 1982. Residues not in excess of 0.1 ppm remaining in or on wheat after this expiration date will not be considered actionable if the pesticide is legally applied during the term of, and in accordance with, the provisions of the experimental use permit and temporary tolerance. This tolerance may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicates that such revocation is necessary to protect the public health.

As required by Executive Order 12291, EPA has determined that this temporary tolerance is not a "Major" rule and therefore does not require a Regulatory Impact Analysis. In addition, the Office of Management and Budget (OMB) has exempted this temporary tolerance from the OMB review requirements of Executive Order 12291, pursuant to section 8(b) of that Order.

Pursuant to the requirements of the Regulatory Flexibility Act (Pub. L. 96–534, 94 Stat. 1164, 5 U.S.C. 601–612), the Administrator has determined that regulations establishing new tolerances

or raising tolerance levels or establishing exemptions from tolerance requirements do not have a significant economic impact on a substantial number of small entities. A certification statement to this effect was published in the **Federal Register** of May 4, 1981 (46 FR 24950).

(Sec. 408(j), 68 Stat. 516, (21 U.S.C. 346a(j)))

Dated: September 23, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-28704 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-32-M

[PH-FRL-1948-4; PP 8G2129/T289A]

Bendiocarb; Renewal of Temporary Tolerances; Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice amends a renewal of temporary tolerances for residues of the insecticide bendiocarb in or on certain raw agricultural commodities.

DATE: These temporary tolerances expire January 27, 1982.

FOR FURTHER INFORMATION CONTACT: Jay S. Ellenberger, Product Manager (PM) 17, Registration Division (TS-767C), Office of Pesticide Programs, Environmental Protection Agency, Rm. 400, CM 2, 1921 Jefferson Davis Highway, Arlington, VA 22202, (703-557-7024).

SUPPLEMENTARY INFORMATION: EPA issued a notice that was published in the **Federal Register** of May 22, 1981 (46 FR 28003) that temporary tolerances had been renewed for residues of the insecticide bendiocarb (2,2-dimethyl-1,3-benzodioxol-4-ol methyl carbamate) and its metabolites in or on certain raw agricultural commodities. The renewal was requested by Fisons, Inc., Wilmington, DE 19805.

Fisons, Inc., has submitted an amendment to the renewal of temporary tolerances requesting that temporary tolerances be established separately for residues of the insecticide bendiocarb (2,2-dimethyl-1,3-benzodioxol-4-ol methyl carbamate) in or on the following raw agricultural commodities: corn, grain at 0.5 ppm; corn fodder at 0.5 ppm; and corn forage at 0.5 ppm.

Fisons, Inc., is requesting that temporary tolerances be established separately for the residues of the insecticide 2,2-dimethyl-1,3-benzodioxol-4-ol methyl carbamate and its metabolites NC-7312 (2,2-dimethyl-1,3-benzodioxol-4-ol) and *N*-hydroxymethyl bendiocarb in or on the following raw agricultural commodities: milk at 0.05 ppm; fat, meat, and meat byproducts (except kidneys) of cattle, goats, hogs, horses, poultry, and sheep at 0.05 ppm; kidneys of cattle, goats, hogs, horses, poultry, and sheep at 0.1 ppm; and eggs at 0.05 ppm.

All other provisions of the temporary tolerance remain the same.

(Sec. 408(j), 68 Stat. 516; (21 U.S.C. 346a(j)))

Dated: September 23, 1981.

Douglas D. Campt,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 81-28708 Filed 10-1-81; 8:45 am]

BILLING CODE 6560-32-M

FEDERAL COMMUNICATIONS COMMISSION

Temporary Commission on Financing Public Broadcasting Schedules Organizational Meeting

September 28,1981.

The Temporary Commission on Alternative Financing for Public Telecommunications established by the Public Broadcasting Amendments Act of 1981 has scheduled its first meeting for October 2, 1982. F.C.C. Chairman Mark Fowler has designated F.C.C. Commissioner James H. Quello as chairman of the Temporary Commission.

Other members include the heads of the National Telecommunication and Information Administration, Corporation for Public Broadcasting, National Public Radio, and the National Association of Public Television Stations (or their designees). The remaining members are the Chairman and ranking minority member of the Committee on Commerce, Science, and Transpoation of the Senate, and the Chairman and ranking minority member of the Committee on Energy and Commerce of the House of Representatives (or committee members designated by them). The named members of the Temporary Commission will also select two additional members, one from a public radio station and one from a public television station.

The legislation requires that the Temporary Commission study alternative sources of revenue for public telecommunications, and report to Congress with legislative or other recommendations. Two studies are provided for in the new legislation. The Temporary Commission is required to study alternative sources of new revenue that would not alter the programming service of the stations and submit a report to Congress by July 1, 1982. The second provision allows the Temporary Commission, if it considers it appropriate, to implement a limited demonstration project with advertising on public stations, and report to Congress by October 1, 1983. If the Temporary commission does the advertising study, it will be limited to 18 months beginning on January 1, 1982, will be limited to no more than 20 stations, and will have other limits on the number and kind of ads that can be aired.

The October 2 meeting will be held pending approval by the General Services Administration of the charter of the Temporary Commission. Such approval is necessary under the Federal Advisory Committee Act. The charter of the Temporary Commission has been forwarded to the General Services Administration and to the United States Senate and House of Representatives. The meeting will be open to the public and will begin at 9:30 am in the Commission meeting room in Room 856 of the F.C.C. building at 1919 M Street, N.W. in Washington, D.C.

This announcement provides less than the required 15 days notice; however, the early deadlines imposed on the Temporary Commission by the statute requires expedited action. This exception has been reviewed and approved by the FCC advisory committee Management Officer.

For further information contact: John Kamp, Broadcast Bureau (202) 632-6302.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-28868 Filed 10-1-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL ELECTION COMMISSION

[Notice 1981-11]

Filing Dates For Connecticut Special Election

AGENCY: Federal Election Commission.

ACTION: Notice of Filing Dates For Connecticut Special Election.

SUMMARY: Committees required to file reports in connection with the Republican and Democratic conventions to be held in the 1st Congressional District of Connecticut on November 23, 1981, shall file a 12-day pre-convention report due on November 11, 1981. Committees required to file reports in connection with the special primary election to be held, if necessary, on December 15, 1981, shall file a 12-day pre-primary report due on December 3, 1981. Committees required to file reports in connection with the special general

election to be held on January 12, 1982, shall file a 12-day pre-general report due on December 31, 1981 and a 30-day post-general report due on February 11, 1982.

FOR FURTHER INFORMATION CONTACT: Ms. Bobby Werfel, Public Information Office, 1325 K Street, N.W., Washington, D.C. 20463 Tel: (202) 523–4068, Toll-free (800) 424–9530.

Notice of Filing Dates For Convention, Special Primary and Special General Elections, 1st Congressional District, Connecticut

All principal campaign committees of candidates in the Republican and Democratic conventions and all other political committees not filing monthly, which support candidates in the conventions, shall file a 12-day pre-convention report due on November 11, 1981. All principal campaign committees of candidates in the Special Primary Election and all other political committees not filing monthly, which support candidates in the Special Primary Election, shall file a 12-day pre-primary report due on December 3, 1981. All principal campaign committees of candidates in the Special General Election and all other political committees not filing monthly, which support candidates in the Special General Election, shall file a 12-day pre-general report due on December 31, 1981, and a 30-day post-general report due on February 11, 1982.

Dated: September 29, 1981.

John Warren McGarry,

Chairman, Federal Election Commission.

[FR Doc. 81–28706 Filed 10–1–81; 8:45 am]

BILLING CODE 6715–01–M

FEDERAL MARITIME COMMISSION

[Agreements Nos. 5600–42 and T–3982]

Availability of Findings of No Significant Impact

Upon completion of environmental assessments, the Federal Maritime Commission's Office of Energy and Environmental Impact has determined that the Commission's decision on the proposed actions listed below will not constitute major Federal actions significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321 *et seq.*, and that preparation of environmental impact statements is not required.

Agreement No. 5600–42, the Philippines North America Conference (PNAC) Agreement provides for, among other things, authorization of intermodal through and joint rates, charges and regulations from inland points in the Republic of the Philippines to ports or inland points in the U.S. and any of its districts, territories or possessions and Canada.

Agreement No. T–3982, between the Puerto Rico Ports Authority (Authority) and the Puerto Rico Line, Inc. (PRL), provides for preferential assignment by the Authority to PRL of 226,328.3 square feet of warehouse space, two berthing platforms and adjacent areas. The agreement also provides PRL exclusive use of an 895 square foot office located at Pier "D" in the Puerto Nuevo Area of San Juan. The term of the agreement is for three years, with an option for renewal for three more years.

The Findings of No Significant Impact (FONSI) will become final on or before October 22, 1981 unless petitions for review are filed pursuant to 46 CFR 547.6(b).

The FONSI and related environmental assessments are available for inspection on request from the Office of the Secretary, Room 11101, Federal Maritime Commission, Washington, D.C. 20573, telephone (202) 523–5725.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 81–28815 Filed 10–1–81; 8:45 am]

BILLING CODE 6730–01–M

[Docket No. 81–58]

Maizena S.A. v. Flota Mercante Grancolombiana S.A.; Filing of Complaint and Assignment

Notice is given that a complaint filed by Maizena, S.A. against Flota Mercante Grancolombiana S.A. was served September 24, 1981. Complainant alleges that respondent has subjected it to payment of rates for ocean transportation in violation of section 18(b)(3) of the Shipping Act, 1916.

This proceeding has been assigned to Administrative Law Judge Norman D. Kline. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Joseph C. Polking,

Assistant Secretary.

[FR Doc. 81–28816 Filed 10–1–81; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL RESERVE SYSTEM

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. Section 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 October 22, 1981.

A. Federal Reserve Bank of New York (A. Marshall Puckett, Vice President) 33 Liberty Street, New York, New York 10045:

Citicorp, New York, New York (consumer finance and insurance activities; Missouri and Illinois): To expand the activities and service area of an office of its subsidiary, Citicorp Person-to-Person Financial Center, Inc., located in Manchester, Missouri, and engaged in the following previously approved activities: the making or acquiring of loans and other extensions of credit, secured or unsecured, for consumer and other purposes; the extension of loans to dealers for the financing of inventory (floor planning)

and working capital purposes; the purchasing and servicing for its own account of sales finance contracts; the sale of credit related life and accident and health or decreasing or level (in the case of single payment loans) term life insurance by licensed agents or brokers, as required; the sale of credit related property and casualty insurance protecting real and personal property subject to a security agreement with Citicorp Person-to-Person Financial Center, Inc., to the extent permissable under applicable state insurance laws and regulations; the sale of consumer oriented financial management courses; and the servicing, for any person, of loans and other extensions of credit. The new activities in which the office proposes to engage *de novo* are: the originating of 1–4 family residential mortgage loans; and the direct sale of mortgage life and disability insurance, to the extent permissible under applicable state insurance laws and regulations. The service area of the office would be comprised of southern Illinois and the entire state of Missouri for all the aforementioned activities. Credit related life, accident, and health insurance may be written by Family Guardian Life Insurance Company, an affiliate of Citicorp Person-to-Person Financial Center, Inc.

B. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

Commerce Bancshares, Inc., Kansas City, Missouri (insurance activities; Kansas and Missouri): To engage through its *de novo* subsidiary, Commerce Property and Casualty Agency, Inc., ("Agency") in the activities of acting as insurance agent or broker of the following kinds of property and casualty insurance which is directly related to extensions of credit or the provision of other financial services by the applicant's bank and nonbank subsidiaries and safekeeping insurance which is directly related to financial services offered by the applicant's bank subsidiaries: (1) Insurance protecting property used as collateral in connection with an extension of credit or the provision of other financial services including, but not limited to, dual and single interest physical damage insurance, fire and extended coverage insurance. Examples of the types of collateral to be insured are motor vehicles, recreational vehicles, boats, real estate, mobile homes, household contents, equipment and inventory. (2) Liability and comprehensive insurance written in connection with, or as part of an insurance package with, insurance protecting collateral. (3) Insurance covering securities, documents, jewelry, coins, and other valuables held for safekeeping. (4) Insurance covering valuables kept in a safe deposit box. The operational activities of Agency would be conducted at offices in Kansas City, Missouri; the proposed credit-related and financial service-related property and casualty insurance activities would be performed at the applicant's bank and nonbank subsidiary offices; and, the proposed financial service-related safekeeping insurance activities would be performed at offices of applicant's bank subsidiaries offices; and, the proposed financial service-related safekeeping insurance activities would be performed at offices of applicant's bank subsidiaries except the Eagle Rock, Missouri subsidiary. Applicant's subsidiary bank office locations include: Cassville, Eagle Rock, Kansas City, Bolivar, Bonne Terre, Desloge, Brunswick, Mendon, Columbia, Excelsior Springs, Fenton, Festus, Florissant, Grandview, Hannibal, Harrisonville, Independence, Joplin, Kahoka, Kirksville, Kirkwood, Lebanon, Lexington, St. Louis, Mexico, Moberly, St. Louis County, Pacific, Poplar Bluff, Qulin, St. Charles, St. Joseph, Springfield, Tipton, University City, Maryland Heights, and Willard, all in Missouri. Applicant's subsidiary nonbank offices are located in Kansas City, Missouri. The geographic areas to be served consist of the banking markets of the respective subsidiary banks and the states of Missouri and Kansas for the nonbank subsidiaries.

C. Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Correction

Bankamerica Corporation, San Francisco, California 94120 (financing and servicing activities; *de novo* offices; expansion of geographic scope): This notice corrects a previous **Federal Register** notice (FR Doc. 81–27292) published at page 46387 of the issue for Friday, September 18, 1981. The service areas for this application were incomplete and incorrect. The corrections and additions are as follows: The existing Kansas City, Kansas office will serve the entire state of Kansas, and all other states except Alaska, Hawaii, and the District of Columbia. The existing office in Tucker, Georgia will serve the entire state of Georgia, and the states of Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee.

D. Other Federal Reserve Banks: None.

Board of Governors of the Federal Reserve System, September 25, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81–28678 Filed 10–1–81; 8:45 am]

BILLING CODE 6210–01–M

Southern California Bancorp; Formation of Bank Holding Company

Southern California Bancorp, Laguna Beach, California, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Laguna National Bank and Trust, Laguna Beach, California a *de novo* bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 23, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governor of the Federal Reserve System, September 25, 1981.

D. Michael Manies

Assistant Secretary of the Board.

[FR Doc. 81–28676 Filed 10–1–81; 8:45 am]

BILLING CODE 6210–01–M

Sulphur Community Bancshares, Inc.; Formation of Bank Holding Company

Sulphur Community Bancshares, Inc., Sulphur, Oklahoma, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of Sulphur Community Bank, Sulphur, Oklahoma. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be

received not later than October 25, 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, September 25, 1981.

D. Michael Manies

Assistant Secretary of the Board.

[FR Doc. 81-28677 Filed 10-1-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Peroid of the Premerger Notification Rules; Reliance Group Inc.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Reliance Group Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed aquisition of certain voting securities of E. H. Crump Cos. Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Reliance. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: September 17, 1981.

FOR FURTHER INFORMATION CONTACT: Roberta Baruch, Senior Attorney, Premeger Notification Office, Bureau of Competition, Room 301, Federal Trade Commission, Washington, D.C. 20580, (202) 523-3894.

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. §18a, as added by Title II of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register**.

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-28755 Filed 10-1-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

Life Course Review Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix I), announcement is made of the following national advisory body scheduled to assemble during the month of October 1981.

Life Course Review Committee

October 22-24; 9:00 a.m.

Shoreham Americana Hotel
Room E-630
2500 Calvert Street, N.W., Washington, D.C. 20008
Open—October 23; 9:30-10:30 a.m.
Closed—Otherwise
Contract: Ms. Dee Herman, Room 9C-18, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-1367

Purpose: The Committee is charged with the initial review of applications for assistance from the National Institute of Mental Health for support of research and/or activities in the fields of child, family, and aging, and makes recommendations to the National Advisory Mental Health Council for final review.

Agenda: From 9:30-10:30 a.m., October 23, the meeting will be open for discussion of administrative announcements and program developments. Otherwise, the Committee will be performing initial review of applications for assistance and will not be open to the public in accordance with the determination by the Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to the provisions of 5 U.S.C., 552b(c)(6), and Section 10(d) of Pub. L. 92-463 (5 U.S.C. Appendix I).

Substantive information may be obtained from the contact person listed above. Summary of the meeting and roster of Committee members may be obtained from Ms. Helen W. Garrett, Committee Management Officer, Room 9-95, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857 (301) 443-4333.

Dated: September 29, 1981.

Elizabeth A. Connolly,

Committee Management Officer, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc. 81-28633 Filed 10-1-81; 8:45 am]

BILLING CODE 4110-88-M

Food and Drug Administration

[Docket No. 81N-0305]

Newport Pharmaceuticals International, Inc.; Isoprinosine; Opportunity for Hearing on Proposal To Refuse To Approve New Drug Application

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice proposes to refuse approval of new drug application 19-575 for Isoprinosine submitted by Newport Pharmaceuticals International, Inc., and offers an opportunity for a hearing on the proposal.

DATES: Hearing request due on or before November 2, 1981; data to support a hearing request due on or before December 1, 1981.

FOR FURTHER INFORMATION CONTACT: Paul Leber, Bureau of Drugs (HFD-120), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-443-3830.

SUPPLEMENTARY INFORMATION: On November 17, 1980, the Food and Drug Administration (FDA) received new drug application 18-575 for the preparation Isoprinosine for the treatment of subacute sclerosing panencephalitis (SSPE). SSPE is a degenerative disease of the central nervous system which occurs primarily after a measles virus infection in children and young adults. The application was submitted by Newport Pharmaceuticals International, Inc. 1590 Monrovia Ave., Newport Beach, CA 92660.

In a meeting on March 30, 1981, FDA's Peripheral and Central Nervous System Drugs Advisory Committee considered the effectiveness data in this new drug application (NDA). The committee also considered a statistical analysis by Newport's consultant that had been presented to FDA and the committee only shortly before the meeting. Based in large part on that statistical analysis, which analyzed not only the data in the application but also data not previously made available to FDA, the committee, with one dissent, concluded that Isoprinosine had been shown to have some effectiveness in prolonging survival of some patients with SSPE. The committee member voting against this recommendation was the committee's sole biostatistician. The committee also concluded that there was no substantial evidence for the claim that Isoprinosine improves the clinical state of patients with SSPE. On

May 21, 1981, the applicant made its final submission to the NDA of the new data which had been analyzed in the statistical report presented to the committee. Evaluation by FDA revealed that the statistical analysis presented to the committee was flawed and that the data submitted did not provide substantial evidence of effectiveness of Isoprinosine for either prolonging survival or improving the clinical state of patients with SSPE.

On July 31, 1981, FDA issued a letter informing Newport that its application. On August 4, 1981, Newport requested that its application be filed over protest under 21 CFR 314.110(d).

FDA has reevaluated new drug application 18–575 for Isoprinosine. Again it has found the application to be inadequate and not approvable. The applicant's analysis does not establish whether the reported difference in survival is due to a drug effect or to a bias in the selection of SSPE cases for study. This notice proposes to refuse to approve the new drug application on the grounds that the application fails to provide substantial evidence of effectiveness of the drug product for its intended use and, additionally, that the application fails to show that the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the product are adequate to preserve its identity, strength, quality and purity.

Because it is possible that publishing in the **Federal Register** a detailed description of certain of the inadequacies in manufacturing controls might constitute the revelation of trade secrets, the specific inadequacies in the application concerning manufacturing controls are not described in this notice. A detailed statement of these inadequacies is being served directly on the applicant by mail. FDA has waived the combination drug regulations (21 CFR 300.50) for Isoprinosine for the treatment of SSPE. Certain of the inadequacies in the clinical data submitted in support of the effectiveness of Isoprinosine for SSPE are described below.

Effectiveness Data

Newport submitted a number of published and unpublished reports on the effectiveness of Isoprinosine for SSPE as well as for various other indications. A reference list of the reports on the SSPE indication is provided below.

A number of the reports submitted on the effectiveness of Isoprinosine did not describe clinical investigations. Thus, two reports contained reviews of various types of viral diseases including SSPE (Booss (Ref. 2); Brooks et al. (Ref. 3)). Three submissions consisted of epidemiological reports on SSPE (Bellman and Dick (Ref. 1); Enders-Ruckle (Ref. 5); Jabbour et al. (Ref. 12)). One article presented a general description of the disease and attempts at treatment with Isoprinosine, and concluded that larger controlled trials are needed to establish the value of the drug (Editorial Comments—*British Medical Journal* (REf. 4)). These reports clearly do not describe adequate and well-controlled trials with Isoprinosine. (21 CFR 314.111(a)(5)(ii)(*a*) (*1–5*).)

A number of the studies submitted were uncontrolled, contrary to the requirement of 21 CFR 314.111(a)(5)(ii)(*a*)(*4*). Thus, six reports provided historical reviews of SSPE cases without any comparisons of test and control groups (Haddad et al. (Ref. 9); Risk and Haddad (Ref. 15); Risk et al. (Ref. 16); Van der Zwaag et al. (Ref. 19)). Six submissions presented reports of Isoprinosine-treated cases which also were not compared to a control (Flugel et al. (Ref. 6); Goetz and Peller (Ref. 7); Huttenlocher (Ref. 11); Mattson et al. (Ref. 14); Silverberg et al. (Ref. 17); Streletz and Cracco (Ref. 18)). Dyken and Swift's report on SSPE and Isoprinosine (Ref. 22) presented the authors' experience with 15 SSPE patients treated openly with Isoprinosine over a 5-year period. As with the previous studies, no control group was employed. It is clear that these uncontrolled studies do not provide substantial evidence of effectiveness of Isoprinosine consisting of adequate and well-controlled investigations. (21 CFR 314.111(a)(5)(ii)(*a*)(*4*).)

The study by Huttenlocher and Mattson (Refs. 10 and 20) was an open study of the effects of Isoprinosine in 15 nonrandomly selected patients. Comparisons were simply made between the incidence of remission in the group of 15 cases and the remission rates in a group of 99 untreated cases reported by Haddad, Risk, and Jabbour (Ref. 9). As the untreated cases included many with advanced disease and the treated cases were restricted to those with less advanced disease (stage 2 or less), there is no assurance that the groups are comparable. (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*).) The authors also did not attempt statistical comparison of remission rates because of a concern that their patients were not randomly selected.

The Haddad and Risk study (Refs. 8 and 21), entitled "Isoprinosine treatment in 18 patients with subacute sclerosing panencephalitis: A controlled study," was actually a report of the authors' experience with 18 cases treated openly for an average of three months. Course and outcome of the treated patients were compared to those observed with a group of 96 untreated historical controls. Improvement occurred in two treated cases 16 and 25 months after therapy with Isoprinosine had been discontinued. The authors concluded that the improvement in the treated patients was consistent with the natural history of the disease and not a result of the drug treatment. Also, the lack of reported patient data, particuluarly on the control group, prevents assurance that the test and control groups are comparable. (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*).)

The two-paragraph abstract by Jabbour et al (Ref. 13) on the "Comparative analysis of the therapeutic effect of Isoprinosine on the course of SSPE" describes an open clinical trial where 45 subjects were compared with 29 patients in an historical control group. As with the previous report, the lack of patient data prevents adequate assurance that the test and control groups are comparable. (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*).) Generally, the abstract lacks the detail to permit scientific evaluation. (21 CFR 314.111(a)(5)(ii)(*c*).)

Therefore, FDA finds that the above studies fail to provide substantial evidence of the effectiveness of Isoprinosine for SSPE. FDA notes that some of the above studies do suggest that the course of SSPE in untreated patients may be long, variable, or fluctuating (Risk and Haddad (Ref. 15); Enders-Ruckle (Ref. 5); Flugel (Ref. 6); Haddad et al. (Ref. 9); Jabbour et al. (Ref. 13); Risk et al. (Ref. 16). Observations that the natural history of untreated SSFE is not always rapid and unremitting give support for the need for controlled studies to demonstrate the effectiveness of Isoprinosine therapy.

As a pivotal work on the effectiveness of Isoprinosine for SSPE, Newport submitted a report identified as the "Multicenter Study" (Ref. 23). In it, data on 74 Isoprinosine-treated patients assembled from a number of physicians were compared with data on groups of untreated patients assembled from the records of several SSPE registries. Distinct comparisons were made between the Isoprinosine group and the following untreated groups used as controls: (1) 150 dead SSPE patients whose records had been obtained from among several hundred patients reported to the U.S. SSPE Registry; (2) 94 patients from the Lebanon SSPE Registry; and (3) 30 patients of Dr.

Jabbour (former head of the U.S. Registry) also taken from the U.S. Registry. A fourth comparison was made between a subset of 30 of the 74 Isoprinosine-treated cases and 30 cases from the U.S. Registry matched as to age, sex, and date of pnset of SSPE.

The sponsor's method of analysis was to construct life tables using six-month intervals and then to compare, for each interval, the probabilities of surviving the interval for the Isoprinosine group and the control groups. In comparing the life tables of the Isoprinosine group to the controls, the sponsor found that the survival probabilities for the Isoprinosine patients were significantly larger ($p=0.05$) than those for the U.S. Registry untreated patients for every interval. The same results were obtained in the comparison of the Isoprinosine patients and the Lebanon Registry patients, and in the comparison of the 30 Isoprinosine patients and their matched U.S. Registry untreated patients. In the comparison between the Isoprinosine patients and Dr. Jabbour's patients, however, there was no significant difference in survival probabilities until the 42- to 48-month interval. At that interval and beyond, the comparisons favored Isoprinosine at $p=0.05$. The sponsor also compared these two groups with respect to the time until the entry of Stage 4 of the disease (vegetative). Except for the first 6-month interval, all of the comparisons favored Isoprinosine at $p=0.05$.

Despite the observed differences in results favoring the Isoprinosine group, this report fails to demonstrate the effectiveness of Isoprinosine because it does not provide sufficient evidence that the observed differences are attributable to the administration of the drug product. The applicant's analyses of the submitted data do not exclude the possibility that bias, particularly a time length sampling bias, may account for the observed differences in results between the patients who received Isoprinosine and those who did not.

Use of an historical control involves comparing present experience in treated patients with past experience historically derived from the adequately documented natural history of the disease or condition in comparable patients or populations with no treatment. (21 CFR 314.111(a)(5)(ii)(*a*)(*4*)(*iv*).) The comparability of the treatment and control groups is an important requirement. If the groups are different at baseline in the distribution of important factors affecting survival, the administration of the drug cannot be identified as the isolated variable responsible for the observed differences in survival rates among the groups. In such a case, the other prognostic factors distinguishing the groups may account for the entire difference in observed survival rates. Thus, the presence of prognostically important factors (both known and unknown) unequally distributed among the treatment and control groups would create substantial bias in evaluating the effect of the drug.

This report fails to provide assurance that the test and control groups are comparable as to factors which could affect survival. (21 CFR 314.111(a)(5)(ii)(*a*)(*2*)(*iii*) and (*a*)(*4*)(*iv*).) The failure to provide such data as clinical history, clinical course, and diagnostic procedures for the control groups prevents assurance that they are comparable to the treated group. One possible source of bias is that the registry control groups may contain more rapidly progressive cases of SSPE because clinical cases with the classic pattern of a steadily progressive course are more likely to be diagnosed and reported to a registry. This type of bias can be seen in the U.S. Registry group which consisted of 150 patients, all of whom are dead. These cases were not selected randomly and represent a subgroup of a larger group whose course was not fully known. This set of control patients with SSPE is thus incomplete, and, since death is the critical factor, the probable result is a worst case analysis for the control group.

Another possible bias is related to the methods of retrospectively ascertaining onset dates for SSPE patients. Onset times are estimated by investigators from clinical history obtained either from case records (more likely in the case of registry patients) or from interviews with the patient's family (more likely among treated cases). It appears that the treated patients were cared for by physicians especially knowledgable about SSPE's clinical features who were more likely to obtain information from family interviews and estimate onset times for their treated cases on the basis of subtle changes. In contrast, the onset times for many registry patients were probably estimated, not by experts in the disease, but by the physicians who reported them. There is a greater chance that these physicians relied on more obvious and gross clinical features to date the onset. Consequently, as the survival intervals are defined as the period between onset and death, the survival times for the treated patients may be systematically inflated by the more subtle means used to ascertain their onset dates.

The existence of a definite selection bias affective entry into the Isoprinosine group was suggested by a correlation observed between the duration of a treated patient's survival and the length of the period between the onset of the patient's illness and the time of receiving treatment. Suprisingly, a longer survival appeared to correlate with a prolonged time to treatment with the drug. One explanation for this correlation lies in the apparently different ways in which patients were selected to be in the Isoprinosine group and the various registry control groups.

For the Isoprinosine group, patients were not selected at the onset of SSPE nor, in most cases, at the diagnosis. The patients had to have been found at some time during the course of their illness. Patients with short survival times tended not to have been included in the Isoprinosine group either because they died before they could be located and entered or because they had not yet been disgnosed as having SSPE. There was, therefore, a tendency to enter into the Isoprinosine group those patients who had had SSPE for longer periods of time. These patients tended to have longer survival times because (i) they had a built-in "guaranteed survival" i.e., the time from onset to start of treatment which was included in the total survival time, and (ii) the fact that they already had survived a longer period of time may indicate that they were patients with good prognoses who could have continued to survive relatively longer without any treatment intervention.

In contrast, the process of reporting patients to registries is not subject to a corresponding mechanism that tends to exclude those individuals with very short survival times. Patients can be reported to the registries at onset, during the course of the disease, or after death. Thus, the registry groups may be different from the treatment groups by the inclusion of patients with very short survivals. Accordingly, there is no assurance that the test and control groups are comparable. (21 CFR 314.111 (a)(5)(ii)(*a*)(*2*)(*iii*) and (*a*)(*4*)(*in*).) The existence of a selection bias affecting entry into the Isoprinosine group but not into the registry group may be responsible for the differences in results between the groups.

FDA further analyzed the existence of a selection bias and its possible effect on survival patterns by use of computer simulation study. Data were randomly generated for a population of 2,000 patients, and each patient received a survival time, a time from onset of SSPE to treatment, and a censoring time. Then 100 "treatment" and 100 "control"

patients were randomly sampled from the generated population. As explained above, only those patients who were alive when recruitment began (i.e., whose survival time exceeded their time to treatment) could have been selected for the the Isoprinosine multicenter group. Therefore, in order to mimic the manner by which the Isoprinosine patients were selected, patients for the "treated" group in the simulation had to have survival times at least as large as their times to treatment. The comparison of the survival time to the censoring time determined which of the 100 patients were deaths and which were censored observations (i.e., still alive or lost to followup). Because there was no such restriction on the patients who were reported to the various registries, the "control" group in the simulation was randomly chosen without any restriction. The 100 "treatment" patients were found to have significantly longer survival than the 100 "registry" patients ($p=0.01$), even though both treatment groups were sampled from the same population and differed only in the manner by which the patients were selected into groups. This analysis indicates that the manner by which the patients were selected for the multicenter groups could severely bias the treatment comparisons.

The life-table analysis presented in the new drug application did not take into account the selection bias explained above and is therefore an inappropriate statistical method for comparing the distributions. (21 CFR 314.111(a)(5)(*ii*)(*a*)(*5*).) Such analyses also create a problem in choosing a significance level for testing each interval and for determining an overall significance level, and they can lead to a problem concerning what the correct inference should be if the groups are significantly different at some intervals but not at others. Furthermore, a number of alternative statistical procedures are available which are not based on arbitrary intervals and compare entire survival curves with only one statistical test. Indeed, the additional statistical review prepared at the request of Newport by Dr. Frank Stitt and submitted at the March 30, 1981 advisory committee meeting utilized alternative procedures because of similar concerns with the life/table analysis.

The statistical review of Dr. Stitt also recognized the need to consider the possible influence on survival of factors other than the administration of Isoprinosine, particularly a possible selection bias in which "only those cases which would have survived anyway are included in the treatment group" (Stitt report, p. 2). In his review of the data, Dr. Stitt also noted that the control group of Dr. Jabbour's patients appared to have better survival than the other control groups, and that the historical controls and treatment groups differed with respect to dates of onset of the disease (calendar dates). (See Stitt report, p. 2.)

In his analysis, Dr. Stitt used data from the original 74 Isoprinosine patients analyzed in the new drug application plus data from the 24 new Isoprinosine patients provided by Newport. For the historical control data, he used the 30 patients of Dr. Jabbour who had been included in the application, as well as 93 new patients from the Israel Registry. Dr. Stitt first analyzed the data using the Kaplan-Meier product-limit survival analysis method to estimate cumulative survival for all data groups and employing the Mantel-Cox test to compare groups. With this analysis the Isoprinosine groups had significantly better survival than either historical control group (the Israel Registry group and Dr. Jabbour's group).

Dr. Stitt then utilized various techniques to adjust for possible bias in the study. In his first attempt to adjust for bias, Dr. Stitt excluded the Isoprinosine patients who had a time from onset to treatment exceeding 12 months and performed the above analysis techniques using the Israel and Jabbour patients for comparison to the treated patients. For this analysis there was significant difference between the treated and Israel group ($p<0.05$) but no difference between the treated and Jabbour group.

Dr. Stitt next employed the Cox Regression technique with covariates in an attempt to adjust the treatment comparisons for the effects of other variables. He defined two sets of time-dependent and fixed covariates. The time-dependent covariates consisted of:

1. *Group*, set at zero for a subject until treatment and set equal to one after treatment starts, and
2. *Time-to-treatment*, set at zero before treatment and set equal to the time in months from onset to treatment after treatment starts.

The fixed covariates consisted of:

1. *Sex*,
2. *Age at onset* of SSPE,
3. *Epoch*, defined as months from January 1950 to onset (to adjust for changes in selection and concomitant treatment over time), and
4. *Treatment speed*, set at zero for control subjects and the reciprocal of the number of months from onset to treatment in the treated group.

Dr Stitt presented a number of analyses based on the Cox Regression technique. He first utilized a time-dependent analysis in which both the time-to-treatment and group variables were found to be significant ($p=0.01$). Sex, epoch, and age were not significant in this analysis.

A stepwise analysis with fixed covariates was then used, in which variables could be added or removed from the model depending on how much they contributed towards predicting survival. For this procedure, treatment speed was forced into the model and then other variables were allowed to enter in a stepwise fashion. When no further improvement could be obtained in the model, the significant variables were the Isoprinosine v. Israel contrast (which favored Isoprinosine), the Isoprinosine v. Jabbour contrast (which favored Isoprinosine) and the interaction between epoch and the Isoprinosine v. Israel contrast. Sex, epoch, and age at onset were not in the final model.

A nonstepwise analysis with fixed covariates was also presented. In this analysis, 10 variables were specified in the model. The variables included four main effects (sex, epoch, treatment speed, and age at onset); two treatment contrasts (treated v. Israel and treated v. Jabbour); and four interaction variables (two treatment contrasts with age and epoch each considered separately). Treatment speed ($p<0.001$) and the treated v. Israel contrast ($p<0.001$) were found to be significant. The treated v. Jabbour contrast was not significant, but a combined score test comparing the treatment to the controls for overall treatment effect was significant favoring the treatment group ($p<0.001$).

Using the model generated above, hazard values were computed for each patient. The treatment groups were then compared using a one-way analysis of variance on the hazards. This analysis demonstrated significantly lower hazard (i.e., risk of death) for the treated group than the Israel and Jabbour groups.

These statistical analyses are not appropriate to eliminate the effect of bias in the evaluation of treatment effect. (21 CFR 314.111(a)(5)(ii)(*a*)(*5*).) The first method used to adjust for the selection bias was to eliminate Isoprinosine patients whose time to treatment exceeded 12 months. The rationale for eliminating these patients with a long time to treatment was that these were the patients with the best prognosis whose continued survival may have been due to their good prognosis rather than to the introduction of Isoprinosine. However, one could also

exclude control patients whose survival times were less than 4 months, on the basis that these were the patients with the poorest prognosis who probably died before they could be found for selection into the Isoprinosine study but who may have been reported to a registry. It can be seen that this method of trying to adjust for the selection bias by eliminating certain patients involves arbitrary procedures whose results depend on whether one eliminates patients from one or both ends of the time scale, and how one chooses the magnitude of the cutoff times. It also excludes valuable patient data from analysis. Accordingly, no definite conclusions can be shown from the resulting analysis, and the method is not appropriate to eliminate the effect of the suspected bias in the study.

The second method Dr. Stitt used to adjust the treatment comparisons for prognostic factors, particularly the selection bias, involved the Cox Regression technique. There are a number of flaws in the analyses based on this technique. The major problems relate to the meaningfulness of the treatment speed variable, the interpretation of the results of the analyses, and the differences among the historical control groups.

In the fixed covariate regression analysis, inadequate justification was provided for the use of the treatment speed variable, which was defined as the reciprocal of the time from onset to treatment. In this analysis, Dr. Stitt had to assign to the patients in the control groups a "pseudo" onset to treatment time because the time from onset to start of treatment was necessarily undefined for the untreated patients in the control groups. Dr. Stitt chose infinity for this variable. It can be seen, however, that was not a reasonable assignment and seriously flawed the analysis.

The purpose of trying to adjust the treatment comparisons for the time from onset to start of treatment is the concern that the apparent differences in survival were, to some unknown extent, due to a guaranteed survival process which affected the Isoprinosine patients but not the historical control patients. An adjustment which seeks to eliminate this bias ought to lessen the differences in the survival curves between the Isoprinosine group and the various control groups. Using infinity does not do this. In fact, when FDA compared the results from the Cox Regression analysis making no adjustment for the time from onset to start of treatment with the results using the infinity adjustment for the control patients, the differences in survival between the Isoprinosine group and both control groups substantially increased rather than decreased.

Further evidence that infinity was not a reasonable assignment is the logical inconsistency that results. With the onset to treatment times for the control groups set at infinity, all the patients in the Isoprinosine group had onset-to-treatment times that were *shorter* than their survival times, while all the patients in the control groups had infinite onset-to-treatment times that were necessarily *longer* than their survival times. The choice of infinity actually reversed the ordering of the time to treatment and survival time seen in the Isoprinosine group.

The documentation of Dr. Stitt's analyses is not adequate to permit proper evaluation and verification of the results. (21 CFR 314.111(a)(5)(ii)(*a*)(*5*).) In the time-dependent regression analysis Dr. Stitt found a time-to-treatment and group variable to be statistically significant. However, the interpretation of these results is not clear. Although these variables are positively correlated with each other, they have different signs in the regression (different signs for their corresponding regression coefficients). It is not clear if this represents an overfitting of the data (due to colinearity) or represents a correct adjustment by the technique. No steps in the analysis are supplied and so no diagnostics can be applied to help in the interpretation of these results. Also, it is not apparent how the significance of the group variable in this regression should be interpreted even if the above problem did not exist. Dr. Stitt mentions that a previous use of the time-dependent variables was by Crowley and Hu in a 1977 article in the *Journal of the American Statistical Association* (vol. 72, pp. 27–36). In that article the authors avoided deliberately applying significance tests to group variables in the presence of time-dependent variables. Dr. Stitt provided no rationale here for doing otherwise.

The fixed covariate, nonstepwise analysis is also insufficiently documented. No attempt was made to explain the significant treatment contrast (treated v. Israel) in the presence of a significant interaction (treated v. Israel and epoch). Also, in a score test the combined effect of "treatment interaction with epoch" was significant ($p<0.03$). Often the presence of significant interactions *does not* produce adjustments so that treatment effects can be examined. In fact, it may indicate that the examination of treatment effects is meaningless.

Uncertainty regarding the precise data used by Dr. Stitt also prevents verification of the analysis. The Israel data received from the sponsor consisted of 103 patients, of which 15 had received treatment (14 Isoprinosine and 1 Thymosin). Although the appropriate group should have consisted of the remaining 88 patients, Dr. Stitt used data from 93 Israel Registry patients. It was not possible to determine which 93 Israel Registry patients were actually used in the analysis.

Additionally, Dr. Stitt's analyses did not provide for the differences between the control groups. In the fixed covariate regression analysis, there is no indication of how the differences between the Israel and Jabbour groups were taken into account. The significant result in the score test used to assess the Isoprinosine group v. the historical controls may have been due solely to the presence of the Israel group in the control group. Additionally, Dr. Stitt's analysis failed to provide a contrast for the comparison of Dr. Jabbour's cases to the Israel cases.

For the reasons given above, Dr. Stitt's analyses cannot be considered appropriate to establish the effectiveness of Isoprinosine or to adjust for the selection bias in the multicenter groups. (21 CFR 314.111(a)(5)(ii)(*a*)(*5*).) The currently available analyses of the multicenter study thus fail to demonstrate that the reported difference in life span between the treated group and the control group is due to Isoprinosine; this difference may be due equally well to a selection bias in entering patients into the two groups.

Therefore, on the basis of all of the data and information available to him, the Director of the Bureau of Drugs cannot conclude that the clinical investigations, as reported and analyzed to date, demonstrate the effectiveness of the drug.

References Submitted by Newport

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Notice of Opportunity for Hearing

Therefore, notice is given to Newport Pharmaceuticals International, Inc., and to all other interested persons, that the Director of the Bureau of Drugs proposes to issue an order under section 505(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(d)), refusing to approve the new drug application on the grounds that (1) there is a lack of substantial evidence consisting of adequate and well-controlled investigations by experts qualified by scientific training and experience to evaluate the effectiveness of the drug involved, on the basis of which it could fairly and responsibly be concluded by such experts that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the proposed labeling, and (2) the application fails to show that the methods used in, and the facilities and controls used for, the manufacture, processing, and packing of the product are adequate to preserve its identity, strength, quality, and purity.

In accordance with section 505 of the act and the regulations promulgated under it (21 CFR Parts 310, 314), the applicant is given an opportunity for a hearing to show why approval of the new drug application should not be refused.

If the applicant decides to seek a hearing, it shall file, (1) on or before November 2, 1981, a written notice of appearance and request for hearing, and (2) on or before December 1, 1981, the data, information, and analyses relied on to justify a hearing, as specified in 21 CFR 314.200. Any other interested person may also submit comments on this notice. Procedures and requirements governing this notice of opportunity for hearing, a notice of appearance and request for hearing, submission of data, information and analyses to justify a hearing, other comments, and a grant or denial of hearing, are contained in 21 CFR 314.200.

The failure of the applicant to file timely written appearance and request for hearing as required by 21 CFR 314.200 constitutes an election by the applicant not to make use of the opportunity for a hearing, and the Director of the Bureau of Drugs will summarily enter a final order refusing to approve the application.

A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. If it conclusively appears from the face of the data, information, and factual analyses in the request for the hearing that there is no genuine and substantial issue of fact that precludes the refusal to approve the application, or when the request for hearing is not made in the required format or with the required analyses, the Commissioner of Food and Drugs will enter summary judgment against the applicant, making findings and conclusions, and denying a hearing.

All submissions under this notice must be filed in quintuplicate with the Dockets Management Branch, Food and Drug Administration (HFA–305), Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

All submissions under this notice, except for data and information prohibited from public disclosure under 21 U.S.C. 331(j) or 18 U.S.C. 1905, may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

This notice is issued under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under authority delegated to the Director of the Bureau of Drugs (21 CFR 5.82).

Dated: September 25, 1981.

J. Richard Crout,

Director, Bureau of Drugs.

[FR Doc. 81–28660 Filed 9–30–81; 10:47 am]

BILLING CODE 4110–03–M

[Docket No. 81F–0268]

Witco Chemical Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Witco Chemical Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of alpha olefin sulfonate salts as emulsifiers and/or surface-active agents in the manufacture of articles or components of articles intended for food-contact applications.

FOR FURTHER INFORMATION CONTACT: Garnett R. Higginbotham, Bureau of Foods (HFF–334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–472–5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1785 (21

U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3567) has been filed by Witco Chemical Corp. proposing that § 178.3400 (21 CFR 178.3400) of the food additive regulations be amended to provide for the safe use of *alpha* olefin sulfonate (alkyl group is in the range of $^{C}10$–$^{C}18$ with not less than 50 percent $^{C}14$–$^{C}16$), ammonium, calcium, magnesium, potassium, and sodium salts, as emulsifiers and/or surface-active agents in the manufacture of articles or components of articles intended for food-contact applications.

The agency 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 is not required. The agency's finding of no significant impact and the evidence supporting that document may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 24, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-28601 Filed 10-1-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81D-0276]

Platelet Testing; Availability of Guidelines for Approval of New Procedures and Equipment

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of platelet testing guidelines for use in evaluating the effect of new procedures, equipment, and materials on platelet function. The guidelines are not intended for routine quality control testing required by 21 CFR 640.25(b).

ADDRESS: Written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857. A single copy of the guidelines may be obtained from the Bureau of Biologics (HFB–200), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205. In addition, a copy of the guidelines is on file for public display at the Dockets Management Branch.

FOR FURTHER INFORMATION CONTACT: Ellen Wiles, Bureau of Biologics (HFB–200), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205, 301–496–2577.

SUPPLEMENTARY INFORMATION: When significant procedural or equipment changes in collection, processing, or storage of platelets occur, platelet function must be reevaluated. Previously, the agency's Bureau of Biologics required bleeding time studies as the definitive demonstration of platelet efficacy. These studies have proven difficult to organize and to perform, and they have resulted in delayed testing and approval of new procedures and equipment.

To expedite the approval of new technologies, FDA is announcing the availability of platelet testing guidelines to be used in evaluating the effect of new procedures, equipment, and material on platelet function. These guidelines, prepared by the Bureau of Biologics (the Bureau), suggest that testing protocols be designed in three stages: (1) evaluation of functional integrity, (2) evaluation of survival in the circulation, and (3) evaluation of clinical hemostatic efficacy.

These guidelines are intended to apply to manufacturers involved in the preparation of platelet concentrates, including those proposing the use of new blood containers, blood cell processors, and any other platelet processing procedures that represent a significant departure from routine practice. The Bureau believes that the these guidelines reflect the current consensus for platelet testing within the relevant scientific community. The Bureau emphasizes that these guidelines suggest specialized testing procedures, and that they are not applicable to the routine quality control testing required by 21 CFR 640.25(b).

This notice is issued under § 10.90(b) (21 CFR 10.90b)), which provides for the use of guidelines to outline procedures or standards of general applicability that are acceptable to FDA for a subject matter that falls within the laws administered by FDA. Although these guidelines are not a legal requirement, a person may be assured that in following an agency guideline(s) the procedures and standards will be acceptable to FDA. A person may also choose to use alternative procedures or standards for which there is scientific rationale even though they are not provided for in the guidelines(s). A person who chooses to use procedures or standards not in the guideline(s) may discuss the matter further with the agency to prevent an expenditure of money and effort on work that FDA may later determine to be unacceptable.

Copies of these guidelines have been distributed in response to individual requests. Further copies may be obtained from the Bureau of Biologics (address above). A copy of the guidelines is also on file for public display at the Dockets Management Branch (address above).

Interested persons may submit written comments on these guidelines to the Dockets Management Branch. Such comments will be considered in determining whether further amendments to or revisions of these guidelines are warranted. Two copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the Docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 24, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-28240 Filed 10-1-81; 8:45 am]

BILLING CODE 4110-03-M

Public Health Service

National Institute of Environmental Health Sciences, NIH; Conference

The National Institute of Environmental Health Sciences is sponsoring a two-day conference on October 27–28, 1981, on Research Needs for Evaluation of Health Effects of Toxic Chemical Waste Dumps. It is scheduled to be held in the new NIEHS facility on Alexander Drive in Research Triangle Park, North Carolina. The program is shown below.

Registration will be limited by the size of the conference room to about 200 persons. If you wish to attend, please submit your name to:

Mrs. Mary W. Hogan, National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, N.C. 27709

Suggested Hotels in the area are:

Ramada Inn—Crabtree, Highway 70, Raleigh, N.C. 27612 (919) 782–7525

Howard Johnson's—Crabtree, US 70 at the Beltline, Raleigh, N.C. 27612 (919) 782–8718

Dated: September 28, 1981.

David P. Rall,

Director, National Institute of Environmental Health Sciences.

Research Needs for Evaluation of Health Effects of Toxic Chemical Waste Dumps

National Institute of Environmental Health Sciences and University-Based Centers for Environmental Health Sciences, South Campus Conference Center, Building 101, Research Triangle Park, North Carolina, October 27–28, 1981

Tuesday, October 27

9:00 a.m. Welcome and Opening Remarks—Dr. David P. Rall, Director, NIEHS

Session I

9:10–10:15 a.m.: Health Aspects of Chemical Waste Dumps, Statement of Problem—Chairpersons, Dr. Rall/Dr. Robert Goyer, NIEHS

Field Epidemiologic Studies of Populations Exposed to Waste Dumps—Speaker, Dr. Clark Heath, Centers for Disease Control (Atlanta)

Liver Dysfunction in Humans Who Chronically Ingested Water Contaminated by Organic Chemicals Leaching from a Chemical Dump—Speaker, Dr. Channing Meyer, University of Cincinnati Medical Center

Discussion

10:15–10:30 a.m.: Break

Psychosocial Impact of Toxic Chemical Waste Dumps—Speaker, Dr. Adeline Levine, SUNY (Buffaol, N.Y.)

10:30–11:30 a.m.: Legislative Aspects of Toxic Chemical Waste Dumps—Speaker to be announced.

Discussion

11:30 a.m.–1 p.m.: Lunch

Session II

1:00–3:20 p.m.: Methods for Assessing Reproductive Performance and Genotoxic Effects of Chemicals After Human Exposures to Chemicals from Toxic Chemical Waste Dumps—Chairperson, Dr. Earl Benditt, University of Washington (Seattle)

Problems and Prospects of Cytogenetic Analysis in the Evaluation of Health Effects of Toxic Chemical Waste Dumps—Speaker, Dr. Sheldon Wolff, University of California (San Francisco)

New Methods for Detection of Damage to Human DNA—Speaker, Dr. William Haseltine, Sidney Farber Cancer Institute, Harvard (Boston, Mass.)

Reproductive Effects of Toxic Substances in Females—Speaker, Dr. Donald R. Mattison, NICHHD/NIH (Bethesda, Md.)

Ways of Monitoring Toxic Agents on Human Sperm—Speaker, Dr. Andrew Wyrobek, University of California (Livermore)

Discussion

3:20–3:40 p.m.: Break

3:40–5:30 p.m.: *Methods for Assessing Neural, Hepatic and Renal Effects on Persons Exposed to Chemicals from Toxic Chemical Waste Dumps*—Chairpersons, Dr. Philip J. Landrigan, NIOSH (Cincinnati), and Dr. Jacob Brody, NIA/NIH (Bethesda)

Potential Neurotoxic Effects of Hazardous Waste Disposal—Speaker, Dr. Herbert H. Scaumburg, Albert Einstein College of Medicine (Bronx, N.Y.)

Clinical Evaluation of Liver Structure and Function in Humans Exposed to Environmental Chemicals—Speaker, Dr. Philip Guzelian, Medical College of Virginia (Richmond)

Toxic Wastes and Kidney Disease: Research Needs—Speaker Dr. Richard P. Wedeen, VA Medical Center (East Orange, N.J.)

Discussion

Wednesday, October 28

Session III

8:30–10:20 a.m.: *Measurement of Environmental Chemicals in People*—Chairperson, Dr. Renate D. Kimbrough, CDC (Atlanta)

Determining Exposure and Biochemical Effects in Human Population Studies—Speaker, Dr. Kimbrough

National Data Bases: Exposure of the General Population to Selected Pesticides—Speaker, Mr. Robert S. Murphy, National Center for Health Statistics (Hyattsville, Md.)

Usefulness of Halogenated Hydrocarbon Tissue Levels as Indicators of Body Burdens—Speaker, Dr. Mary Wolff, Mt. Sinai School of Medicine (New York, N.Y.)

Inter-laboratory Comparisons (Lead, Aromatic Halogenated Hydrocarbons, Multiple Chemicals)—Speaker, Dr. John A. Liddle, CDC (Atlanta)

Discussion

10:20–10:40 a.m.: Break

Session IV

10:40 a.m.–12:15 p.m.: *Clinical and Epidemiological Evaluation of Health Effects in Potentially Affected Populations*—Chairperson, Dr. David G. Hoel, NIEHS

Monitoring Breast Milk Contamination to Detect Hazards from Waste Disposal—Speaker, Dr. Walter J. Rogan, NIEHS

Epidemiological Approaches to Persons with Chemical Exposures—Speaker, Dr. Philip J. Landrigan, National Institute for Occupational Safety and Health (Cincinnati)

Roles for Epidemiology in Determining the Health Impact of Environmental Chemicals—Speaker, Dr. Raymond Neutra, California Department of Health Services (Berkeley)

Discussion

12:15–1:30 p.m.: Lunch

1:30–3:30 p.m.: *Clinical and Epidemiological Evaluation of Health Effects in Potentially Affected Populations*—Chairperson, Dr. Irving J. Selikoff, Mt. Sinai School of Medicine (New York, N.Y.)

Is it Possible to Obtain Direct Epidemiologic Evidence of Effects of Chemical Contamination of Public Water Supplies?—Speakers, Dr. E. Cuyler Hammond, Mt. Sinai School of Medicine; Dr. Long-de Wang and Dr. Wei-cheng You, Peking Institute for Cancer Research, China

Monitoring Chemical Waste Disposal Personnel as an Index of Environmental Health Effects—Speakers, Dr. Ruth Lilis, Mt. Sinai School of Medicine, and Dr. Donald Henry, At-Sea Incineration, Inc. (Greenwich, Conn.)

Monitoring for Low Level Environmental Health Effects from Cadmium, Lead and Mercury in Chemical Waste Disposal Areas—Speakers, Dr. Thomas Clarkson and Dr. Bernard Weiss, University of Rochester (Rochester, N.Y.)

Discussion

3:30–3:40 p.m.: Break

Session V

3:40–5:10 p.m.: *Evaluating the Toxicology of Mixtures*—Chairpersons, Dr. Gerald N. Wogan, Massachusetts Institute of Technology (Cambridge), and Dr. Robert A. Neal, Chemical Industry Institute of Toxicology (Research Triangle Park, N.C.)

A General Approach to the Biological Analysis of Complex Mixtures—Speaker, Dr. William G. Thilly, Massachusetts Institute of Technology (Cambridge)

A Protocol for Testing the Toxicity of Chemical Mixtures—Speaker, Dr. Neal

General Principles in the Assessment of Toxicity of Chemical Mixtures—Speaker, Dr. Sheldon D. Murphy, University of Texas Health Science Center (Houston)

Discussion

[FR Doc. 81-28680 Filed 10-1-81; 8:45 am]

BILLING CODE 4110-08-M

Health Maintenance Organizations

AGENCY: Public Health Service, HHS.

ACTION: Notice, August—qualified health maintenance organizations.

SUMMARY: This notice sets forth the names, addresses, service areas, and dates of qualification of entities determined by the Secretary to be qualified health maintenance organizations (HMOs).

FOR FURTHER INFORMATION CONTACT: Frank H. Seubold, Ph.D., Acting Director, Office of Health Maintenance Organizations, Park Building, Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION: Regulations issued under Title XIII of the Public Health Service Act, as amended, (42 CFR 110.605(b)) require that a list and description of all newly qualified HMOs be published on a monthly basis in the **Federal Register.** The following entities have been determined to be qualified HMOs under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e–9(d)):

Preoperational Qualified Health Maintenance Organization: 42 CFR 110.603(c))

1. Inland Health Plan, (Individual Practice Association Model, see Section 1310(b)(2)(A) of the Public Health Service Act) 22700 Cooley Drive, Colton, California 92324. Service area: The following portions of San Bernardino County, California:

Northern Boundary—From within the western San Bernardino County line east on Shadow Mountain Road intersecting at Helendale with National Trails Highway to Hodge Road, southeast to I–15, north to Sidewinder Road ending at Highway 247.

Eastern Boundary—From Highway 247 to Highway 18 and including the area within the San Bernardino National Forest line to the southern boundary of the San Bernardino County line.

Southern Boundary—The geographical area within the San Bernardino County line from the San Bernardino National Forest west.

Western Boundary—Includes the geographic area within the San Bernardino County line, north to Shadow Mountain Road.

Date of qualification: August 10, 1981.

(Operational Qualified Health Maintenance Organizations: 42 CFR 110.603(a))

1. Health Services Medical Corporation of Central New York, Inc., (Medical Group Model, see Section 1310(b)(1) of the Public Health Service Act), 8280 Willett Parkway, Baldwinsville, New York 13027. Service area: Zip codes in the following counties:

Onondaga

13027	13110
13029*	13112
13031	13119–20
13039	13135*
13041	13137
13057	13152–3
13060	13164
13075	13201–12
13078	13214–5
13080	13217
13088	13219–21
13094	13224–5
13108	

Oswego

13028	13107
13029*	13114
13036	13131–2
13042	13135*
13044	13167
13069	13302
13076	13493
13103	

Cayuga

13033

Date of qualification: August 14, 1981.

*Zip code overlaps county boundary.

2. HealthCare of Broward, Inc., (Staff Model, see section 1310(b)(1) of the Public Health Service Act), 3075 West Oakland Park Boulevard, Suite 103, Ft. Lauderdale, Florida 33311. Service area: Broward County, Florida. Date of qualification: August 24, 1981. (Achieved preoperational qualification on July 31, 1981.)

3. AmeriPlan Health Services, Ltd., (Individual Practice Association Model, see section 1310(b)(2)(A) of the Public Health Service Act), 180 Interstate North, Suite 145, Atlanta, Georgia 30339. Service area: Fulton, DeKalb, Cobb, Clayton, Douglas, Rockdale, Gwinnett, and Henry Counties, Georgia. Date of qualification: August 31, 1981.

4. Health Plan Hawaii, (Individual Practice Association Model, see section 1310(b)(2)(A) of the Public Health Service Act), P.O. Box 860, Honolulu, Hawaii 96808. Service area: The following islands in the State of Hawaii: Oahu, Hawaii, Maui, and Kauai. Date of qualification: July 1, 1981. (Achieved preoperational qualification on June 1, 1981.)

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 4:30 p.m. on Tuesdays and Thursdays, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health and Human Services, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857.

Questions about the qualification review process or requests for information about qualified HMOs should be sent to the same office.

Dated: September 23, 1981.

Frank H. Seubold,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81–28772 Filed 10–1–81; 8:45 am]

BILLING CODE 4110–85–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N–81–1091]

Application for State Certification

AGENCY: Office of Interstate Land Sales Registration, HUD.

ACTION: Notice of Application by the State of Arizona for State Certification.

SUMMARY: The Secretary gives public notice that the State of Arizona has applied for certification of its land sales program under 24 CFR 1710.502, published June 13, 1980. The purpose of giving this public notice is to give other states and interested parties the opportunity to review and comment on Arizona's application.

DATE: Comments should be submitted on or before December 1, 1981.

ADDRESSES: Send comments to Office of Interstate Land Sales Registration, Department of Housing and Urban Development, 451 7th Street, SW, Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Jacqueline Jackson, Program Analyst, Program Development and Control Division, Department of Housing and Urban Development, Room 4106, Washington, D.C. 20410. Telephone: (202) 755–6314 (This is not a toll free number.)

SUPPLEMENTARY INFORMATION: The amendments to the Interstate Land Sales Full Disclosure Act were signed into law by the President on December 21, 1979 (Pub. L. 96–153). On June 13, 1980, the Department published 24 CFR Parts 1710, 1715, 1720, and 1730 (Docket No. R–80–778) to implement the amendments. Section 1710.502 provides that a state may submit an application for certification of its land sales program to the Office of Interstate Land Sales Registration.

Once a State has been certified by the Secretary, developers may accomplish the Federal land registration requirements by filing with the Secretary materials designated by agreement with certified states in lieu of the Federal Statement of Record and Property Report. The State of Arizona has submitted an application which is under consideration. The States of California, Oregon and Minnesota have submitted applications. California's application has been approved, and a formal agreement signed on January 6, 1981. The State of Minnesota's application is in Departmental clearance and the State of Oregon's application is presently under negotiation.

Any person(s) interested in receiving the application materials prepared by the State of Arizona may request copies of them from the Office of Interstate Land Sales Registration from the address above.

After the 60 day public comment period ends, the Secretary's final determination to accept or reject Arizona's application for certification will be published in the **Federal Register.**

Issued at Washington, D.C. on September 28, 1981.

William O. Anderson,

General Deputy Assistant Secretary for Neighborhoods, Voluntary Associations and Consumer Protection.

[FR Doc. 81-28787 Filed 10-1-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-14830-A]

Alaska Native Claims Selection

On November 14, 1974, Nerklikmute Native Corporation, for the Native village of Andreafsey (Andreafsky) filed selection application F-14830-A under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (1976)), for the surface estate of certain lands in the vicinity of Andreafsky.

As to the lands described below, selection application F-14830-A, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 60,340 acres, is considered proper for acquisition by Nerklikmute Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Seward Meridian, Alaska (Unsurveyed)

T. 23 N., R. 74 W.,
- Sec. 1, all;
- Secs. 2 and 3, excluding East Fork Andreafsky River;
- Secs. 4 to 7, inclusive, all;
- Sec. 8, excluding Native allotment F-16520;
- Sec. 9, excluding East Fork Andreafsky River and Native allotment F-16520;
- Sec. 10, excluding East Fork Andreafsky River;
- Secs. 11 to 14, inclusive, all;
- Sec. 15, excluding East Fork Andreafsky River;
- Secs. 16 and 17, excluding East Fork Andreafsky River and Native allotment F-16520;
- Sec. 18, excluding East Fork Andreafsky River;
- Sec. 19, excluding East Fork Andreafsky River and Native allotments F-18119 Parcels A and B and F-18120 Parcel B;
- Sec. 20, excluding East Fork Andreafsky River and Native allotment F-18119 Parcel B;
- Sec. 21, excluding East Fork Andreafsky River;
- Secs. 22 to 28, inclusive, all;
- Sec. 29, excluding Native allotment F-18119 Parcel B;
- Sec. 30, excluding East Fork Andreafsky River and Native allotments F-18119 Parcel B and F-18120 Parcel B;
- Secs. 31 to 36, inclusive, all.

Containing approximately 21,535 acres.

T. 21 N., R. 75 W.,
- Secs. 3 to 8, inclusive, all;
- Sec. 9, excluding Native allotment F-16695 Parcel B;
- Sec. 17, excluding Yukon River and Native allotment F-16675 Parcel B;
- Sec. 18, excluding Yukon River.

Containing approximately 5,112 acres.

T. 22 N., R. 75 W.,
- Sec. 1, all;
- Secs. 2, 3, and 10, excluding East Fork Andreafsky River;
- Secs. 11 to 15, inclusive, all;
- Secs. 22, 23, 26, and 27, all;
- Sec. 34, all;

Containing approximately 8,775 acres.

T. 23 N., R. 75 W.,
- Secs. 1 and 2, all;
- Sec. 3, excluding Andreafsky River;
- Sec. 4, excluding Andreafsky River and Native allotment F-18117;
- Sec. 5, excluding Andreafsky River and Native allotments F-16544 Parcel A, F-16547 Parcel C, and F-16606 Parcel C;
- Sec. 6, all;
- Sec. 7, excluding Andreafsky River and Native allotments F-18119 Parcel C, F-18120 Parcel C, and F-18407 Parcel B;
- Sec. 8, excluding Andreafsky River and Native allotments F-18407 Parcel B and F-18745 Parcel B;
- Sec. 9, excluding Andreafsky River;
- Secs. 10 to 15, inclusive, all;
- Sec. 16, excluding Andreafsky River;
- Sec. 17, excluding Andreafsky River and Native allotment F-18407 Parcel B;
- Sec. 18, excluding Andreafsky River and Native allotments F-18119 Parcel C, F-18120 Parcel C, F-18407 Parcel B, F-18656 Parcel A, and F-18769 Parcel A;
- Sec. 19, excluding Andreafsky River;
- Sec. 20, excluding Andreafsky River and Native allotments F-18119 Parcel D and F-18120 Parcel D;
- Sec. 21, excluding Andreafsky River;
- Secs. 22 and 23, all;
- Sec. 24, excluding East Fork Andreafsky River and Native allotments F-18119 Parcel A and F-18120 Parcel A;
- Sec. 25, excluding East Fork Andreafsky River;
- Secs. 26, 27, and 28, all;
- Sec. 29, excluding Andreafsky River;
- Sec. 30, excluding Andreafsky River and East Fork Andreafsky River;
- Sec. 31, excluding East Fork Andreafsky River;
- Sec. 32, excluding Andreafsky River and East Fork Andreafsky River;
- Secs. 33 and 34, all;
- Secs. 35 and 36, excluding East Fork Andreafsky River.

Containing approximately 19,029 acres.

T. 23 N., R. 76 W.,
- Secs. 3, 4, 9, and 10, all;
- Secs. 15, 16, 21, and 22, all;
- Sec. 27, excluding Andreafsky River, U.S. Survey No. 2984, U.S. Survey No. 5507, U.S. Survey No. 5929, and Native allotment F-031704;
- Sec. 34, excluding Andreafsky River, Steamboat Slough, and U.S. Survey No. 5507.

Containing approximately 5,889 acres.

Aggregating approximately 60,340.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; lands are pending a determination under Section 3(e) of ANCSA, or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions *do not* constitute a rejection of the selection application, unless specifically so stated.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of

December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f)); and

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification numbr (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14830-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail—The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

60 Foot Road—The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

a. (EIN 2 C3, D1, D9) An easement for an existing access trail twenty-five (25) feet in width from the southernmost part of Steamboat Slough in Sec. 36, T. 23 N., R. 76 W., Seward Meridian, southeasterly to Pilot Station village. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter use.

b. (EIN 4 C3, D1) An easement sixty (60) feet in width for an existing road from St. Mary's village in Sec. 26, T. 23 N., R. 76 W., Seward Meridian, westerly to an existing road on State land in Sec. 30, T. 23 N., R. 76 W., Seward Meridian. The uses allowed are those listed above for a sixty (60) foot wide road easement.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6 (g)), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

The village of Andreafsey (Andreafsky) is entitled to conveyance of 69,120 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 60,340 acres. The remaining entitlement of approximately 8,780 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Calista Corporation when the surface estate is conveyed to Nerklikmute Native Corporation, and shall be subject to the same conditions as the surface conveyance.

Within the above described lands, only the following inland water bodies are considered to be navigable: Yukon River; Andreafsky River; East Fork Andreafsky River; Steamboat Slough.

All other named and unnamed water bodies within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

In accordance with Department regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in THE TUNDRA DRUMS.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Pub. L. 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until November 2, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Nerklikmute Native Corporation, Andreafsky, Alaska 99658
Calista Corporation, 516 Denali Street, Anchorage, Alaska 99501
State of Alaska, Department of Natural Resources, Division of Research and Development, 323 East Fourth Avenue, Anchorage, Alaska 99501

Ann Johnson,

Chief, Branch of ANCSA Adjudication.

[FR Doc. 81-28727 Filed 10-1-81; 8:45 am]
BILLING CODE 4310-84-M

[Serial Number A-16548]

Arizona Realty Action, Non-Competitive Sale Public Land in Mohave County, Arizona

The following described land has been examined and identified for disposal by sale under Section 203 of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2750; 43 U.S.C. 1713), at no less than fair market value shown.

Legal description: Lot 1, Section 12, T. 20 N., R. 16 W., Gila and Salt River Meridian, Mohave County, Arizona.

Acreage: 0.43.

Value: $2,200.00.

The above described land is being offered as a direct, noncompetitive sale to Waldemar and Marie Klimach, owners of the improvements on the sale tract. The land is bounded on two sides by private land owned by Dr. and Mrs. Klimach. The Klimach's own several structures on the land including a wellsite and a storge building. Since November 1979, the Klimach's have used the subject tract under a Temporary Use Permit pending a final resolution of their proposal to purchase the land. Disposal

by direct sale, rather than competitive bidding, will protect their equity investment in the improvements on the land, and eliminate any undue hardship if they were compelled to remove or otherwise dispose of the improvements. The land is not required for any Federal purpose, and the public interest would be served by offering this land for sale. Since the Bureau of Land Management's planning has not been completed for this area, an Environmental Assessment was completed as required by 43 CFR Part 1600, specifically for this action.

The land will not be offered for at least sixty (60) days after the date of this notice.

Patent, when issued, will contain the following reservations:

1. All minerals in the land will be reserved to the United States in accordance with Section 209(a) of the Federal Land Policy and Management Act of 1976.

2. A right-of-way for ditches and canals will be reserved to the United States under 43 U.S.C. 945.

The Patent will also be subject to:

1. Those rights granted by oil and gas lease A–14360, granted May 1, 1981, pursuant to the Act of February 25, 1920 (30 U.S.C. 181 et seq.). This patent is issued, subject to the right of the prior permittee or lessee to use as much of the surface of said land as is required for oil and gas exploration and development operations, without compensation to the patentee for damages resulting from proper oil and gas operations, for the duration of oil and gas lease A–14360 and any authorized extension of that lease. Upon termination or relinquishment of said lease, this reservation shall terminate.

Detailed information concerning this sale, including the environmental assessment, is available at the Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Arizona.

For a period of forty-five (45) days from the date of this notice, interested parties may submit comments to the Phoenix District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017. Any adverse comments will be evaluated by the Secretary of the Interior, who may vacate or modify this realty action and issue a final determination. In the absence of any action by the Secretary, this Realty Action will become the final determination of the Department of the Interior and the required payment plus the cost of publishing this Notice will be requested of Dr. and Mrs. Klimach. Such payment in full is in accordance with 43 CFR 1822.1–2.

Dated: September 23, 1981.

W. K. Barker,

District Manager.

[FR Doc. 81-28730 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Craig District, Little Snake Resource Area, Colo.; Amendment to Management Framework Plan

In accordance with 43 CFR Part 1601 and Pub. L. 94–579, Section 603, the Bureau of Land Management, Craig District, Colorado, is beginning the process of amending the Williams Fork Management Framework Plan. The purpose of the MFP amendment is to identify areas of high to moderate coal development potential that are suitable for further consideration for competitive coal leasing. The effects of designating areas as suitable or unsuitable for further consideration for coal development will be assessed in an Environmental Assessment.

The study area for the Williams Fork MFP coal amendment will be approximately 5,400 acres of land in Routt County, Colorado within the Little Snake Resource Area. The study area lies approximately 20 miles southwest of Steamboat Springs, Colorado. Following is a legal description of the study area:

6th Principal Meridian

T. 5 N., R. 87 W.,
Sec. 36, Lots 6, 7, 8, 9, 14 and 15; W½NW¼.

6th Principal Meridian

T. 4 N., R. 87 W.,
Sec. 11, Lot 4; SW¼NW¼; SW¼;
Sec. 12, Lots 1, 2 and 3; S½NE¼; SE¼NW¼; S½;
Sec. 13, W½; W½NE¼; NE¼NE¼; NW¼SE¼;
Sec. 14, All;
Sec. 23, All;
Sec. 24, All (excluding areas currently leased);
Sec. 25, All;
Sec. 26, All.

6th Principal Meridian

T. 4 N., R. 88 W.,
Sec. 19, All (excluding areas currently leased);
Sec. 30, All.

Issues

Issues to be addressed in the plan amendment include: cumulative impacts of energy development, effectiveness of reclamation, effects on air quality, water quantity and quality effects, effects on cultural resources, social and economic impacts, conflicts with oil and gas developments, wildlife effects and possible health effects.

Planning Criteria

The following planning criteria will be used in determining the coal development suitability for the Williams Fork MFP amendment (43 CFR 3420.2–3). The identification of areas containing coal resources suitable for further considerations for leasing are accomplished through four screening procedures during the planning process. Each screening procedure is applied only to those lands still identified as acceptable for further considerations for leasing following applications of the preceeding screen. The four screens in order of application are:

A. High or moderate coal development potential.

B. Unsuitability Critera:

1. Federal Lands Systems
2. Rights-of-way and Easements
3. Buffer Zones Along Rights-of-way and Adjacent to Communities and Buildings
4. Wilderness Study Areas
5. Scenic Areas
6. Lands Used for Scientific Studies
7. Historic Lands and Sites
8. Natural Areas
9. Federally Listed Endangered Species
10. State Listed Endangered Species
11. Bald and Golden Eagle Nests
12. Bald and Golden Eagle Roost and Concentration Areas
13. Falcon Cliff Nesting Site
14. Migratory Birds
15. State Resident Fish and Wildlife
16. Floodplains
17. Municipal Watersheds
18. National Resource Waters
19. Alluvial Valley Floors

C. Multiple Land Use Decisions.

D. Surface Owner Consultation.

Planning Team

The plan amendment will be prepared through the use of an interdisciplinary team with experience and knowledge in the following areas: lands, minerals, hydrology, soils, range, wildlife, recreation, cultural resources, visual resources, sociology, economics, vegetation and air quality.

Possible Alternatives

The following land use alternatives will be considered in the plan amendment and Environmental Assessment:

1. Area will be suitable for further consideration for coal development.
2. No action.

Public Involvement

All concerned publics are invited to participate during the planning and Environmental Assessment process by

attending public meetings and hearings. News releases and use of the Craig District Advisory Council will supplement direct contact with interested publics.

At this time, the public is invited to submit written comments on issues to be addressed or planning criteria to be used in evaluating for coal unsuitability. In addition, the public is invited to submit any specific resource data or information about resource values in the study area that should be considered by BLM in evaluating suitability of the area for further consideration for coal development.

Public meetings will be held to identify additional issues to be addressed in the plan amendment, to obtain comments on the planning criteria to be used, and to determine the scope of the Environmental Assessment. These meetings have been scheduled as follows:

October 22, 1981—Craig, Colorado; Moffat County Courthouse Auditorium, 221 W. Victory Way; 7:00 p.m.

October 20, 1981—Denver, Colorado; Ramada Inn Foothills, 11595 W. 6th Avenue, Lakewood; 7:00 p.m.

October 26, 1981—Steamboat Springs, Colorado; Routt County Courthouse Court Room, 522 Lincoln Ave.; 7:00 p.m.

In addition to the comments received at these meetings, written comments may be submitted to the BLM contact identified below by November 1, 1981.

BLM Contract

Comments or requests for further information should be addressed to Duane Johnson, Team Leader, Little Snake Resource Area Office, P.O. Box 1136, Craig, Colorado 81626; or telephone (303) 824–4441.

Lee Carie,

District Manager.

[FR Doc. 81-28728 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Colorado; Final Wilderness Study Areas

Notice of Appeals filed with the Interior Board of Land Appeals to the Colorado State Director's Final Intensive Wilderness Inventory Decision and Announcing Final Wilderness Study Areas.

Notice is hereby given in accordance with Pub. L. 94–579, section 603 of appeals to the BLM Colorado State Director's Final Intensive Wilderness Inventory decisions to the Interior Board of Land Appeals (IBLA), and announcing Final Wilderness Study Areas. Acreages listed reflect intensive inventory boundary adjustments.

The Colorado State Director of BLM announced his Final Intensive Wilderness Inventory Decision on November 14, 1980 and a 30-day protest period followed. Protested areas were announced in the **Federal Register**, Vol. 46, No. 2, January 5, 1981, pages 1033–1035. Seventy (70) protests were received by the Colorado State Director concerning Wilderness Study Areas identified by the November 14 decision. The Colorado State Director issued a written decision to each protestant by February 15, 1981. Each protestant was provided information concerning the right of formal appeal to the Department of the Interior Board of Land Appeals (IBLA) and advised of administrative procedures as described in the Code of Regulations under 43 CFR, Part 4. Subsequently, 13 units totaling 209,334 acres were appealed to IBLA. Resolution of these appeals is pending.

WILDERNESS INTENSIVE INVENTORY UNITS UNDER APPEAL TO IBLA

Unit No.	Acreage	Unit name
Craig District		
CO-010-00N4B	4,100	Hell's Canyon.
CO-010-230	14,081	Cross Mountain.
UT-080-104[1]	4,650	Wild Mountain.
Montrose District		
CO-030-388	20,240	Gunnison Gorge.
Canon City District		
CO-050-016	26,150	Beaver Creek.
Grand Junction District		
CO-070-009	21,050	Demaree Canyon.
CO-070-031	28,860	South Shale Ridge.
CO-070-066	26,525	Little Bookcliffs, Wildhorse area.
CO-070-130	21,500	Bangs Canyon.
CO-070-132A[2]	3,120	Granite Creek.
CO-070-150A	11,600	Gunnison River.
CO-070-421	15,518	Pisgah Mountain.
CO-070-433	11,940	Castle Peak.

[1] Portions of unit UT-080-104 are located in the Colorado Craig District and the Utah Vernal District; only those acres of the unit in the Craig District are listed.

[2] Portions of this unit are located in the Colorado Grand Junction District and the Utah Moab District; only those acres of the unit in the Grand Junction District are listed.

Wilderness Intensive Inventory Units

The following 55 wilderness intensive inventory units, totaling 615,346 acres, are not under appeal to IBLA and represent BLM Wilderness Study Areas in Colorado. All other public lands under BLM administrtion in Colorado, except those units under appeal to IBLA and those units listed as Wilderness Study Areas, are released from further wilderness review.

Unit No.	Acreage	Unit name
Craig District		
CO-010-001[1]	11,777	Bull Canyon.
CO-010-002	3,368	Willow Creek.
CO-010-003	13,740	Skull Creek.
CO-010-007A	9,932	Black Mountain.
CO-010-007C	12,274	Windy Gulch.
CO-010-046	17,740	Oil Springs Mountain.
CO-010-155	8,250	Troublesome.
CO-010-208[1]	14,352	Cold Springs West.
CO-010-214[1]	31,460	Diamond Breaks.
CO-010-224	4,340	Adjacent to DMN[2]
CO-010-224A	1,320	Adjacent to DMN[2]
CO-010-226	4,880	Adjacent to DMN[2]
CO-010-228	5,200	Adjacent to DMN[2]
CO-010-229D	6,900	Adjacent to DMN[2]
Montrose District		
CO-030-085[1]	350	Bill Hare Gulch.
CO-030-086	880	Larson Creek.
CO-030-088/213[3]	1,840	Sparling Gulch/Friends Creek.
CO-030-208	38,100	Red Cloud Peak.
CO-030-211	1,640	Slumgullion Slide.
CO-030-217	3,400	American Flats.
CO-030-229A	5,780	West Needles contiguous.
CO-030-229B	4,200	Needle Creek.
CO-030-230B	5,640	Whitehead Gulch.
CO-030-238B	1,840	Weminuche contiguous.
CO-030-241	16,100	Handies Peak.
CO-030-251	7,360	Menefee Mountain.
CO-030-252	6,320	Weber Mountain.
CO-030-265[4]	8,440	Cross Canyon.
CO-030-265A[4]	4,680	Squaw/Papoose Canyon.
CO-030-265D	8,385	Cahone Canyon.
CO-030-286	21,900	McKenna Peak.
CO-030-290	25,550	Dolores River Canyon/Coyote Wash.
CO-030-300	7,270	Tabeguache Creek.
CO-030-310A[5]	1,660	Sewemup Mesa.
CO-030-353	10,900	Camel Back.
CO-030-363[6]	43,810	Dominguez Canyon.
CO-030-370B	10,560	Adobe Badlands.
Canon City District		
CO-050-002	6,614	Browns Canyon.
CO-050-0123	16,800	McIntyre Hills.
CO-050-014	11,220	Lower Grape Creek.
CO-050-017	10,200	Upper Grape Creek.
CO-050-131	2,300	Black Canyon.
CO-050-132B	870	South Piney Creek.
CO-050-135	1,644	Sand Castle.
CO-050-137	1,020	Papa Keal.
CO-050-139B	720	Zapata Creek.
CO-050-141	10,240	San Luis Hills.
Grand Junction District		
CO-070-113	18,150	Black Ridge Canyons.
CO-070-113A[7]	49,200	Black Ridge Canyons West.
CO-070-132	26,050	The Palisade.
CO-070-150[6]	31,990	Dominguez.
CO-070-176[6]	17,480	Sewemup Mesa.
CO-070-392	330	Eagle Mountain.
CO-070-425	3,36	Hack Lake.
CO-070-430	15,000	Bull Gulch.

[1] Portions of this unit are located in the Colorado Craig District and the Utah Vernal District; only those areas in the Craig unit are listed.

[2] Dinosaur National Monument (DNM).

[3] These units were combined into a single Wilderness Study Area.

[4] Portions of the unit are located in the Colorado Montrose District and the Utah Moab District; only those acres of the unit in the Montrose unit are listed.

[5] Crosses BLM resource administrative boundaries.

[6] Crosses BLM resource administrative boundaries.

[7] Portions of the unit are located in the Colorado Grand Junction District and the Utah Moab District; only those acres of the unit in the Grand Junction District are listed.

Dated: September 18, 1981.

Cecil Roberts,

Acting State Director, Colorado, Bureau of Land Management, Denver, Colorado.

[FR Doc. 81-28732 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Idaho Falls District, Big Lost Management Plan and Environmental Impact Statement; Intent

Pursuant to 43 CFR 1601.3(g) the Idaho Falls District, Bureau of Land Management is developing a Management Framework Plan (MFP) and accompanying grazing environmental impact statement (EIS), covering approximately 160,000 acres of public land in eastern Idaho.

The Idaho Falls District invites members of the public, other Federal agencies, State and local governments and agencies, and Indian Tribes to identify resource management issues and opportunities to be considered during the preparation of the Big Lost MFP and associated planning documents.

Public involvement will be accomplished through individual interviews with the livestock operators; interagency coordination with Department of Energy, U.S. Fish and Wildlife Service, U.S. Forest Service, Soil Conservation Service, Idaho Department of Lands and Idaho Department of Fish and Game; meetings with affected County Commissioners, County Planning and Zoning Commissions; meetings with other affected interests such as the Advisory Council, Grazing Advisory Board, local wildlife and recreation groups, the academic community and local political and media representatives. An open house will be held in Arco to receive input from the general public. These meetings will be held in May and June 1982.

When the Area Manager has determined his management recommendations (MFP Step II) an interdisciplinary team will be formed to write the grazing EIS. The team will have members representing the following disciplines: Soils, vegetation, livestock grazing, wildlife and socioeconomics. In July 1982, that team with develop alternatives for rangeland management which will be published in subsequent **Federal Register** Notice.

Further information may be obtained from O'dell Frandsen, District Manager, Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401–2196. Telephone (208–529–1020).

As the planning is developed, documents will be available for review at the above address.

Dated: September 25, 1981.

Harold E. Isaacson,

Acting District Manager.

[FR Doc. 81-28751 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Las Cruces District Advisory Council; Meeting

AGENCY: Bureau of Land Management, (Las Cruces District), Interior.

ACTION: Notice of meeting.

SUMMARY: Agenda.

DATES: October 28–29, 1981.

ADDRESS: Big Hatchet Mountains, Hidalgo County.

FOR FURTHER INFORMATION CONTACT: Daniel C. B. Rathbun, District Manager, Las Cruces District, Bureau of Land Management, P. O. Box 1420, Las Cruces, NM 88004. Phone (505) 524–8551.

SUPPLEMENTARY INFORMATION:

Agenda

1. Approval of minutes.
2. Oil and gas leasing in Big Hatchet Mountains.
3. Bighorn sheep.

Beginning at 10:00 am, all interested persons are invited to meet at the Hachita, New Mexico Post Office. The tour will proceed to the Big Hatchet Ranch Headquarters and will include several miles of primitive roads on the west and south sides of the Big Hatchet Mountains terminating in the vicinity of the U-Bar headquarters at approximately 5:00 pm.

The meeting will reconvene at 10:00 am on October 29, 1981, approximately 10 miles southeast of the U-Bar Headquarters at Dog Springs Camp. Public participation will be accepted at any time during the field tour on 28 September. The entire meeting is open to the public.

Because of the terrain to be covered, it is recommended that persons come in pickup trucks or similar vehicles instead of passenger cars. Persons coming on the tour are advised to bring water and food. No lodging or commercial facilities are available.

Daniel C. B. Rathbun,

District Manager.

[FR Doc. 81-28750 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

[W-73126, W-73127, W-74730, W-14928, W-0317252, W-3889]

Wyoming; Proposed Withdrawal Continuations and Proposed Withdrawal and Reservation of Lands; Correction; Comment and Public Meeting Period Extended

The following four proposed withdrawal continuations and a proposed withdrawal and reservation of lands as listed below, published in the **Federal Register** as indicated, are hereby given an additional 60 days comment and public meeting period from the date of this publication (on or before December 1, 1981):

1. *W–73126 and W–73127,* Proposed Continuation of Withdrawals for Naval Petroleum Reserve No. 3, published in the **Federal Register** April 24, 1981, Vol. 46, No. 79, pages 23314 and 23315.

2. *W–74730,* Proposed Withdrawal and Reservation of lands for the Horsethief Cave area published in the **Federal Register,** May 14, 1981, Vol. 46, No. 93, page 26704.

3. W–14982, Wyoming Proposed Continuation of Withdrawal to Protect the Stratton Sagebrush Hydrology Study published in the **Federal Register** May 29, 1981, Vol. No. 46, No. 103, page 28955, and a correction of docket number from "(W–14982)" to read "(W–14928)" published in the **Federal Register** June 16, 1981, Vol. 46, No. 115, page 31521.

4. *W–0317252,* Proposed Continuation of Withdrawal for the Bureau of Land Management (Rawlins) Administrative Site published in the **Federal Register** June 9, 1981, Vol. 46, No. 110, page 30576.

5. *W–889,* Proposed Continuation of Withdrawal for the Pine Creek Public Recreation site published in the **Federal Register** June 24, 1981, Vol. 46, No. 121, page 32675; and a correction of docket number from "(W–889)" to read "(W–3889)" published in the **Federal Register** July 10, 1981, Vol. 46, No. 132, page 35795.

Comments, suggestions, or objections to the proposed withdrawal, and continuations must be submitted in writing to the undersigned authorized officer of the Bureau of Land Management, on or before December 1, 1981.

Notice is hereby given that an opportunity for a public meeting is offered in connection with the proposed withdrawal and continuations. All interested persons who desire a public meeting on the proposals must submit a written request for the meeting to the undersigned, before the expiration of this additional 60-day period (December 1, 1981). Upon determination by the State Director, Bureau of Land Management, that a public meeting will be held, a notice will be published in the **Federal Register** giving the time and place of the meeting. Public meetings will be scheduled and conducted in accordance with 43 CFR 2310.3–1(c)(2).

No licenses, permits, cooperative agreements or discretionary land use authorizations of a temporary nature will be allowed on the lands in the proposed withdrawal for Horsethief Cave, W–74730, without the approval of an authorized officer of the Bureau of Land Management during the

segregation period of the proposed withdrawal.

All communications in connection with the proposed withdrawal and continuations 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.

Harold G. Stinchcomb,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 81-28665 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

[N-30767]

Nevada; Realty Action—Exchange of Public Lands in Clark & Washoe Counties

September 25, 1981.

The following described lands have been determined to be suitable for disposal by exchange under Section 206 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1716:

Mount Diablo Meridian, Nevada

T. 21 S., R. 60 E.,
Sec. 25, NE¼NW¼NE¼, W½SE¼NE¼ NE¼, E½SW¼NE¼NE¼.
Comprising 20.0 acres of public land.

Since October 25, 1974, these lands have been identified as suitable for exchange under Section 8 of the Taylor Grazing Act (48 Stat. 1272, 43 U.S.C. 315g). The Federal Land Policy and Management Act of October 21, 1976 repealed BLM's exchange authority under section 8 of the Taylor Grazing Act. Consequently, the subject notice is provided as a means of identifying the above described lands as suitable for exchange under the new authority contained in section 206 of the Federal Land Policy and Management Act.

By Notice of Realty Action N-29349 issued on June 9, 1980, the following 45 acres of public land were identified as suitable for exchange under Section 206 of the Federal Land Policy and Management Act of 1976:

Mount Diablo Meridian, Nevada

T. 21 S., R. 60 E.,
Sec. 10, W½NE¼NE¼NE¼, E½NE¼SE¼ NE¼, W½SW¼SE¼NE¼, E½NE¼NE¼NW¼, E½NE¼NW¼ SW¼;
Sec. 13, SE¼SW¼NE¼NE¼, NE¼SW¼NW¼NE¼, SW¼SE¼NW¼NE¼, NW¼NW¼SE¼ NE¼, NE¼SE¼SE¼NE¼, SE¼NE¼NE¼NW¼, NW¼SE¼NE¼ NW¼, NE¼NW¼NE¼SW¼.
Comprising 45.0 acres of public land.

In exchange for all of the above described public lands (totaling 65 acres), the United States will acquire the following described private lands from Marian E. Durkee:

Mount Diablo Meridian, Nevada

T. 19 N., R. 18 E.,
Sec. 13, a portion of the SW¼. (Noted on the map available for review in the Las Vegas District Office as parcel 54 and part of parcel 53.)
Sec. 21, NE¼, a portion of the NW¼, a portion of the SE¼. (Noted on the map available for review in the Las Vegas District Office as parcels 1–8.)
Sec. 23, E½, a portion of the NW¼, SW¼. (Noted on the map available for review in the Las Vegas District Office as parcels 23–26, parcels 42–49, parcels 56 and 57.)
Sec. 24, a portion of the NE¼, a portion of the NW¼, SW¼, a portion of the SE¼. (Noted on the map available for review in the Las Vegas District Office as parcels 27–30, parcels 39–41, parcels 50–52, parcel 55 and part of parcel 53.)
Sec. 26, N½. (Noted on the map available in the Las Vegas District Office as parcels 16–22 and part of parcel 15.)
Sec. 27, NE¼, a portion of the NW¼, a portion of the SE¼. (Noted on the map available for review in the Las Vegas District Office as parcels 9–14 and part of parcel 15.)
T. 19 N., R. 19 E.,
Sec. 19, a portion of the NE¼, NW¼, a portion of the SW¼. (Noted on the map available for review in the Las Vegas District Office as parcels 31, 36–38.)
Comprising 2,147 acres.

The purpose of this exchange is to acquire the non-Federal lands within the Toiyabe National Forest which have public values for maintenance of wildlife habitat and would consolidate National Forest ownership thereby facilitating sound resource land management. In exchange, public lands would be transferred to other ownership to provide for the expansion of the Las Vegas, Nevada metropolitan area. Jurisdiction of the non-Federal lands to be acquired within the National Forest would be transferred to the U.S. Forest Service.

Even though the land within the Las Vegas, Nevada metropolitan area is defined by Public Law 96–586 (the Santini-Burton Act) which provides for sale of the public land within the area, disposal of these lands by exchange would facilitate land use planning in the area, enhance land use compatibility with adjoining private lands, and streamline administrative procedures in all phases of suburban development of this area in Clark County. The lands have potential for residential and commercial development. These elements are consistent with the Bureau of Land Management's planning objectives as well as State and local government plans, zoning, and applicable regulations. The public interest will be served by completing the subject exchange.

The values of the lands to be exchanged are approximately equal; full equalization of values will be achieved by adjusting the acreage to be exchanged and/or by payment to the United States by Marian E. Durkee.

Lands to be transferred from the United States will be subject to the following reservations, terms and conditions:

1. Reservations for road rights-of-way will be incorporated into the patent to accommodate the Clark County road network.

2. Exchange of these lands will be subject to all valid existing rights, easements, etc.

3. The patent will be subject to the terms and conditions of oil and gas leases N–20081 and N–20083 for the term of the leases.

Detailed information concerning the identification of these lands for exchange, including the associating documents and the record of public discussions, is available for review at the Las Vegas District Office, Post Office Bldg., 301 E. Stewart, Las Vegas, Nevada 89101.

For a period of 45 days from the date of this notice in the **Federal Register**, interested parties may submit comments to the State Director, BLM, Nevada State Office (N–943), P.O. Box 12000, Reno, Nevada 89520–0006.

Upon publication of this Notice of Realty Action in the **Federal Register**, the public lands will be segregated from all other forms of appropriation under the public land laws, except exchange, and the mining laws, but not the mineral leasing laws, for a period of two (2) years or upon issuance of patent or other documents of conveyance to such lands, whichever occurs first.

Wm. J. Malencik,

Chief, Division of Technical Services.

[FR Doc. 81-28773 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

[NM 46172]

New Mexico; Application

September 23, 1981.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Matador Pipelines, Inc. has applied for one 4-inch crude oil pipeline right-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 18 S., R. 32 E., N.M.P.M.
Section 3: SW¼SE¼;

Section 10: NW¼NE¼;
Section 15: W½W½;
Section 22: W½W½;
Section 27: W½W½;
Section 34: W½W½;
T. 19 S., R. 32 E., N.M.P.M.
Section 3: Lot 4, SW¼NW¼, W½SW¼;
Section 4: NE¼SE¼, S½SE¼.

This pipeline will convey crude oil across 5.610 miles of public land in Lea County, New Mexico.

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 promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Phil Kirk,

Acting District Manager.

[FR Doc. 81-28763 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Oklahoma; Applications

AGENCY: Bureau of Land Management; Interior.

ACTION: Supplemental Information to Federal Register Notice, August 14, 1981, Vol. 46, No. 157, pp. 41218–41219, in which the Oklahoma Subregion of the Western Interior Coal Production Region was cancelled and opened to lease by application.

SUMMARY: Supplemental information to Federal Register Notice published August 14, 1981, advises the coal industry that coal lease applications submitted within sixty days of this notice, under 43 CFR 3425.1, will permit coal lease sales by September, 1982 or in some cases, earlier.

Applications submitted within areas where land use planning, tract delineation, and environmental assessments have been completed will be processed more rapidly. Applications submitted after sixty days of this notice will be processed in timeframes dependent on workload constraints of budget, personnel, and environmental analysis requirements.

FOR FURTHER INFORMATION CONTACT: Homer G. Meyer, (405) 231–4481, Bureau of Land Management, Oklahoma Resource Area Office, 200 NW Fifth Street, Room 548, Oklahoma city, Oklahoma 73102.

SUPPLEMENTARY INFORMATION: Federal Register Notice of August 14, 1981, opened federal coal reserves to lease by application under 43 CFR 3425.1 in the following Oklahoma Counties: Atoka, Coal, Haskell, Latimer, LeFlore, and Pittsburg.

In accordance with 43 CFR 3400, federal coal management regulations, a land use plan, tract delineation, and environmental assessments of typical mining operations has been completed on portions of the federal coal reserves. General legal descriptions of completed areas are as follows:

N½, T. 10 N., R. 21 E., Haskell County
NE¼, T. 8 N., R. 26 E., LeFlore County
SW¼, T. 8 N., R. 26 E., LeFlore County
N½, T. 6 N., R. 21 E., Latimer County
NW¼, T. 6 N., R. 22 E., Latimer County

Land use planning and tract delineation only have been completed on the following areas:

NE¼, T. 8 N., R. 24 E., LeFlore County
N½, T. 8 N., R. 25 E., LeFlore County
NW¼, T. N., R. 28 E., LeFlore County
S½, T. 9 N., R. 25 E., LeFlore County

This notice is to advise the coal industry that lease applications submitted within above described area will be more rapidly processed. Submission of applications within sixty days of this notice will permit lease sales to be held no later than September 1982, and in some cases, prior to that date.

Applications submitted after sixty days and outside completed planning-environmental assessment areas will be processed in timeframes dependent on workload constraints of budget, personnel, and environmental analysis requirements at the time of application.

Three copies of the application shall be filed in the New Mexico State Office of the BLM, P.O. Box 1449, Santa Fe, New Mexico 87501.

Supportive information on federal coal reserve areas is available for public inspection at the BLM Oklahoma Resource Area Office in Oklahoma City at the address provided above.

Gordon A. Frashier,

Acting District Manager.

[FR Doc. 81-28767 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Advisory Board

Gulf of Mexico Regional Technical Working Group Committee; Meeting

This notice is issued in accordance with the provisions of the Federal Advisory Committee Act, Pub. L. 92–463. A meeting of the Outer Continental Shelf Advisory Board's Gulf of Mexico Regional Technical Working Group will be held on November 19–20, 1981. The purpose of the meeting is to participate in scoping for the Gulf of Mexico regional environmental impact statement.

The meeting will be held in the Bureau of Land Management's New Orleans OCS Office, 500 Camp Street, Suite 841, New Orleans, Louisiana 70130–3391. The session on November 19 will be from 8:30 a.m. to 3:30 p.m. and on November 20 from 8:30 a.m. to 11:00 a.m. The meeting is open to the public and interested persons may make oral or written presentations. Such requests should be made not later than November 13 to Syd Verinder at the above office address, telephone number (504) 589–6541.

A tape transcript and complete summary minutes of the meetings will be available for public inspection at the New Orleans OCS Office not later than 60 days after the meeting.

September 23, 1981.

John L. Rankin,

Manager, New Orleans Outer Continental Shelf Office.

[FR Doc. 81-28764 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Utah; Special Recreation Management Areas

AGENCY: Bureau of Land Management, Interior.

ACTION: Public notice—Identification of special recreation management areas.

SUMMARY: This notice, in accordance with 43 CFR 8372.1–2, identifies BLM administered lands in Utah as special areas for purposes of management.

The lands identified below are special areas for purposes of recreation management pursuant to 43 CFR 8372. Respective authorized officers may require permits for recreational uses in these areas for individuals, individual families, and groups as well as required for commercial, competitive, and off-road vehicle uses as defined in 43 CFR 8372. Such permits may require a fee of may be free use permits in accordance with existing regulations (43 CFR 8372) and permits can be obtained at the local BLM office having jurisdiction over the lands identified below.

Recreation designations and special management criteria have been published for the areas listed below and have been in effect since the dates listed in the respective Federal Register publications. These identified areas are also subject to applicable regulations as contained in 43 CFR 2070 and 8000.

Area name	Date of publication(s)	Boundary description
Desolation and Gray Canyons-Green River	Nov. 24, 1968; Apr. 14, 1976; Sept. 5, 1979; Nov. 14, 1979; Aug. 14, 1980; Jan. 15, 1981.	BLM administered area from San Wash (Mile 99; T. 11 S., R. 18 E.) to Swasey Rapid (Mile 12; T. 20 S., R. 16 E.) One-fourth mile each side of center line of the river except that portion of the river corridor from Nine Mile Creek (Mile 94; T. 11 S., R. 18 E.) to Florence Creek (Mile 39; T. 16 S., R. 17 E.) where the special management area extends one mile each side of the river center line (designated National Historic Landmark).
Westwater Cyn. Colorado River	Jan. 3, 1975; Apr. 14, 1976; Sept. 5, 1979; Jan. 15, 1981	BLM administered area from Westwater Ranger Station (Mile 1054½; T. 20 S., R. 25 E.) to Rose Ranch (Mile 1037½; T. 21 S., R. 24 E.) one-fourth mile each side of center line of the river.
San Juan River	Apr. 14, 1976; Sept. 5, 1979; Mar. 3, 1980; Jan. 15, 1981	BLM administered area from Montezuma Creek (Mile 160; T. 40 S., R. 26 E.) to Clay Hills Crossing (Mile 57; T. 40 S., R. 14 E.) one-fourth mile each side of center line of the river.
Colorado River	Apr. 14, 1976; Jan. 15, 1981	BLM administered area from Rose Ranch (Mile 1037½; T. 21 S., R. 24 E.) to Castle Creek (Mile 1005; T. 24 S., R. 22 E.) one-fourth mile each side of center line of the river.
Dolores River	Jan. 3, 1975; Apr. 14, 1976; Sept. 5, 1979; Jan. 15, 1981	BLM administered area Utah-Colorado State line (Mile 22; T. 24 S., R. 26 E.) to its confluence with the Colorado River (Mile 1023; T. 23 S., R. 24 E.) one-fourth mile each side of center line of the river.
Green River below Flaming Gorge Dam	Apr. 14, 1976	BLM administered land from Flaming Gorge Dam (Mile 290; T. 2 N., R. 22 E) to Utah-Colorado State line (Mile 261; T. 1 N., R. 25 E.) one-fourth mile each side of center line of the river.
Grand Gulch Primitive Area	Sept. 27, 1970	BLM administered lands within the primitive area boundary of the river.
Dark Canyon Primitive Area	Dec. 2, 1970	BLM administered lands within the primitive area boundary.
Paria Primitive Area	Aug. 12, 1970	BLM administered lands within the designated primitive area boundary.
Phipps Death Hollow Outstanding Natural Area	Dec. 23, 1970	BLM administered lands within the designated natural area
North Escalante Cyn. Outstanding Natural Area	do	BLM administered lands within the designated natural area.
Escalante Cyns. Outstanding Natural Area	do	BLM administered lands within T. 39 S., R. 7 E., Sec. 13 N½.
The Gulch Outstanding Natural Area	do	BLM administered lands within the designated natural area.
Calf Creek Recreation Area	do	BLM administered lands within the designated recreation area.
Little Sahara Recreation Area	Apr. 13, 1976; Oct. 12, 1979	BLM administered lands within the designated recreation lands.

Unauthorized Use— Other than on developed recreation sites.

Failure to pay any fee, failure to obtain a permit, or operating with a suspended permit in any of the above special management areas required by Part 8000 of 43 CFR will make th person responsible under resource and land damages identified in 43 CFR 9268.3, and is punishable under 43 CFR 8372.0–7 and pursuant to the Federal Land Policy and Management Act of 1976, and other laws when applicable. Damages and penalties may be assessed for unauthorized uses as follows:

1. "Nonwillful violations" (commercial, non-commercial).

Amounts will be determined at the established rate for 100 user days or fraction thereof as charged by the Bureau of Land Management to commercial permittees in the applicable special management area plus any identifiable damages, repairs, and clean-up costs to the public lands and other property of the United States.

2. "Willful Violation" (Commercial, Non-Commercial).

Up to triple the fees as determined at the established rate for 100 user days or fraction thereof as charged by the Bureau of Land Management to commercial permittees in the applicable special management area plus any identifiable damages, repairs, and clean-up costs to the public lands and other property of the United States.

3. "Penalties."

Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733) provides: any person who knowingly and willfully violates any such regulation which is lawfully issued pursuant to this act shall be fined no more than $1,000 or imprisoned no more than twelve months, or both. Any person charged with a violation of such regulation may be tried and sentenced by any United States magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions and limitations as provided for in Section 3401 of Title 18 of the United States Code.

FOR FURTHER INFORMATION CONTACT: Larry L. Lee, Utah State Office, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111 (Phone: (801) 524–5326).

Dated: September 24, 1981.

Dean E. Stepanek,

Acting Utah State Director.

[FR Doc. 81-28766 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Yuma District Advisory Council Meeting

Tuesday, November 17, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Advisory Council Meeting.

Notice is hereby given in accordance with Pub. L. 94–579 and 43 CFR Part 1780, that a meeting of the Yuma District Advisory Council will be held Tueday, November 17, 1981 beginning at 8:00 a.m. M.S.T. at the Rodeway Inn, Empire Room 109, 245 Crystal Avenue, Lake Havasu City, Arizona 86403. The agenda will include:

1. A discussion of the status of the Parker Strip Recreation Management Plan.

2. A discussion of the issues which should be addressed in the Havasu Resource Area Resource Management Plan.

3. Inventory proposals related to the issues to be addressed in the Havasu Resource Area Resource Management Plan.

4. Close out and plans for future council activities.

The meeting is open to the public. Interested persons may make oral statements to the Council or file written statements for the Council's consideration prior to the meeting date. Anyone wishing to make an oral statement must notify the District Manager at the address below by November 10, 1981. Depending on the number of people wishing to make an oral statement, a time limit may be established.

Summary minutes of the Council meeting will be maintained in the Yuma District Office and will be available for public inspection and reproduction within 30 days following the meeting.

Further information is available at the Yuma District Office, 2450 Fourth Avenue, P.O. Box 5680, Yuma, Arizona 85364.

H. M. Bruce,

District Manager.

[FR Doc. 81-28779 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Winnemucca District Advisory Council Meeting

Notice is given in accordance with Pub. L. 92–463, that a meeting of the Winnemucca District Advisory Council

will be held on November 13, 1981. The meeting will be from 10:00 a.m. to 5:00 p.m. in the Conference Room of the Winnemucca District Office, 705 East Fourth Street, Winnemucca, Nevada 89445

The agenda for the meeting will include: (1) New Rangeland Management Policy; (2) Tentative MFP III Land Use Decisions; (3) Public Comment Period; (4) 1982 Annual Work Plan; (5) Disposition of the Range Improvement Funds; (6) New Rangeland Improvement Policy; (7) Arrangements for next meeting and proposed agenda.

The meeting is open to the public. Interested persons may make oral statements to the Council at 11:00 a.m., or file written statements for the Council's consideration. Anyone wishing to make an oral statement must notify the District Manager, 705 East Fourth Street, Winnemucca, Nevada 89445 by November 2, 1981. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager.

Summary minutes of the Council meeting will be maintained in the District Office and available for public inspection (during regular business hours) within 30 days following the meeting.

Dated: September 25, 1981.

Frank C. Shields,

District Manager for State Director, Nevada.

[FR Doc. 81-28775 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Land Management

[Designation Order AZ-020-8101]

Phoenix District Interim Off-Road Vehicle Designations

AGENCY: Bureau of Land Management.

ACTION: Notice of Off-Road Vehicle Designation Decisions.

DECISION: Notice is hereby given that a decision regarding off-road vehicle interim designation has been made for two areas of public lands located approximately twenty miles N.W. of Kingman, Arizona. This decision has been made pursuant to the provisions of 43 CFR 8342.1, 8342.2, and 8342.3. The decision will become effective October 2, 1981. Under 43 CFR 4.21, an appeal may be filed within thirty (30) days with Interior Board of Land Appeals. The off-road vehicle interim designation decision applies to the following two areas: Sugarloaf Tank area (Located immediately to the west of Grasshopper Junction, Arizona and State Highway 92).

The legal description of this area is:

Gila and Salt River Meridian

T. 23 N., R. 19 W.,
- Section 1, that portion of the W½ that lies west of State Highway 93, except patent 827123;
- Section 2, that portion of Lot 1, lying west of State Highway 93, Lots 2, 3, 4, S½NW¼, S½;
- Section 3, Lots 1, 2, 3, 4, S½N½, N½SW¼, SE¼SW¼, SE¼;
- Section 4, Lots 1, 2, 3, 4, S½N½, S½;
- Section 5, Lots 2, 3, 4, S½N½, S½;
- Section 8, All;
- Section 9, All;
- Section 10, All;
- Section 11, All;
- Section 12, that portion of Lots 3, 4, that lies west of State Highway 93, that portion of the NW¼NE¼ that lies west of State Highway 93, SW¼, that portion of the W½SE¼ that lies west of State Highway 93;
- Section 13, Lots 1, 2, 3, 4, W½E½, W½;
- Section 14, All;
- Section 15, All;
- Section 17, All;
- Section 22, All;
- Section 23, All;
- Section 24, Lots 1, 2, 3, 4, W½E½, W½.
- Total: Approximately 10,605 acres.
- Big Wash Road Area (Located along Big Wash Road (BLM Road #2114) north of Chloride, Arizona).

The legal description of this area is:

Gila and Salt River Meridian

T. 24 N., R. 18 W.,
- Section 14, All;
- Section 15, All;
- Section 16, All;
- Section 17, All;
- Section 19, Lots 1, 2, 3, 4, E½, E½W½;
- Section 20, All;
- Section 21, All;
- Section 22, All;
- Section 23, All;
- Section 29, All;
- Section 30, Lots 1, 2, 3, 4, E½, E½W½;
- Section 31, Lots 1, 2, 3, 4, 5, 6, 7, NE ¼, E½, NW¼, NE¼SW¼, N½SE¼.

T. 24 N., R. 19 W., G&SRM, Mohave County, Arizona
- Section 24, All;
- Section 25, All;
- Section 36, N½N½.
- Total: Approximately 9,149 acres.

Both areas are designated as limited ORV use areas, wherein vehicle use will be permitted on roads and trails specifically posted as "Open to all vehicle use." Conversely, vehicle use will not be permitted on roads and trails specifically posted as "Closed to all vehicle use." Over land or "Cross-country" vehicle use will not be permitted within the two areas. Car-camping will be allowed along the "Open" roads within 50 feet of the roadside.

The objective of the interim "Limited" ORV designations for the two areas is to prevent further, and remedy existing, resource damage and user conflict problems.

Exceptions to "Closed road" or no Cross-country use restrictions within these two areas will be made for organized off-road vehicle (4 WD) events on a case-by-case basis.

ADDRESS: For maps and additional information about these designations, contact either of the following Bureau of Land Management Offices:

District Manager, Phoenix District Office, 2929 West Clarendon Avenue, Phoenix, Arizona 85017.

Area Manager, Kingman Resource Area Office, 2475 Beverly Avenue, Kingman, Arizona 86401.

Dated: September 25, 1981.

William K. Barker,

District Manager.

[FR Doc. 81-28856 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

[C-2705]

Colorado; Termination of Exchange Classification

1. Pursuant to authority delegated by Bureau Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, the Bureau of Land Management Notice of Classification of Lands published in the **Federal Register** on January 25, 1968 (Vol. 33, No. 17, p. 920), which classified lands for disposal through exchange under section 8 of the Taylor Grazing Act (43 U.S.C. 315g), is hereby terminated as to the following described lands:

Sixth Principal Meridian

T. 12 S., R. 101 W.,
- Sec. 18, lot 7;
- Sec. 20, lots 11, 16, 17, 18, 19.

T. 13 S., R. 101 W.,
- Sec. 3, lot 3.

T. 14 S., R. 101 W.,
- Sec. 12, lots 1, 2, 3, 4, 5, S½;
- Sec. 13, lots 1 thru 7.

T. 11 S., R. 102 W.,
- Sec. 31, lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 16, SW¼NE¼, SE¼NW¼, NE¼SW¼, SE¼SW¼;
- Sec. 32, lot 9.

T. 12 S., R. 102 W.,
- Sec. 4, lots 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17;
- Sec. 5, lots 5, 6, 7, 8, 9, 11, 12, 14, 15, 18;
- Sec. 6, lots 8, 9, 10, 13, 14, 16, 17, SW¼NE¼; SE¼NW¼, W½SE¼, NE¼SW¼;
- Sec. 7, lots 5, 6, 9, 10, NW¼NE¼;
- Sec. 9, lot 1, NW¼NE¼;
- Sec. 14, lot 1;
- Sec. 20, lots 1, 3, E½SE¼;
- Sec. 21, SW¼SW¼;
- Sec. 22, lot 9, SE¼SE¼;
- Sec. 27, lot 1;
- Sec. 28, lots 2, 3, 4;

Sec. 29, lot 1

containing 2,610.16 acres in Mesa County.

2. At 7:45 a.m. on November 2, 1981, the lands shall be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable laws.

3. The lands have been and continue to be open to the U.S. mining laws generally, and the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Withdrawal Section, Branch of Adjudication, Bureau of Land Management, 1037–20th Street, Denver, Colorado 80202.

Cecil Roberts,

Acting State Director, Colorado.

[FR Doc. 81-28809 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Hualapai-Aquarius/Lower Gila North Wilderness Management Proposal

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of Intent to Prepare an Environmental Impact Statement.

SUMMARY: Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the BLM will prepare an Environmental Impact Statement on the recommendations of public land areas suitable and non-suitable for wilderness designation. These areas are in Mohave and Yavapai Counties, Arizona.

SUPPLEMENTARY INFORMATION: The Federal Land Policy and Management Act of 1976 (FLPMA) requires the Secretary of the Interior to review areas of the public lands determined to have wilderness characteristics.

FLPMA has therefore made wilderness preservation a part of BLM's multiple-use mandate, with wilderness values recognized as a part of the spectrum of resource values and uses to be considered in the resource management planning process. To carry out the wilderness mandate of FLPMA, the Bureau of Land Management has developed a wilderness review process with three phases: inventory, study, and reporting to Congress. In the wilderness inventory, the BLM examined the public lands and, with extensive public participation, identified those areas that met the definition of wilderness established by Congress. These areas were identified as Wilderness Study Areas (WSAs). As a result of the wilderness inventory, eighteen WSAs, comprising approximately 643,000 acres, have been established (October 14, 1980—Hualapai/Aquarius, and November 14, 1980—Lower Gila North) in the EIS area.

The wilderness study phase consists of land-use planning and Environmental Impact Statement (EIS) development. Of the 18 WSAs, 11 have been recommended as suitable for wilderness designation in the land-use plans. The EIS will analyze this land-use management proposal as the Proposed Action. Other alternatives will also be analyzed and include:

(1) Continuation of present management (No Action);

(2) Designation of all WSAs as wilderness;

(3) Designation of *more* total wilderness acreage than the Proposed Action; and

(4) Designation of *less* total wilderness acreage than the Proposed Action.

These alternatives present a range of management for the wilderness resources from all to none. When the study has been completed, a report describing whether each wilderness study area is suitable or nonsuitable for designation as wilderness will be submitted through the Secretary of the Interior and the President to Congress. Reports on all wilderness study areas must reach the President no later than October 21, 1991, and reach Congress by October 21, 1993. Only Congress can designate an area as wilderness.

For information concerning the Environmental Impact Statement contact:

Jim Crisp, Team Leader, EIS Office, BLM, 2933 W. Indian School, Phoenix, Arizona 85017. Telephone: FTS—261–2852; Commercial 602/241–2852.

Bill Carter, Environmental Coordinator, Arizona State Office, BLM, 2400 Valley Bank Center, Phoenix, Arizona 85073. Telephone: FTS—261–4127; Commercial 602/261–4127.

Dated: September 21, 1981.

Clair M. Whitlock,

State Director.

[FR Doc. 81-28808 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Outer Continental Shelf Advisory Board; North and Mid-Atlantic Technical Working Groups; Meeting

Notice of this meeting is issued in accordance with the Federal Advisory Committee Act (Pub. L. No. 92–463).

Name: North and Mid-Atlantic Technical Working Groups

Dates: 27–28 October 1981

Place: The World Trade Institute, Rooms 3 and 4 One World Trade Center, 55th Floor New York, New York

Times: 27 October—1:00 p.m. to 4:30 p.m. 28 October—9:00 a.m. to 4:30 p.m.

Committee membership consists of representatives from federal agencies, the coastal states of Maine through North Carolina, the petroleum industry, and other private interests.

Agenda: (27 October)—Overview of proposed changes to the OCS oil and gas leasing program; discussion of future roles of the Regional Technical Working Groups; discussion of scenarios, alternatives and significant issues to be considered for the Sale No. 76 DEIS (scoping).

(28 October)—Continue Sale No. 76 scoping; comments and discussion of the Sale No. 52 DEIS.

The meeting will be open to the public. Public attendance may be limited by the space available. Persons wishing to make oral presentations to the Committee regarding matters on the agenda should contact Richard Barnett of the New York OCS Office (212–264–1061) by 20 October 1981. Written statements should be submitted by 4 November to the New York OCS Office, Bureau of Land Management, 26 Federal Plaza, Suite 32–120, New York, New York 10278.

Minutes of the meeting will be available for public inspection and copying by 23 December 1981 at the above address.

Frank Basile,

Manager, New York OCS Office.

[FR Doc. 81-28810 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

[OR 20640 (Wash.); 2710 (943.1)]

Washington; Conveyance of Public Lands; Walla Walla County

Notice is hereby given that pursuant to the Act of October 21, 1976 (90 Stat. 2743, 2750; 43 U.S.C. 1701, 1713), the following described public land has now been sold by competitive sale at fair market value:

Willamette Meridian

T. 7 N., R. 31 E.,
Sec. 14, lots 2 and 5.

Lot 2 containing 5.08 acres has been conveyed to Joseph H. Lauby, 2306 Concord, Richland, Washington 99532, and Lot 5 containing 6.67 acres has been conveyed to W. H. Ketchersid, Box 714, Wallula, Washington 99363.

The purpose of this notice is to inform the public and interested state and local government officials of the issuance of the conveyance documents for this land.

Dated: September 22, 1981.

Frank A. Edwards,

Chief, Division of Technical Services.

[FR Doc. 81-28731 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-84-M

Geological Survey

Oil and Gas and Sulphur; Operations in the Outer Continental Shelf

AGENCY: Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Oxy Petroleum, Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3196, Block 74, portion, Main Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Land Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 23, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-28729 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Pennzoil Company, Unit Operator of the High Island Block A–351 Federal Unit Agreement No. 14–08–0001–16930, submitted on September 19, 1981, a proposed annual plan of development/production describing the activities it proposes to conduct on the High Island Block A–351 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837–4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Date: September 24, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-28799 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 1180 and 2315, Blocks 9 and 287, South Marsh Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the Office of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays, 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 25, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-28770 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Conoco Inc., Unit Operator of the Grand Isle/CATCO Federal Unit Agreement No. 14–08–001–2021, submitted on September 17, 1981, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the Grand Isle/CATCO Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to

3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837–4720, ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 24, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-28771 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-31-M

National Park Service

Appalachian National Scenic Trail; Relocations of Rights-of-Way

AGENCY: National Park Service, Interior.

ACTION: Notice of relocations.

SUMMARY: The proposed relocations set forth below are deemed necessary to preserve the purpose for which the Appalachian National Scenic Trail was established. As a part of the program to protect and establish an Appalachian Trail corridor, the Department of the Interior, in consultation with the Department of Agriculture, has determined that where the Trail is now along roads, close to houses or otherwise poorly located, the National Park Service, in consultation with the Forest Service, will seek an alternative location. When necessary, an alternative Trail route will be located outside the existing right-of-way pursuant to Section 7 of the National Trails System Act, which established a process for necessary relocations after publication of notice in the **Federal Register** and appropriate consultation.

DATES: Written comments, suggestions or objections will be accepted until November 2, 1981.

ADDRESS: Comments should be directed to: Project Manager, Appalachian Trail Project Office, Harpers Ferry, West Virginia 25425.

FOR FURTHER INFORMATION CONTACT: David Richie, Manager, Appalachian Trail Project, Telephone (304) 535–2346.

SUPPLEMENTARY INFORMATION:

Background

The National Trails System Act became law on October 2, 1968. The Act created a system to identify and establish a National Trails System. It also established the Pacific Crest Trail and the Appalachian Trail as the initial National Scenic Trails.

Section 7 of the National Trails System Act created a process for the administration and development of National Scenic Trails. This process included the responsibility to select an initial right-of-way for the National Scenic Trails and to publish notice of this right-of-way in the **Federal Register** together with appropriate maps and descriptions. In selecting this right-of-way, the Secretary was required to obtain the advice and assistance of the states, local governments, private organizations, and landowners and land users concerned. For a two-year period after selection, he was also required to with hold federal action and to encourage the states or local governments involved (1) to enter into written cooperative agreements with landowners, private organizations and individuals to provide the necessary Trail right-of-way, or (2) to acquire such lands or interests therein to be utilized as segments of the National Scenic Trail. These responsibilities for the Appalachian Trail have been completed. A preliminary right-of-way and Trail route was selected after compliance with the consultation requirements of the Act and published in the **Federal Register**, Vo. 36, No. 197, Saturday, October 9, 1971, and the states and local governments have subsequently had the opportunity to act to protect the Trail.

Changes in the Trail route within the previously established right-of-way are routinely made. Section 7 also established a process for necessary relocations of the right-of-way after publication of notice in the **Federal Register.** This process includes the responsibility to relocate segments of a National Scenic Trail right-of-way if such a relocation is necessary to preserve the purpose for which the Trail was established.

On March 21, 1978, Pub. L. 95–248 was enacted amending the original National Trails System Act. The thrust of this Amendment was to further the federal protection efforts under the original legislation, calling for an immediate federal land acquisition program. It also directed that this program be substantially completed within three years of September 30, 1978.

The original Act was further amended by Pub. L. 95–625 dated November 10, 1978. This Act eliminated the requirement for the federal Government to wait two years after notice of selection of the right-of-way before acquisition could be initiated. We are kept advised on any action by states or localities to protect the Trail where relocations are involved.

As a part of this program to protect and establish an Appalachian Trail corridor, the Department of the Interior, in consultation with the Department of Agriculture, has determined that where the Trail is now along roads, close to houses or otherwise poorly located, the National Park Service, in consultation with the Forest Service, will seek an alternative location, wherever possible, either pursuant to a change in Trail route, if feasible, within the existing right-of-way, or pursuant to the process outlined above by publishing a notice of right-of-way relocation in the **Federal Register** after appropriate consultation.

Consistent with this decision, the rights-of-way for the following sections of the Appalachian National Scenic Trail will be relocated outside of the originally designated rights-of-way to facilitate revised Trail routes that take advantage of the terrain and/or remove the Trail from roads so that these portions of the Trail meet the criteria and the purpose for which this Trail was established:

Beginning at White Rocks Mountain, Tennessee, continuing easterly along the crest of White Rocks Mountain to Big Pine Mountain, then turning south to Little Pine Mountain, then westerly to near Isaacs Cemetery, then south crossing US Route 19E one mile west of the Tennessee-North Carolina state line, then entering Wilder Mine Hollow and up a ridge, ending at Doll Flats, as indicated in panels 669A–672C.

Beginning at Bly Gap where the Appalachian Trail enters Georgia and the Chattahoochee National Forest from North Carolina, continuing southward to Dismal Mountain, then southwesterly over Tray Mountain to Red Clay Gap, continuing to Neels Gap and ascending Blood Mountain, following the Blue Ridge southwesterly to Black Mountain, then south and westerly through Cooper Gap and Hightower Gap, to ascend the Tennessee Valley Divide and the Summit of Springer Mountain, the southern terminus of the Appalachian Trail, as indicated in panels 780A–783A, 791A–794A, and 799A–807A.

Appropriate maps, as designated above, are provided as an appendix to this notice to indicate the revised rights-of-way and the Trail routes within those rights-of-way. These changes are in compliance with provisions of Section 7

of the National Trails System Act, as amended, as discussed above.

Public Participation

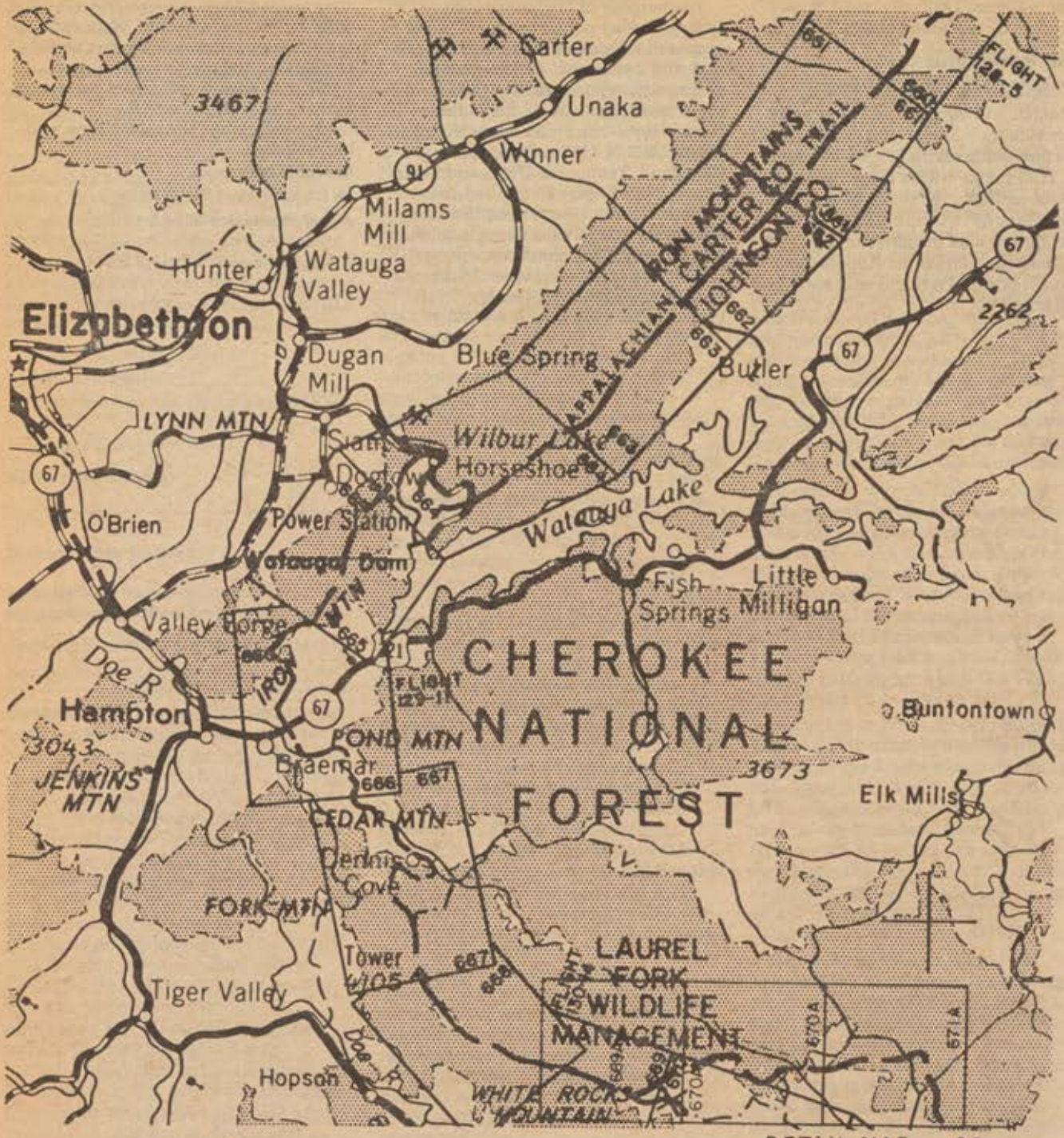
Affected landowners have been contacted and afforded an opportunity to provide their advice and assistance in selection of the revised rights-of-way and Trail routes within those rights-of-way. In addition, the rights-of-way and Trail routes have been selected in consultation with members of the Advisory Council for the Appalachian National Scenic Trail and with state and local officials.

The purpose of this notice is to request further public comment in the proposed relocation of the trail right-of-way and trail routes. Envrionmental assessment reports relating to each of these relocations are on file in the Supervisor's Office, Cherokee National Forest, 2321 N. Ocoee Street, NW, Cleveland, Tennessee 37311, and in the Supervisor's Office, Chattahoochee-Oconee National Forest, 601 Broad Street, SE, Gainesville, Georgia 30501, respectively. Comments concerning relocations may be provided to the Project Manager, Appalachian Trial Project Office, Harpers Ferry, West Virginia 25425, on or before November 2, 1981. Following review of comments on the environmental assessments and the relocations, a decision regarding findings of significant impact pertaining to these relocations, and the implementation of the relocations, will be published.

Russell E. Dickenson,

Director, National Park Service.

BILLING CODE 4310-70-M



N

Tennessee

APPALACHIAN TRAIL

SCALE: 1 1/2 0 1 2 3 MILES

MAP NO. 71

DETAIL MAP REFERENCE..... 88/89

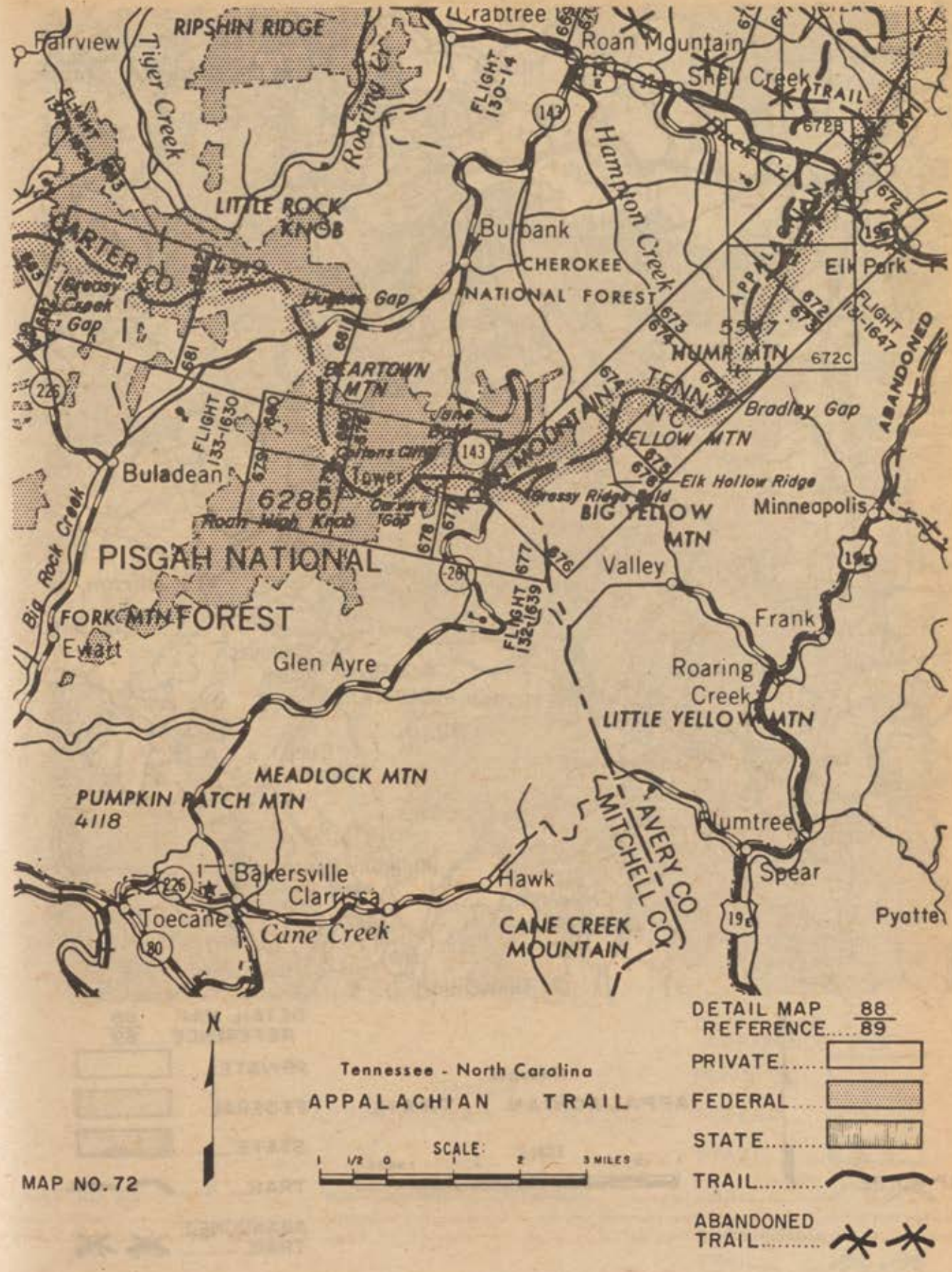
PRIVATE.....

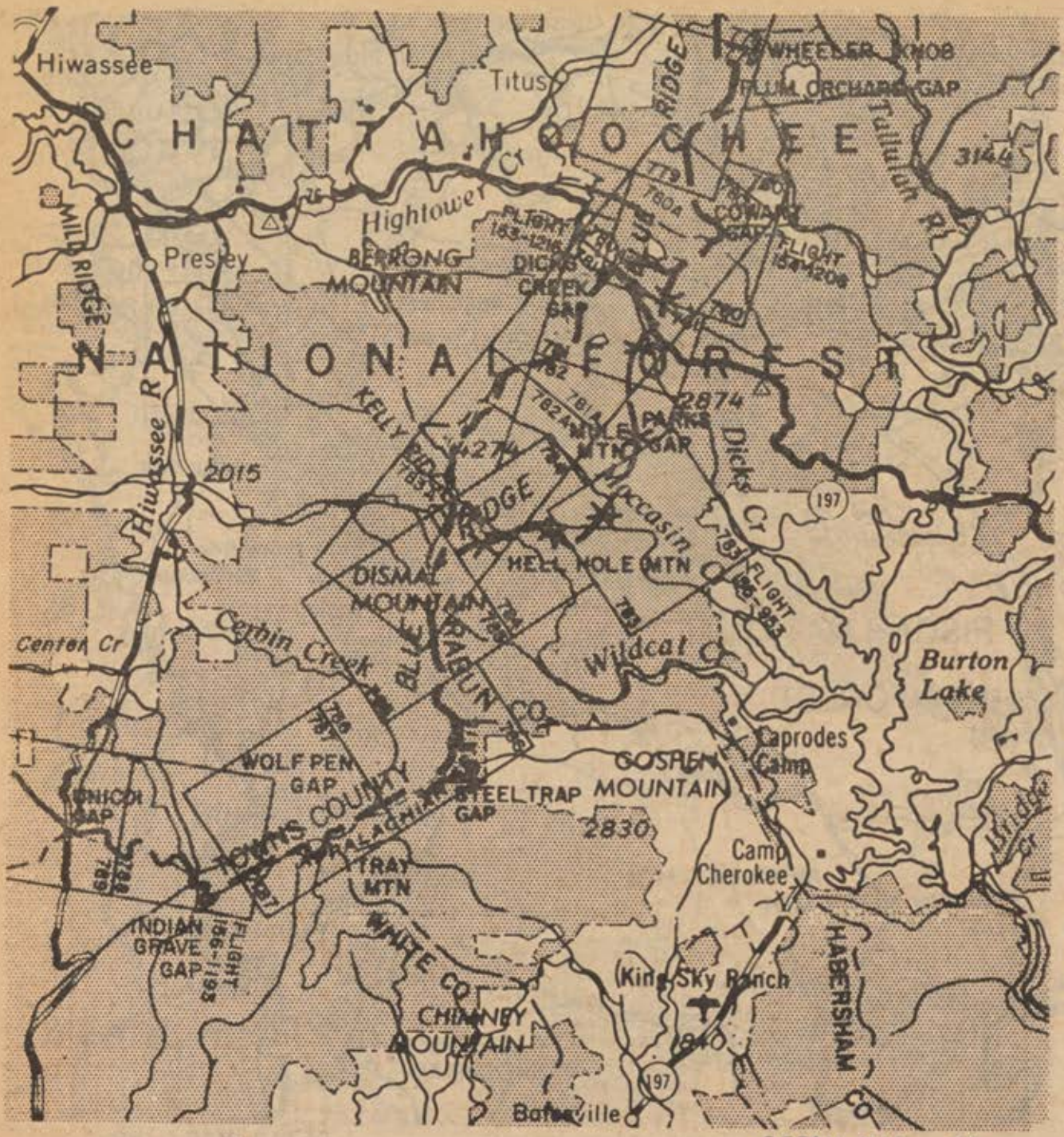
FEDERAL.....

STATE.....

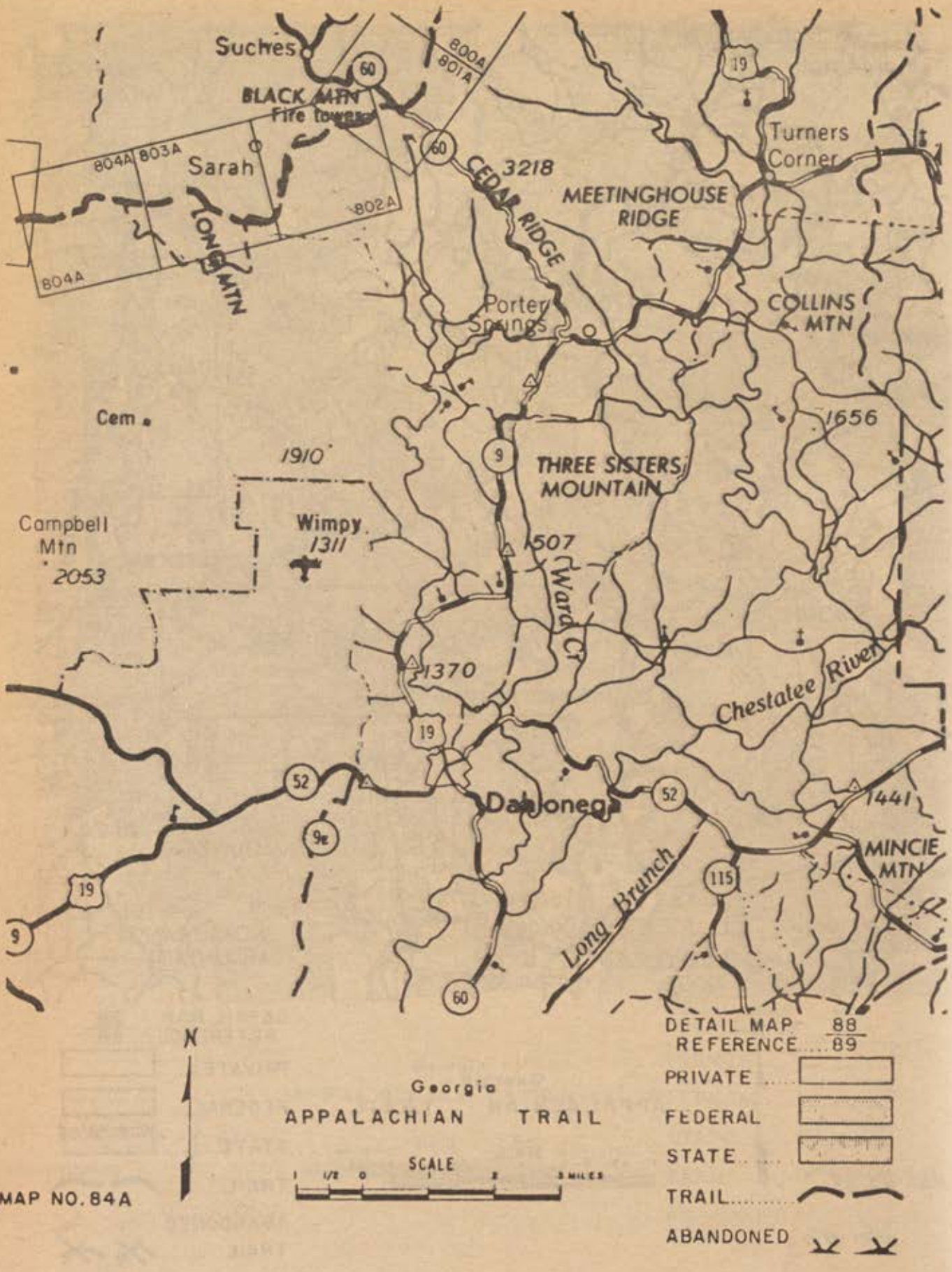
TRAIL.....

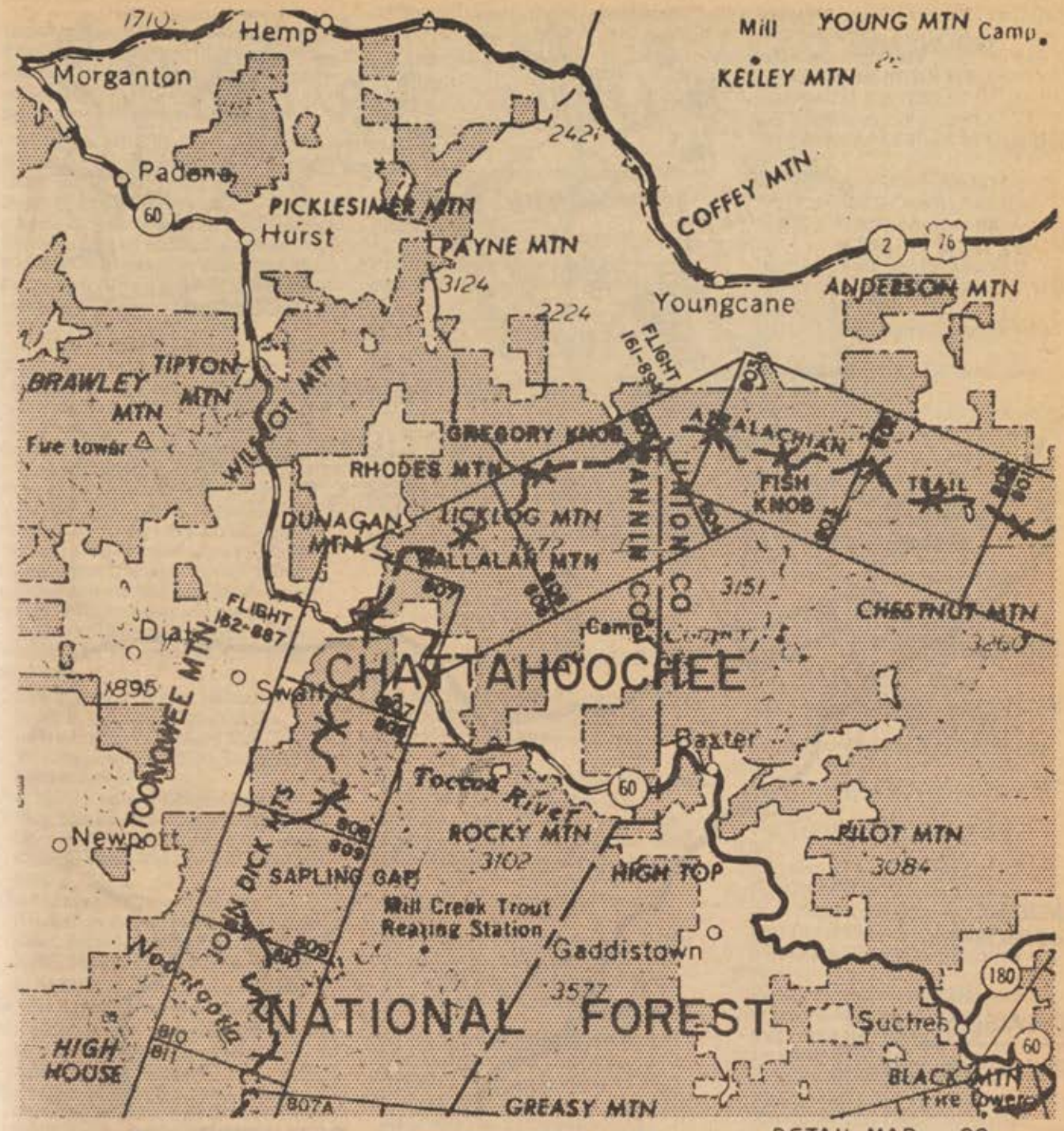
ABANDONED TRAIL.....

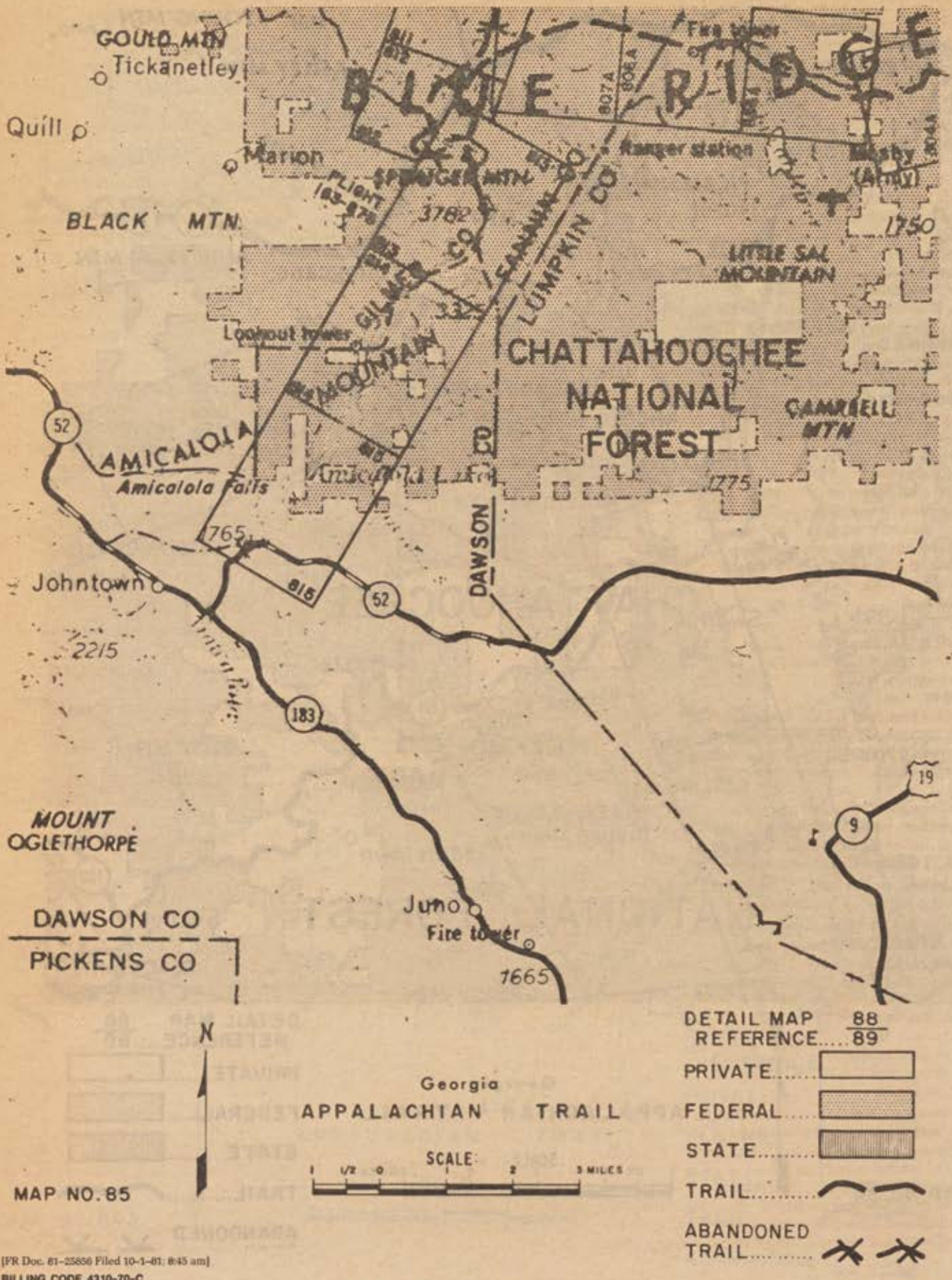

Fairview
RIPSHIN RIDGE
Tiger Creek
Roaring Cr.
Crabtree
Roan Mountain
Shell Creek
TRAIL
FLIGHT 130-14
Hampton Creek
Buck Cr.
LITTLE ROCK KNOB
CARTER CO.
Greasy Cove Gap
Burbank
CHEROKEE NATIONAL FOREST
Elk Park
APPALACHIAN
FLIGHT 130-1647
ABANDONED
HUMP MTN
6720
BEARTOWN MTN
Jane Bald
Bradley Gap
TENN
N.C
YELLOW MTN
FLIGHT 133-1630
Buladean
Cartons Gap
Lower
Elk Hollow Ridge
Grassy Ridge Bald
6286
Roan High Knob
BIG YELLOW MTN
Minneapolis
Big Rock Creek
PISGAH NATIONAL FOREST
FORK MTN
Valley
Frank
Ewart
Glen Ayre
FLIGHT 132-1639
Roaring Creek
LITTLE YELLOW MTN
MEADLOCK MTN
PUMPKIN PATCH MTN
4118
Bakersville
Clarissa
Hawk
Spear
Pyatte
Toecane
Cane Creek
CANE CREEK MOUNTAIN
AVERY CO.
MITCHELL CO.
N
Tennessee - North Carolina
APPALACHIAN TRAIL
SCALE:
1 1/2 0 1 2 3 MILES
MAP NO. 72
DETAIL MAP REFERENCE 88 89
PRIVATE
FEDERAL
STATE
TRAIL
ABANDONED TRAIL


Hiwassee
Titus
CHATTAHOOCHEE
NATIONAL FOREST
WHEELER KNOB
PLUM ORCHARD GAP
Tusquitee Ridge
Tusquitee R.
3144
Hightower Ck
Presley
BERRONG MOUNTAIN
DICKS CREEK GAP
Mild Ridge
Kelly Ridge
2874
Dicks Ck
197
Hiwassee R.
2015
Big Frog Mtn Ridge
Tusquitee Bald
Hiccasin Ridge
MELL HOLE MTN
DISMAL MOUNTAIN
Big Frog Mtn
Center Cr
Cathin Creek
Wildcat Ck
Burton Lake
Caprodes Camp
TOWNS CO
UNION GAP
WOLF PEN GAP
STEELTRAP GAP
GOSHEN MOUNTAIN
2830
Camp Cherokee
Bridge Cr
TRAY MTN
INDIAN GRAVE GAP
WHITE CO
King Sky Ranch
CHIMNEY MOUNTAIN
HABERSHAM CO
Baldwin
Georgia
APPALACHIAN TRAIL
SCALE
1 1/2 0 1 2 3 MILES
MAP NO. 82
DETAIL MAP REFERENCE 88/89
PRIVATE
FEDERAL
STATE
TRAIL
ABANDONED TRAIL


Nottely Lake
Arkaguat Cr
SPANIARD MOUNTAIN
Reed Creek
2760
Town Cr
Center
RED CLAY
FLIGHT 157-934
2675
CEDAR MTN
HENSON GAP
BOWERS MTN
Stink Cr
Nottely River
BUCKEYE KNOB
COOSA BALD
WILDCAT KNOB
Wolf
CHATTAHOOCHEE
NATIONAL FOREST
Hightchel Cr
COOL SPRINGS GAP
BROWN MOUNTAIN
NEELS GAP
BLUE RIDGE
APPALACHIAN TRAIL
TURKEY PEN MTN
BIG FRIDGE
POE KNOB
FLIGHT 158-184
Dicks Cr
Fraunkum Cr
Bear Creek
Trout Creek
PINNACLE MOUNTAIN
2420
Turners Corner
3218
CEDAR RIDGE
MEETINGHOUSE RIDGE
HORSERANGE MOUNTAIN
UNION COUNTY
FANNIN COUNTY
DUNCAN RIDGE
N
Georgia
APPALACHIAN TRAIL
SCALE
1 1/2 0 2 3 MILES
MAP NO. 83
DETAIL MAP REFERENCE 88/89
PRIVATE
FEDERAL
STATE
TRAIL
ABANDONED TRAIL


Suches
60
800A
801A
BLACK MTN
Fire tower
804A
803A
Sarah
802A
804A
LONG MTN
60
3218
CEDAR RIDGE
MEETINGHOUSE RIDGE
19
Turners Corner
Porter Springs
COLLINS MTN
1656
Cem
1910
9
THREE SISTERS MOUNTAIN
Campbell Mtn
2053
Wimpy
1311
507
Ward Cr
1370
Chestatee River
19
52
Dahlonega
52
1441
MINCIE MTN
9E
19
115
9
Long Branch
60
N
Georgia
APPALACHIAN TRAIL
SCALE
1 1/2 0 1 2 3 MILES
MAP NO. 84A
DETAIL MAP 88
REFERENCE 89
PRIVATE
FEDERAL
STATE
TRAIL
ABANDONED


Hemp
Morganton
Mill
YOUNG MTN
Camp
KELLEY MTN
Padens
PICKLESIMER MTN
Hurst
PAYNE MTN
3124
2224
COFFEY MTN
Youngcane
ANDERSON MTN
BRAWLEY MTN
TIPTON MTN
Fire tower
WILHOIT MTN
GREGORY KNOB
APPALACHIAN
RHODES MTN
FISH KNOB
TRAIL
DUNAGAN MTN
LICKLOG MTN
WALLALAH MTN
3151
CHESTNUT MTN
Dial
Camp
CHATTAHOOCHEE
1895
Swain
TOONOWEE MTN
Baxter
Toccoa River
Newport
ROCKY MTN
3102
PILOT MTN
3084
SAPLING GAP
HIGH TOP
JOHN DICK MTN
Mill Creek Trout Rearing Station
Gaddistown
3577
NATIONAL FOREST
Suches
HIGH HOUSE
BLACK MTN
Fire Tower
GREASY MTN
DETAIL MAP REFERENCE 88/89
PRIVATE
FEDERAL
STATE
TRAIL
ABANDONED
N
Georgia
APPALACHIAN TRAIL
SCALE
1 1/2 0 1 2 3 MILES
MAP NO. 84



[FR Doc. 81-25856 Filed 10-1-81; 8:45 am]
BILLING CODE 4310-70-C

General Management Plan, Chattahoochee River National Recreation Area, Georgia; Availability of Draft Environmental Impact Statement and Public Meetings

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the National Park Service, U.S. Department of the Interior, has prepared a Draft Environmental Impact Statement for the proposed General Management Plan for Chattahoochee River National Recreation Area (CRNRA). The proposal involves recommendations for management and use of lands authorized for inclusion in the CRNRA (6,300 acres) including daytime and river use activities, limited overnight use, and minimal interpretive opportunities. The two alternatives considered are: (1) Addition of 5,700 acres to the CRNRA and an additional 3,400 acres designated as a cooperative planning area with expanded recreational opportunities, daytime and river use activities, and extensive interpretive opportunities, and (2) no action (present management policies and recreational development would remain as they are now).

A limited number of copies will be available for review at the following locations:

Office of Public Affairs, National Park Service, U.S. Department of the Interior, 18th & C Streets NW., Washington, D.C. 20240, Telephone: (202) 343-6843

Southeast Regional Office, National Park Service, U.S. Department of the Interior, 75 Spring Street SW., Atlanta, Georgia 30303, Telephone: (404) 221-5835

Chattahoochee River National Recreation Area, 1905 Powers Ferry Road, Suite 150, Marietta, Georgia 30067, Telephone: (404) 952-6009.

In addition, public meetings will be held at the following locations:

November 9, 1981 (7:30 pm)—Riverwood High School, 5900 Heards Drive, Atlanta, Georgia 30328

November 10, 1981 (7:30 pm)—North Gwinnett High School, 20 Level Creek Road, Suwanee, Georgia 30174

November 12, 1981 (7:30 pm)—North Fulton County Annex—Auditorium, 7741 Roswell Road NE., Atlanta, Georgia 30338.

Comments on the Draft Environmental Impact Statement and the General Management Plan are invited from all interested parties and should be forwarded to the Regional Director, National Park Service, or the Superintendent, Chattahoochee River National Recreation Area, at the above addresses no later than December 12, 1981.

Dated: September 18, 1981.

C. W. Ogle,

Acting Regional Director, Southeast Region.

[FR Doc. 81-28606 Filed 10-1-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

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 its principal office: W. R. Grace & Co., Grace Plaza, 1114 Avenue of the Americas, New York, NY 10036.

2. Wholly-owned subsidiaries which are participating in the operations and their State(s) of incorporation:

(a) Ad Craft, Inc. (TX).
(b) Aeroline, Inc. (CA).
(c) Amargosa Pipeline Corporation (DE).
(d) American Carry Products Corp. (CA).
(e) Antilles Chemical Company (DE).
(f) A-1 Bit & Tool Company (TX).
(g) Arrow Inter-America Corporation (WV).
(h) Axial Basin Coal Corporation (DE).
(i) Beckett Golf Club, Inc. (NJ).
(j) Bellas Hess of Caguas, Inc. (DE).
(k) Bellas Hess of Carolina, Inc. (DE).
(l) Bellas Hess Shop of Aguadilla, Inc. (DE).
(m) Bellas Hess Shop of Ponce, Inc. (DE).
(n) Berman Catalog Sales, Inc. (MN).
(o) Berry Gas Company (OK).
(p) Bignall Dental Supply Co. (MI).
(q) Booker Drilling Company, Inc. (LA).
(r) The Boston Group, Inc. (DE).
(s) Camillus Acres, Inc. (NY).
(t) Chance Collar Company of Louisiana (LA).
(u) Cleary Land Company (OK).
(v) Coalgrace, Inc. (DE).
(w) Darex Puerto Rico, Inc. (DE).
(x) Davison Specialty Chemical Co. (DE).
(y) Daylin, Inc. (DE).
(z) Daylin-Summit, Inc. (NY).
(aa) DDI Realty, Inc. (DE).
(ab) Devcoa Incorporated (FL).
(ac) Dewey and Almy Company (MA).
(ad) DeZaan, Incorporated (NY).
(ae) Diner's Rendezvous, Inc. (MO).
(af) Diversified Restaurant Services, Inc. (DE).
(ag) Drillograph Company, Inc. (OK).
(ah) Drillscope, Inc. (TX).
(ai) Drys, Inc. (KS).
(aj) Ecarg, Inc. (NJ).
(ak) Ecotrol, Inc. (DE).
(al) The Elmex Corp. (OH).
(am) El Torito-La Fiesta Restaurants, Inc. (CA).
(an) El Torito/Milwaukee, Inc. (WI).
(ao) Emerson & Cuming, Inc. (DE).
(ap) Far West Services of Kansas, Inc. (KS).
(aq) First Twin Lakes Corp. (FL).
(ar) Fred P. Ott's/Madison, Inc. (WI).
(as) GI, Ltd. (DE).
(at) Gilbert/Robinson, Incorporated (DE).
(au) Gloucester New Communities Company, Inc. (NJ).
(av) GNCC Beckett Realty, Inc. (NJ).
(aw) Golding Industries, Inc. (SC).
(ax) GPC Marketing Company (DE).
(ay) Grace A-B Inc. (DE).
(az) Grace Communications, Inc. (DE).
(ba) Grace Consumer Products and Services (Europe), Inc. (DE).
(bb) Grace Corporation (DE).
(bc) Grace & Co. Central America (DE).
(bd) Grace de Gabon S.A. (DE).
(be) Grace Distribution Services, Inc. (DE).
(bf) Grace H-G, Inc. (DE).
(bg) Grace Industrial Chemicals, Inc. (DE).
(bh) Grace Natural Resources Corp. (DE).
(bi) Grace Oil Corporation (Canada) (DE).
(bj) Grace Oil Corporation (Italy) (DE).
(bk) Grace Ore & Mining Co. (DE).
(bl) Grace Oxo-Alcohols, Inc. (NJ).
(bm) Grace PAR Corporation (DE).
(bn) Grace Petrochemicals, Inc. (DE).
(bo) Grace Petroleum Corporation (DE).
(bp) Grace Petroleum China Incorporated (DE).
(bq) Grace Petroleum Libya Incorporated (DE).
(br) Grace REC Corp. (DE).
(bs) Grace Restaurant Company (CA).
(bt) Grace TEC Corporation (DE).
(bu) Gracoal, Inc. (DE).
(bv) Grappolo, Inc. (DE).
(bw) GraProp, Inc. (NY).
(bx) W. R. Grace Capital Corporation (NY).
(by) W. R. Grace Land Corporation (NY).
(bz) W. R. Grace Properties, Inc. (NY).
(ca) G/R Texas Enterprises, Inc. (TX).
(cb) G/R of Penn., Inc. (PA).
(cc) Hand Realty Corp. (TX).
(cd) Hand Realty Properties, Inc. (DE).
(ce) Handy Dan Hardware, Inc. (TX).

(cf) Handy Dan Hardware, Inc.—Alabama (AL).
(cg) Handy Dan Hardware, Inc.—Denver (CO).
(ch) Handy Dan Hardware—Tulsa, Inc. (OK).
(ci) Handy Dan Home Improvement Centers, Inc.—Arkansas (AR).
(cj) Handy Dan Home Improvement Centers, Inc. (DE).
(ck) Handy Dan Home Improvement Centers, Inc.—Florida (FL).
(cl) Handy Dan Home Improvement Centers, Inc.—Iowa (IA).
(cm) Handy Dan Home Improvement Centers, Inc.—Kansas (KS).
(cn) Handy Dan Home Improvement Centers, Incorporated—Missouri (MO).
(co) Handy Dan Home Improvement Centers, Inc.—Nebraska (NE).
(cp) Handy Dan Realty Corp. (DE).
(cq) Handy Dan Hardware, Inc. (TX).
(cr) Hanover Square Corporation (DE).
(cs) Herman's of Illinois, Inc. (IL).
(ct) Homco International, Inc. (DE).
(cu) Houlihan's/Arizona, Inc. (AZ).
(cv) Houlihan's/Bergen County, Inc. (NJ).
(cw) Houlihan's/Boston, Inc. (MA).
(cx) Houlihan's/Cupertino, Inc. (CA).
(cy) Houlihan's/D.C., Inc. (DC).
(cz) Houlihan's/Encino, Inc. (CA).
(da) Houlihan's/Florida, Inc. (FL).
(db) Houlihan's Inc. (LA).
(dc) Houlihan's/Long Beach, Inc. (CA).
(dd) Houlihan's/Maryland, Inc. (MD).
(de) Houlihan's/Milwaukee, Inc. (WI).
(df) Houlihan's of California, Inc. (CA).
(dg) Houlihan's of Indianapolis, Inc. (IN).
(dh) Houlihan's/San Francisco, Inc. (CA).
(di) Intercontinental Advertising, Inc. (OH).
(dj) J. B. Robinson Jewelers, Incorporated (DE).
(dk) Jefferson 4740 Corporation (MO).
(dl) Joe Gilbert Restaurants, Inc. (MO).
(dm) jojos Restaurants, Inc. (CA).
(dn) jojos Restaurants of California, Inc. (CA).
(do) jojos Restaurants of Glendale, Inc. (CA).
(dp) jojos Restaurants of Indiana, Inc. (IN).
(dq) jojos Restaurants of Layton, Inc. (WI).
(dr) jojos Restaurant of Nevada, Inc. (NV).
(ds) jojos Restaurant of Wisconsin, Inc. (WI).
(dt) jojos Restaurant Inc. of Northridge (WI).
(du) K. C. Stadium Concessions, Inc. (MO).
(dv) Kinco, Inc. (TX).
(dw) Kinsel Industries, Inc. (TX).
(dx) Klein's Sporting Goods Co. (IL).
(dy) Lachman-Rose Company, Inc. (TX).
(dz) Leather Bottle No. 1, Inc. (MO).
(ea) Liquor Lounges, Inc. (MO).
(eb) LKS Enterprises, Inc. (CA).
(ec) May's Restaurants, Inc. (MO).
(ed) M–B Food Distribution Company, Inc. (CA).
(ee) Midwest Restaurants, Inc. (MO).
(ef) Minsur, Inc. (DE).
(eg) MSP Industries Corporation (DE).
(eh) New American Restaurant Corp. (DE).
(ei) NRG Eastern Coal Development, Inc. (DE).
(ej) Offshore Fisheries, Inc. (MA).
(ek) One Hundred West Corp. (MO).
(el) One Hundred West of St. Louis, Inc. (MO).
(em) Parker International Corporation (DE).
(en) Parker Industry Corporation (LA).
(eo) Penn 4743 Corp. (MO).
(ep) Petit IV, Ltd. (MO).
(eq) Plaza 3 Restaurants Corporation (MO).
(er) E. A. Polumbus, Jr. & Associates, Inc. (CO).
(es) Polumbus Division Signature Corporation (CO).
(et) Process Evaluation and Development Corporation (DE).
(eu) Process Evaluation and Technical Services Corporation (DE).
(ev) Red Steer, Inc. (MO).
(ew) Rent-It Inc. (TX).
(ex) Restaurant Supply, Inc. (MO).
(ey) Ridgewood Phosphate Corporation (DE).
(ez) Sam Wilson's/Kansas, Inc. (KS).
(fa) SEMC Dissolution Corp. (TX).
(fb) Scaffold Services, Inc. (TX).
(fc) S & B Supply Co. (CA).
(fd) S & H Beverage Co., Inc. (TX).
(fe) Support Terminal Services, Inc. (DE).
(ff) Seven Hanover Square Corp. (NY).
(fg) Sheplers, Inc. (KS).
(fh) Sourgasco II Corp. (DE).
(fi) Southern Oil, Resin & Fiberglass, Inc. (FL).
(fj) Southern Transmission Corporation (DE).
(fk) Standard TransPipe Corp. (DE).
(fl) Standard TransPipe (Virginia) Inc. (VA).
(fm) StanTrans, Inc. (DE).
(fn) Stopover Restaurants, Inc. (MO).
(fo) Thrift Builders Supply, Inc. (AZ).
(fp) TRG Drilling Corp. (DE).
(fq) Water Street Corporation (DE).
(fr) Woodward Chemicals Corporation (DE).
(fs) Woolwich Sewer Company, Inc. (NJ).
(ft) Woolwich Water Company, Inc. (NJ).

1. Parent Corporation: PCA International, Inc.—Incorporated in North Carolina, 801 Crestdale Avenue, Matthews, N.C. 28105.

2. Wholly-Owned Subsidiaries:

(i) PCA Japan, Ltd.—Incorporated in Japan, No. 25 Kowa Building, Sanbancho 8–7, Chiyoda-Ku, Tokyo, Japan.

(ii) PCA Photo Corporation of Canada, Ltd.—Incorporated in Canada, 2706 West Slough Street, Malton, Ontario, L4T1G3 Canada.

(iii) Photo Corporation of America—Incorporated in North Carolina, 801 Crestdale Avenue, Matthews, N.C. 28105.

(a) PCA National, Inc.—Incorporated in North Carolina, 801 Crestdale Avenue, Matthews, N.C. 28105.

(b) Tax Pro Services, Inc.—Incorporated in North Carolina, 801 Crestdale Avenue, Matthews, N.C. 28105.

1. Parent corporation: Riiser Oil Co., Inc., P.O. Box 246, 2009 W. Stewart Avenue, Wausau, WI 54401.

2. Subsidiary corporation: Riiser Transport, Inc., 2009 W. Stewart Avenue, Wausau, WI 54401.

State of incorporation: Wisconsin.

1. Parent corporation: Self Enterprises, Inc., 10315 Los Alamitos Boulevard, Los Alamitos, California 90720, A California corporation.

2. Wholly-owned subsidiaries: Self Refining Co., Inc. a.k.a. EkoTek, Inc., 1600 North 900 West, Salt Lake City, Utah 84116, A Utah corporation.

1. *Parent Company and Address of Principal Office:* Western Ventures, Inc., a Delaware Corporation, O'Hare Office Center, 3166 Des Plaines Avenue, Des Plaines, IL 60018.

2. *Wholly-owned Companies Which Will Participate in the Operations, and State of Incorporation:*

(1) G. T. Motor Transport of Alabama, Inc., an Alabama corporation;

(2) GameTime, Inc., an Alabama corporation.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28699 Filed 10-1-81; 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 rules of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under

49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted probelms) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OP1–270

Decided: September 24, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating.)

MC 531 (Sub-465), filed September 14, 1981. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Rd. P.O. Box 14048, Houston, TX 77021. Representative: Wray E. Hughes (same address as applicant) (713) 748–0100. Transporting *commodities in bulk*, between points in the U.S.

MC 63390 (Sub-22), filed September 15, 1981. Applicant: CARL R. BIEBER, INC., Vine and Baldy Streets, Kutztown, PA 19530. Representative: L. C. Major, Jr., Suite 400, Overlook Bldg., 6121 Lincolnia Road, Alexandria, VA 22312, (703) 750–1112. *Over regular routes*, transporting *passengers and their baggage*, in the same vehicle with passengers, (1) between Kutztown and Allentown, PA, over U.S. Hwy 222, (2) between Kutztown and Bethlehem, PA, from Kutztown over U.S. Hwy 222 to junction PA Hwy 309, then over PA Hwy 309 to junction U.S. Hwy 22, then over U.S. Hwy 22 to junction PA Hwy 378, then over PA Hwy 378 to Bethlehem, and return over the same route, and (3) between Philadelphia, PA, and Atlantic City, NJ, from Philadelphia over U.S. Hwy 76 to junction NJ Hwy 42, then over NJ Hwy 42 to the Atlantic City Expressway, then over the Atlantic City Expressway to Atlantic City, and return over the same route, serving all intermediate points and serving Philadelphia for purpose of joinder only with carrier's authorized regular routes between Allentown-Bethlehem and Philadelphia as authorized by Certificate in MC–63390 Sub-20, in connection with routes (1) through (3) above.

MC 88380 (Sub-43), filed September 15, 1981. Applicant: REB TRANSPORTATION, INC. 2400 Cold Springs Road, P.O. Box 4309, Fort Worth, TX 76106. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104, (817) 332–4415. Transporting *refractories and refractory products*, between the facilities of Harbison-Walker Refractories at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 110751 (Sub-3), filed September 14, 1981. Applicant: HOBGOOD TRANSPORT, INCORPORATED, P.O. Box 315, Wilmington, NC 28402. Representative: Neal A. Jackson, 1156 15th Street NW., Washington, DC 20005, (202) 223–6680. Transporting *petroleum, natural gas and their products*, between points in VA, on the one hand, and, on the other, points in NC. Condition: To the extent that the certificate in this proceeding authorizes the transportation of liquefied petroleum gas, it will expire 5 years from the date of issuance.

MC 115831 (Sub-20), filed September 17, 1981. Applicant: TIDEWATER TRANSIT CO., INC., P.O. Box 189, Kinston, NC 28501. Representative: Ralph McDonald, P.O. Box 2246, Raleigh, NC 27602, (919) 828–0731. Transporting *chemicals and related products*, between points in DE, GA, MD, NC, NJ, PA, SC, VA and WV.

Note.—To the extent that the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

MC 126091 (Sub-15), filed September 10, 1981. Applicant: FRALEY & SCHILLING, INC., General Delivery, Rushville, IN 46173. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, (317) 846–6655. Transporting *metal products*, between Lake County, IL, on the one hand, and, on the other, points in the U.S.

MC 126091 (Sub-17), filed September 11, 1981. Applicant: FRALEY & SCHILLING, INC., General Delivery, Rushville, IN. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240 (317) 846–6655. Transporting *metal products*, between points in Henry County, IN, on the one hand, and, on the other, points in IL, OH, KY, TN, MI, WV, WI, MO, KS, and MN.

MC 128031 (Sub-10), filed September 15, 1981. Applicant: GEORGE MCFARLAND d.b.a. MCFARLAND TRUCKING, P.O. Box 643, Austin, MN 55912. Representative: Andrew R. Clark, 1600 TCF Tower, Minneapolis, MN 55402 (612)–333–1341. Transporting *metal products*, (1) between Minneapolis, MN, on the one hand, and, on the other, points in IA, MI, NE, ND, SD, WI, and points in IL on and north of U.S. Hwy 36; and (2) between Chicago, IL, on the one hand, and, on the other, points in IA, MI, MN, NE, ND, SD and WI.

MC 136540 (Sub-6), filed September 17, 1981. Applicant: REFINERS TRANSPORT SERVICE, INC., P.O. Box 742, Metairie, LA 70004. Representative: Harold D. Miller, Jr., 17th Floor, Deposit Guaranty Plaza, P.O. Box 22567, Jackson, MS 39205 (601) 948–5711. Transporting *general commodities* (except classes A and B explosives), between port cities in AL, FL, LA, MS, and TX, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IN,

KS, KY, LA, MS, MO, NE, NC, OH, OK, SC, TN, and TX.

MC 139021 (Sub-10), filed September 14, 1981. Applicant: INTERSTATE AUTO TRANSPORT, INC., P.O. Box 251, Michigan City, IN 46360. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204 (317) 635-2339. Transporting *motor vehicles*, between points in Wayne and Genessee Counties, MI, on the one hand, and, on the other, points in the U.S.

MC 141641 (Sub-17), filed September 10, 1981. Applicant: WILSON CERTIFIED EXPRESS, INC., P.O. Box 3326, Des Moines, IA 50396. Representative: Harold P. Simpsen, 4545 Lincoln Blvd., Oklahoma City, OK 73105. Transporting *such commodities* as are dealt in or used by grocery and food business houses, between points in the U.S.

MC 143140 (Sub-6), filed September 16, 1981. Applicant: SYMOUR CHARTER BUS LINES, INC., Route #3, Maynardville, TN 37807. Representative: Lewis S. Witherspoon, Suite 100, 2455 North Star Rd., Columbus, OH 43221 (614) 244-2477. Transporting *passengers and their baggage*, in the same vehicle with passengers, in round trip charter operations, beginning and ending at points in Union, Jefferson, Blount, Anderson, Campbell, Claiborne, and Knox Counties, TN, and extending to those points in the U.S. in and west of MN, IA, MO, AR and LA.

MC 144591 (Sub-2), filed September 14, 1981. Applicant: H. P. LEASING, INC., 44 Chandler Drive, Somerset, MA 02726. Representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, MA 02042 (617) 749-6500. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Louis Hand, Division of Aberdeen Manufacturing Corp., of Fall River, MA; and (2) Acadia Co., Inc., of New York, NY.

MC 145131 (Sub-3), filed September 2, 1981. Applicant: O. E. PONDER d.b.a. PONDER FARM SUPPLY, P.O. Box 100, Bremen, AL 35033. Representative: James R. Knight, Griffin Bldg., Cullman, AL 35055 (205) 734-0453. Transporting *fertilizer*, between points in the U.S., under continuing contract(s) with Gold Kist, Inc., of Atlanta, GA.

MC 145240 (Sub-13), filed September 14, 1981. Applicant: L. D. BRINKMAN TRUCKING CORP., 520 N. Wildwood, Irving, TX 75060. Representative: D. Paul Stafford, P.O. Box 45538, Dallas, TX 75245 (214) 358-3341. Transporting *petroleum or coal products*, between points in the U.S., under continuing contract(s) with R. E. Dodson Oil Company, of Garland, TX.

MC 145481 (Sub-29), filed September 11, 1981. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Rd., Lebanon, IN 46052. 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 the facilities used by W. R. Grace Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146730 (Sub-11), filed September 14, 1981. Applicant: L & W TRANSPORTATION, INC., Route 3, Box 214A, Sedalia, MO 65301. Representative: Charles J. Fain, 333 Madison Street, Jefferson City, MO 65101 (314) 635-4115, Transporting *lumber or wood products*, between points in AL, AZ, AR, CA, CO, GA, IL, ID, IN, IA, KS, KY, LA, MI, MS, MO, MT, NE, NY, NM, NC, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA, WI and WY.

MC 150281 (Sub-6), filed September 10, 1981. Applicant: BANGOR PUNTA TRANSPORTATION, INC., West Michigan Street, Topeka, IN 46571. Representative: Chandler L. van Orman, 1729 H Street, NW., Washington, D.C. 20006 (202) 337-6500. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Henry & Frick, Inc., of Dedham, MA.

MC 151471 (Sub-11), filed September 15, 1981. Applicant: STEINBECKER BROS., INC., P.O.Box 852, Greeley, CO 80632. Representative: Jack B. Wolfe, 1600 Sherman St., #665, Denver, CO 80203, (303)-839-5856. Transporting (1) *food and related products*, between points in the U.S., under continuing contract(s) with Standard Liquor Corporation, of Wichita KS; and (2) *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Delaware Valley Shippers' Association, Inc., of Bristol, PA.

MC 151981 (Sub-2), filed September 11, 1981. Applicant: JERRY L. ROBINETTE, d.b.a. JERRY L. ROBINETTE & SON TRUCKING, Route 1, Box 200-A, Whiteland, IN 46184. Representative: Robert W. Loser, II, 1101 Chamber of Commerce Bldg., 320 N. Meridian St., Indianapolis, IN 46204, (317) 635-2339. Transporting *rubber and plastic products*, between points in the U.S., under continuing contract(s) with Hoover Universal, Inc., of Georgetown, KY.

MC 153400, filed September 9, 1981. Applicant: C.S.I. TRUCKING, INC., 15430 58th Ave. North, Stillwater, MN 55082. Representative: Philip W. Getts, 10 South Fifth St., Suite 930, Minneapolis, MN 55401, (612)-339-7633. Transporting (1) *earth moving and construction equipment*, between points in CO, IA, KS, NM, MO, MT, ND, NE, MN, SD, WI and WY; and (2) *commodities in bulk*, between points in CO, IA, KS, MN, MO, MT, NE, ND, NM, SD, WI and WY.

MC 153721 (Sub-2), filed September 14, 1981. Applicant: RAF TRANSPORT, INC., R.R. 5, Seymour, IN 47274. Representative: Constance J. Goodwin, Suite 800, Circle Tower, Five East Market Street, Indianapolis, IN 46204, (317) 634-8133. Transporting (1) *animal and poultry feed supplements*, and (2) *chemicals and related products*, between points in Lake County, IL, and Marion County, IN, on the one hand, and, on the other, points in IL and IN.

Note.—To the extent that any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall expire 5 years from its date of issuance.

MC 154121 (Sub-16), filed September 15, 1981. Applicant: TRAILNER CORP., 5367 West 86th Street, Indianapolis, IN 46268. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, (201) 435-7140. Transporting *food and related products*, between the facilities used by Federated Industries, Inc., its subsidiaries, divisions, distributors, and vendors, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 154331 (Sub-2), filed September 14, 1981. Applicant: BOB GALLANT TRUCKING, INC., 1935 Lombardy Drive, Rapid City, SD 57701. Representative: James W. Olson, P.O. Box 1552, Rapid City, SD 57709, (605) 342-7090. Transporting *beer and malt beverages*, between St. Louis, MO, on the one hand, and, on the other, points in Meade and Pennington Counties, SD.

MC 157020, filed September 14, 1981. Applicant: F & P CARTING, INC., P.O. Box 2344, Secaucus, NJ 07094. Representative: Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904, (201) 572-5551. Transporting *metal products and scrap metal*, between points in the U.S., under continuing contract(s) with North Brook Metals, Inc., of North Brook, IL.

MC 158170 (Sub-1), filed September 14, 1981. Applicant: RIEDEL INTERNATIONAL, INC., 4555 N. Channel Ave., Portland, OR 97208. Representative: Lawrence V. Smart, Jr.,

419 N.W. 23rd Ave., Portland, OR 97210, (503) 226–3755. Transporting *waste materials and hazardous and toxic waste materials*, between points in the U.S. Condition: To the extent that the certificate in this proceeding authorizes the transportation of hazardous materials, it will expire 5 years from the date of issuance.

MC 158260, filed September 15, 1981. Applicant: R. WESLEY HOPKINS, d.b.a. HOPKINS TRUCKING, Rte. 12, RFD No. 1, Box 622, Plainfield, CT 06374. Representative: Hugh M. Joseloff, 410 Asylum St., Hartford, CT 06103 (203) 728–0700. Transporting *medical and cosmetic products*, between points in the U.S., under continuing contract(s) with National Patent Development Corp., Acme/Chaston Division, of Dayville, CT.

MC 158261, filed September 15, 1981. Applicant: EDNED TRANSPORTATION, INC., 38 Osborne Ave., Mt. Sinai, NY 11766. Representative: Edward William Sumpolec (same address as applicant), (516) 331–1077. Transporting *household goods*, between points in CT, DE, FL, GA, MA, ME, MD, NC, NH, NJ, NY, OH, PA, RI, SC, VA, VT and DC.

MC 158271, filed September 14, 1981. Applicant: HELEN HERTVIK VIP TOURS, 7620 Dresden Ave., Parma, OH 44129. Representative: Joseph Hertvik (same address as applicant), (216) 885–2939. As a *broker* of *passengers and their baggage*, between points in the U.S.

MC 158291, filed September 16, 1981. Applicant: NICHOLAS, INC., P.O. Box 1022, Rahway, NJ 07065. Representative: Herbert S. Zischkau, III, Suite 109, 7 Corporate Park Drive, White Plains, NY 10604, (914) 694–1414. Transporting (1) *commodities in bulk*, and (2) *petroleum products*, between points in MA, RI, CT, NY, PA, NJ, MD, DE, and DC, and points in Fairfax County, VA.

MC 158301, filed September 17, 1981. Applicant: ROAD RUNNER HOTSHOT SERVICE, INC., P.O. Box 1361, Glendive, MT 59330. Representative: Charles A. Murray, Jr., 2822 Third Ave. N., Billings, MT 59101, (406) 252–4165. Transporting *machinery, equipment, tools and supplies* used in the refining of petroleum or natural gas, between those points in MT, in and east of Hill, Choteau, Fergus, Golden Valley, Yellowstone and Big Horn Counties, those in ND in and west of Bottineau, McHenry, Ward, McLean, Mercer, Oliver, Morton, Grant and Sioux Counties, and those in Sheridan, Big Horn, Washakie, Johnson, Campbell, Crook, Weston, Natrona, Converse and Niobrara Counties, WY.

Volume No. OPY–4–377

Decided: September 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 113567 (Sub-5), filed September 11, 1981. Applicant: LA CROSS AND WESTERN STAGES, INC., d.b.a. HIAWATHA COACHES, 2022 Oak St., La Crosse, WI 54601. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101, (703) 893–3050. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at points in WI, MN, IA, and IL, and extending to points in the U.S.

MC 127047 (Sub-48), filed September 11, 1981. Applicant: ED RACETTE & SON, INC., 6021 North Broadway, Wichita, KS 67219. Representative: Lester C. Arvin, 814 Century Plaza Bldg., Wichita, KS 67202, (316) 265–2634. Transporting *mobile beverage dispensers*, between points in Sumner County, KS on the one hand, and, on the other points in the U.S.

MC 128097, (Sub-2), filed September 11, 1981. Applicant: LIZAK BUS SERVICE, INC., West Main Street, Warren, MA 01083. Representative: David M. Marshall, 101 State Street, Suite 304, Springfield, MA 01103, (413) 732–1136. Transporting *passengers and their baggage*, in charter and special operations, beginning and ending at points in Hampden, Hampshire and Worcester Counties, MA and extending to points in the U.S.

MC 139587 (Sub-27), filed September 11, 1981. Applicant: BROWN REFRIGERATED EXPRESS, INC., P.O. Box 601, Carthage, MO 64836. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112, (405) 848–7946. Transporting *general commodities* (except classes A and B explosives), between the facilities of The Pillsbury Company, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 141367 (Sub-5), filed September 11, 1981. Applicant: PUBLIX TRANSPORT, INC., 11740 South LaPorte St., Worth, IL 60482. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Rd., Omaha, NE 68106, (402) 392–1220. Transporting *metal and metal products*, between points in IL, IN, MI, MN, IA, MO, NE, WI, OH, KS, OK, TX, AR, and TN.

MC 155017, filed September 11, 1981. Applicant: EVERETT C. FISHER d.b.a. FISHER DELIVERY COMPANY, Route 1, Box 158A, Hardy, VA 24101. Representative: Everett C. Fisher (same address as applicant), (703) 890–5020. Transporting *general commodities* between points in VA, on the one hand, and, on the other, points in GA, SC, NC, TN, WV, OH, PA, NY, NJ, and MD.

Volume No. OPY–4–381

Decided: September 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 126427 (Sub-16), filed September 14, 1981. Applicant: L. P. TRANSPORTATION, INC., Cross and Main Sts., Chester, NY 10918. Representative: John L. Alfano, 550 Manaroneck Ave., Harrison, NY 10528 (914) 835–4411. Transporting *commodities in bulk*, between points in CT, DE, ME, MA, MD, NJ, NH, NY, PA, RI, TN, VT, VA, and DC, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, AR, and LA. Condition: To the extent the certificate granted in this proceeding authorizes the transportation of liquified petroleum gas it shall be limited in point of time to a period expiring 5 years from its date of issue.

MC 148987 (Sub-3), filed September 14, 1981. Applicant: W. C. CARRIERS, INC., 5229 N.W. 5th St. P.O. Box 519, Bethany, OK 73008. Representative: Ray K. Babb, Jr., 100 Classen Dr., Suite 221 Oklahoma City, OK 73103 (405) 521–0767. Transporting *plastic pails*, between points in OK, on the one hand, and, on the other, those points west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, then northward along the western boundaries of Itasca and Koochiching Counties, MN, to the International Boundary line between the U.S. and Canada.

MC 149497 (Sub-15), filed September 10, 1981. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, WI 54401. Representative: Robert A. Wagman (same address as applicant) (715) 359–2907. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Jessco Incorporated, of Dowagiac, MI.

MC 150207, filed September 9, 1981. Applicant: WILLIAM FRANK SUMSTINE, 241 Youngs Lane, Roseburg, OR 97470. Representative: William Frank Sumstine (same address as applicant) (503) 672–2932. Transporting *automobiles* in driveaway service, between the facilities of Ford Motor Dealers in the U.S., on the one hand, and, on the other, points in the U.S.

MC 150817 (Sub-2), filed September 14, 1981. Applicant: HOFFMAN &

DAVIS, Route 6, Box 89, Hagerstown, MD 21740. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740 (301) 739–4860. Transporting *food and related products*, between points in Garrett County, MD, on the one hand, and, on the other, points in NJ, NY, PA, and DE.

MC 153557 (Sub-4), filed September 15, 1981. Applicant: MOTOR INDUSTRIES, INC., 1203 Audubon Parkway, Louisville, KY 40213. Representative: William L. Willis, Suite 708 McClure Bldg. Frankfort, KY 40601 (502) 227–7384. Transporting *general commodities* (except classes A and B explosives), between points in Jefferson County, KY, on the one hand, and, on the other, points in Allen, Barren, Logan, Simpson, and Warren Counties, KY.

MC 154667 (Sub-3), filed September 14, 1981. Applicant: B. I. TRANSPORTATION, INC., P.O. Box 691, Burlington, NC 27215. Representative: J. Franklin Fricks, Jr. (same address as applicant) (919) 228–2239. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with CIBA–GEIGY Corporation, of Ardsley, NY.

MC 155337, filed August 11, 1981, previously noticed in the **Federal Register** issue of August 28, 1981, and republished this issue. Applicant: KENNESAW TRANSPORTATION, INC., 115 Dixie Dr., Woodstock, GA 30188. Representative: C. W. Patrick (same address as applicant) (404) 928–0322. Transporting (1) *food and related products*, (2) *chemicals and related products*, (3) *printed matter*, (4) *alcholic beverages*, and (5) *rubber and plastic products*, between points in TN and GA, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this republication is to correctly state the territorial description.

MC 156987 (Sub-1), filed September 15, 1981. Applicant: T.R.T. SERVICE CORPORATION, Bldg. #9, 1 Jacobus Ave., South Kearny, NJ 07032. Representative: Thomas F. X. Foley, P.O. Box F, Colts Neck, NJ 07722 (201) 780–0300. Transporting *general commodities* (except classes A and B explosives), between points in AL, AR, CT, DE, FL, GA, IA, IL, IN, KY, LA, MA, MD, MO, ME, MI, MS, NC, NH, NJ, NY, OH, PA, RI, SC, TN, VA, VT, WI, WV, and DC.

Volume No. OPY–4–383

Decided: September 23, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 79687 (Sub-40), filed September 17, 1981. Applicant: WARREN C. SAUERS COMPANY, INC., 200 Rochester Rd., Zelienople, PA 16063. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219 (412) 471–1800. Transporting *building materials*, between points in Morgan County, OH, on the one hand, and, on the other, those points in the U.S., in and east of MN, IA, MO, KS, AR, LA.

MC 124687 (Sub-135), filed September 18, 1981. Applicant: SHELTON TRUCKING SERVICE, INC., Route 1, Box 230, Altha, FL 32421. Representative: Sol H. Proctor, 1101 Blackstone Bldg., Jacksonville, FL 32202 (904) 632–2300. Transporting *building and construction materials*, between those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 128007 (Sub-169), filed September 16, 1981. Applicant: HOFER, INC., 20th and 69 Bypass, P.O. Box 583, Pittsburg, KS 66762. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601 (913) 234–0565. Transporting *metal products and waste or scrap materials*, between points in the U.S., under continuing contract(s) with Metal Trading Services of Colorado, of Evergreen, CO.

MC 138197 (Sub-5), filed September 16, 1981. Applicant: L. SURRATT TRUCKING, INC., 7900 Old Rockside Rd., Cleveland, OH 44131. Representative: Earl N. Merwin, 85 East Gay St., Columbus, OH 43215 (614) 224–3161. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Forest City Dillon Precast Systems, Inc., of Cuyahoga Falls, OH.

MC 139687 (Sub-8), filed September 11, 1981. Applicant: WAGONER TRANSPORTATION COMPANY, INC., P.O. Box 2975, South Bend, IN 46680. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048 (212) 466–0220. Transporting *such commodities* as are dealt in or used by food stores, restaurants, institutions, and fund raising organizations, between points in the U.S., under continuing contract(s) with Mrs. Clarks Foods, of Norwalk, IA, Clark Products, of Norwalk, IA, Nationwide Fund Raisers, Inc., of Tucker, GA, and Sar-A-Lee, Inc., of Cleveland, OH.

MC 142847 (Sub-3), filed September 17, 1981. Applicant: LESLIE OAKLEY and BARRY D. OAKLEY, d.b.a. OAKLEY BROTHERS TRUCKING, P.O.B. 338, Fairfield, MT 59436. Representative: William E. Seliski, 2 Commerce St. POB 8255, Missoula, MT 59807 (406) 543–8369. Transporting *such commodities as are dealt in or used by lumber yards and farm supply stores*, between points in ID, MT, OR, WA, CA and AZ on the one hand, and, on the other, points in AZ, CA, CO, IL, IA, KS, MN, NE, ND, SD, UT, WI, and WY.

MC 144907 (Sub-4), filed September 15, 1981. Applicant: WILSON'S MILK HAULING, INC., 4971 Pleasant Ave., Hamilton, OH 45014. Representative: James R. Stiverson, 1396 W. Fifth Ave., Columbus, OH 43212 (614) 481–8821. Transporting *fertilizer and fertilizer materials*, between points in IN, KY, OH and the Lower Peninsula of MI.

MC 147047 (Sub-5), filed September 16, 1981. Applicant: CAPITAL WIRE & CABLE CORPORATION d.b.a. CWC TRUCKING COMPANY, 910 10th St., Plano, TX 75074. Representative: William Sheridan, P.O. Drawer 5049, Irving, TX 75062 (214) 255–6279. Transporting *such commodities as are dealt in by manufacturers or distributors of floor coverings*, between points in AR, CA, GA, MO, NJ, NY, PA, TN, TX, and UT, on the one hand, and, on the other, points in AL, AR, AZ, CA, CO, KS, LA, MO, NE, NV, NM, OK, TX, UT, and WY.

MC 147877 (Sub-1), filed September 17, 1981. Applicant: SANFORD M. HEDRICK d.b.a. HEDRICK TRUCKING CO., P.O. Box 769, Darlington, SC 29532. Representative: George W. Clapp, P.O. Box 836, Taylors, SC 29687 (803) 244–9314. Transporting *general commodities* (except classes A and B explosives), between the facilities of American Can Company at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 148387 (Sub-7), filed September 15, 1981. Applicant: S.M.P., INC., 166 Stigreaves St., Phillipsburg, NJ 08865. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934 (201) 435–7140. Transporting *general commodities* (except classes A and B explosives), between the facilities of McWane, Inc., and its subsidiaries, at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 152187 (Sub-4), filed September 16, 1981. Applicant: GORDON TRUCKING, INC., 2205 Pacific Hwy E., Tacoma, WA 98424. Representative: Kenneth R. Mitchell 2317 Milwaukee, Wy, Tacoma, WA 98421 (206) 922–5822. Transporting *chemicals and related products*, between points in AZ, CA, ID, MT, NV, OR, UT, WA, and WY, on the one hand, and on the other, points in AZ, CA, CO, ID, MT, NV, OR, UT, WA, and WY.

MC 152657 (Sub-1), filed September 18, 1981. Applicant: ERIE EXPRESS COMPANY, 690 Nickel Plate Dr., Cleveland, OH 44115. Representative: Lewis S. Witherspoon, Suite 100, 2455 N. Star Rd., Columbus, OH 43221 (614) 486–0448. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Litton UHS Automove Systems, of Cleveland, OH

MC 154867 (Sub-4), filed September 15, 1981. Applicant: SMEDEMA GRAIN, INC., 110 Hopkins Dr., Randolph, WI 53956. Representative: Michael J. Wyngaard, 150 East Gilman St., Madison, WI 53703. Transporting *food and related products* between points in WI, on the one hand, and, on the other, points in the U.S.

MC 155757, filed September 17, 1981. Applicant: PIEDMONT CAROLINA TRANSPORTATION, INC., P.O. Box 187, Randleman, NC 27317. Representative: Steven E. Davis (Same address as applicant), (919) 434–4346. Transporting *furniture and fixtures*, between points in Guilford and Randolph Counties, NC, on the one hand, and, on the other, points in FL and TX.

MC 156327 (Sub-2), filed September 14, 1981. Applicant: TRUCK ONE, INC., P.O. Box 49, Newcomerstown, OH 43832. Representative: A. Charles Tell, Baker & Hostetler, 100 E. Broad St., Columbus, OH 43215. Transporting *general commodities* (except classes A and B explosives), between points in Madison and Will Counties, IL, Columbia County, AR, Jefferson County and St. Louis, MO, New London County, CT, Middlesex County, NJ, Whitfield County, GA, Hancock, Licking, Lawrence and Hamilton Counties, OH, on the one hand, and, on the other, points in the U.S. in and east of MT, WY, CO, and NM.

MC 157517, filed September 16, 1981. Applicant: WESTRUCK, INC., 1714 Pontiac Rd., Fairview Heights, IL 62208. Representative: Emery Waters (Same address as applicant) (618) 398–2144. Transporting *meats, meat products, meat byproducts,* and *articles distributed by meat-packing houses,* as described in Sections A, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, between St. Louis, MO, on the one hand, and, on the other, points in AL, AR, FL, GA, IL, IA, IN, KY, MI, MS, MN, MO, NC, OH, OK, SC, TN, and WI.

MC 157607, filed September 14, 1981. Applicant: MILES K. BROWN d.b.a. BROWN'S LODGING AND LIMOUSINE SERVICE, 525 Armour Blvd., P.O. Box 19614, Kansas City, MO 64141. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. Transporting *railroad train and engine crews and their baggage,* in limousines of not more than ten passengers not including the driver, between points in the U.S., under continuing contract(s) with Missouri-Kansas-Texas Railroad Company, of Parsons, KS.

MC 158067, filed September 14, 1981. Applicant: BEST DELIVERY SERVICE, INC., 500 North D Street, Post Office Box 6263, San Bernardino, CA 92412–6263. Representative: Welebir & Brunick, Cynthia Ludvigsen, 1839 Commercenter West, Post Office Box 6425, San Bernardino, CA 92412–6425. Transporting *printed greeting cards, gift wrap and such commodities as are dealt in by card and gift shops,* between points in CA, under continuing contract(s) with Hallmark Cards, Inc., of Liberty, MO.

MC 157747, filed September 10, 1981. Applicant: CASTAN TRUCKING, INC., 4524 S. 280th, Auburn, WA 98002. Representative: Kenneth R. Mitchell, 2317 Milwaukee Way, Tacoma, WA 98002 (206) 922–5822. Transporting *general commodities* (except classes A and B explosives), between points in CA, ID, MT, NV, OR, and WA.

MC 158237, filed September 8, 1981. Applicant: OATEY CO., 4700 W. 160th St., Cleveland, OH 44135. Representative: Tom Roche (same address as applicant) (216) 267–7100. Transporting *ground limestone, ground barytes, and ground clay,* between points in the U.S. continuing contract(s) with Thompson, Weinman, and Company, of Cartersville, GA, and Dar-Tech, Inc., of Cleveland, OH.

MC 158267, filed September 14, 1981. Applicant: GENERAL TRANSPORT SYSTEMS, LTD., 3540 So. Lawrence St., Philadelphia, PA 19148. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966, (215) 357–7220. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Amoroso's Baking Company, (2) Cramco, Inc., (3) F. W. Wollworth Co., (4) Gallagher's Warehouses, Inc., (5) Rozenco Coffee Co., Inc., (6) Sunmark Industries, a division of Sun Oil Co., of PA, (7) Waverly Company, all of Philadelphia, PA, (8) Fi-Con Corporation, of Burlington, NJ, (9) Stokes of Vincentown, of Vincentown, NJ, and (10) Pantry Pride Super Markets, of Miami, FL.

Volume No. OPY–4–385

Decided: September 25, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 99746 (Sub-4), September 18, 1981. Applicant: JEFFERSON TRUCK LINE, INC., 725 Girod St., New Orleans, LA 70130. Representative: J. G. Dail, Jr., P. O. Box 11, McLean, VA 22101, (703) 893–3050. Transporting *metal products,* between points in Bay County, FL, on the one hand, and, on the other, points in the U.S.

MC 143286 (Sub-4), filed September 18, 1981. Applicant: RAYMOND R. WITTROCK, INC., 14610 Woodstock, Waverly, NE 68462. Representative: Bradford E. Kistler, P. O. Box 82028, Lincoln, NE 68501, (402) 475–6761. Transporting *machinery,* between points in the U.S., under continuing contract(s) with Manlift, Inc., of Selma, CA.

MC 143956 (Sub-30), filed September 18, 1981. Applicant: GARDNER TRUCKING CO., INC., P. O. Drawer 493, Walterboro, SC 29488. Representative: Steven W. Gardner, 3400 Peachtree Rd., N.E., Suite 1631, Atlanta, GA 30326, (404) 233–0001. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Hamilton Enterprises, of San Jose, CA.

MC 150086 (Sub-3), filed September 16, 1981. Applicant: WADE TRUCK LINES, INC., Box 156, Verona, MO 65769. Representative: Larry E. Gregg, 641 Harrison St., P.O. Box 1979, Topeka, KS 66601. Transporting *such commodities* as are dealt in or used by grocery or department stores, between points in the U.S., under continuing contract(s) with Purex Corp., of St. Louis, MO.

MC 151666 (Sub-4), filed September 16, 1981. Applicant: BARR FREIGHT SYSTEM, INC., 4109 W. 52nd Pl., Chicago, IL 60632. Representative: Carl L. Steiner, 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 LTL Shippers Association, of Los Angeles, CA.

MC 154766 (Sub-1), filed September 14, 1981. Applicant: JOHN A. VERIHA, d.b.a. PAPER RECLAIM, Route 1, Boc 271A, Porterfield, WI 54159. Representative: Daniel R. Dineen, 710 N. Plankinton Ave., Milwaukee, WI 53203, (414) 273–7410. Transporting (1) *such commodities* as are dealt in or used by a manufacturer or distributor of fire protection products, between points in the U.S., under continuing contract(s)

with The Ansul Company, of Marinette, WI, and (2) *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Tufco Industries, Inc., of Green Bay, WI.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28702 Filed 10-1-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by special rule of the Commission's rules of practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OP1-271

Decided: September 24, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier. (Member Chandler not participating in part.)

MC 126661 (Sub-4), filed September 11, 1981. Applicant: FREHNER TRUCKING SERVICE, INC., 124 West Brooks, North Las Vegas, NV 89030. Representative: Robert G. Harrison, 4299 James Drive, Carson City, NV 89701, (702) 882-5649. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY-3-179

Decided: September 24, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 153275, filed September 21, 1981. Applicant: RICK BROWN, d.b.a. BROWN BROS., Route 1, Rippey, IA 50235. Representative: Richard D. Howe, 600 Hubbell Bldg., Des Moines, IA 50309, (515) 244-2329. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158324, filed September 18, 1981. Applicant: BILL WILLIQUETTE, 1206 Sunrise St., Kelso, WA 98626. Representative: (same as applicant), (206) 425-8469. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizer, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY-4-378

Decided: September 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 158207, filed September 11, 1981. Applicant: MAASS TRANSPORTATION CO., INC., 5616 Snowdrop Ln., Lisle, IL 60532. Representative: Wilfred Maass (same address as applicant), (312) 971-0200. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY-4-382

Decided: September 21, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 158227, filed September 14, 1981. Applicant: TRANSPORTATION ENTERPRISES, INC., 531 N. Portland Ave., Oklahoma City, OK 73147. Representative: Michael H. Lennox (same address as applicant), (405) 943-2772. As a broker of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY-4-384

Decided: September 23, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 121457 (Sub-5), filed September 17, 1981. Applicant: MERCURY TRANSPORTATION, INC., 8502 Miller Rd. No. 3, Houston, TX 77049. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701, (601) 335-3576. 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 158247, filed September 15, 1981. Applicant: NORMAN NUTTER TRUCKING CO., P.O. Box 106, Deerfield, NH 03037. Representative:

Norman Nutter (same address as applicant), (603) 463-7007. Transporting, (1) for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), and (2) *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners*, by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 158317, filed September 15, 1981. Applicant: COURIER DISPATCH, INC., P.O. Box 1096, Minneapolis, MN 55440. Representative: Richard L. Gill, 1805 American Nat'l Bank Bldg., St. Paul, MN 55101, (612) 224-9454. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

Volume No. OPY-4-386

Decided: September 25, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

MC 158286 (Sub-1), filed September 17, 1981. Applicant: M. T. TRUCK LINES, INC., 111 W. Washington St., Chicago, IL 60602. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602, (312) 236-5944. Transporting *general commodities* (except classes A and B explosives), between Oconee, Vernon, Shoboneir, and Fairman, IL, on the one hand, and, on the other, points in the U.S.

Note.—The purpose of this application is to substitute motor common carrier for abandoned rail service.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28701 Filed 10-1-81; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 415]

Railroad Cost of Capital—1981

AGENCY: Interstate Commerce Commission.

ACTION: Extension of Time to File Statements.

SUMMARY: In the Federal Register of August 27, 1981 (46 FR 43320), the due date for opening statements of railroads was October 5, 1981. Statements of other interested parties were due 25 days thereafter and rebuttal statements were due 15 days later. The due dates for the opening railroad statements are extended to October 23, 1981 to allow the Association of American Railroads to compile data on non-railroad debt obligations of diversified railroad companies.

DATES: Statements of railroads due October 23, 1981. Statements of other interested parties are due November 17, 1981, and rebuttal statements by the railroads are due December 2, 1981.

ADDRESSES: Send the original and 15 copies of statements to: Office of Proceedings, Room 5340, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

Dated: September 29, 1981.

By the Commission, Charles L. Clapp, Acting Chairman.

James H. Bayne,

Acting Secretary.

[FR Doc. 81-28700 Filed 10-1-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Consent Decree To Enforce Compliance With Terms of a National Pollutant Discharge Elimination System Permit

In accordance with Departmental policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree to enforce the terms of a National Pollutant Discharge Elimination System permit, in *United States* v. *City of Sandpoint, Idaho, et al.*, Civil No. 78-2095 has been lodged with the United States District Court for the District of Idaho. The decree imposes on defendant City of Sandpoint certain requirements and compliance dates with respect to the operation of its municipal sewage treatment plant.

The Department of Justice will recieve for a period of thirty (30) days from the date of this notice, written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States* v. *City of Sandpoint, Idaho, et al.*, D. J. Ref. 90-5-1-1-1114.

The proposed order may be examined at the office of the United States Attorney, District of Idaho, Room 693, Federal Building, 550 W. Fort Street, Boise, Idaho 83724, at the Region X office of the Environmental Protection Agency, 1200 6th Avenue, Seattle, Washington, 98101, and the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1252, Ninth Street and Pennsylvania Avenue, N.W. Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice. There is a copying charge of $2.80 reflecting a rate of $.10 per page for the 28 page decree and attachment. Checks should be made payable to the Treasurer of the United States.

Anthony C. Liotta,

Acting Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-28781 Filed 10-1-81; 8:45 am]

BILLING CODE 4410-01-M

Proposed Consent Decree in Action To Enjoin Discharge of Air Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *Volunteer Specialty Company, Inc.*, Civil Action No. 80-2068, has been lodged with the United States District Court for the Western District of Pennsylvania. The proposed consent decree would require Volunteer Specialty to cease use of its conical (wigwam) woodwaste burner at its facility at Sparta, Tennessee, for the incineration of woodwaste or other materials and to pay a civil penalty for alleged prior violations of the Clean Air Act, 42 U.S.C. 7401 *et seq.*

The Department of Justice will receive, for thirty (30) days from the date of publication of this notice, written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and refer to *United States* v. *Volunteer Specialty Company, Inc.*, D.J. Ref. 90-5-2-1-211.

The proposed consent decree may be examined at the office of the United States Attorney, United States Courthouse Room 879, 801 Broadway, Nashville, Tennessee 37203; at the Region IV office of the United States Environmental Protection Agency, Enforcement Division, 345 Courtland Street, NE, Atlanta, Georgia 30308; and at the Environmental Enforcement Section, Land and Natural Resources Division, Department of Justice, Room 1254, Tenth and Pennsylvania Avenue, NW, Washington, D.C. 20530. A copy of the porposed Consent Decree may be obtained in person or by mail from the Environmental Enforcement Section,

Land and Natural Resources Division, Department of Justice.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 81-28780 Filed 10-1-81; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Employment and Training Administration

Determinations 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 summaries of determinations regarding eligibility to apply for adjustment assistance issued during the period September 21–25, 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 the 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-12,293; Damon Creations, Inc., North Bergen, NJ

TA-W-11,223; Hobart Corp., Dayton Scale Div., Dayton, OH

TA-W-12,596; Gates & Fox Co., Inc., Naturita, CO

TA-W-12,282; Washington Shake Mill, Kelso, WA

TA-W-11,097; Rochester Gear, Inc., Rochester, MI

TA-W-12,085; Emenee Mfg. Corp., Catawissa, PA

TA-W-12,323; Hauser Engineering Corp., Minneapolis, MN

TA-W-11,144; Towmotor Corp., Mentor, OH

TA-W-10,411 & 10,412; Standard Alliance Industries, Inc., Transue & Williams Div., Forging Plant, Alliance, OH

TA-W-10,496; Bristol Brass Co., Div. of Bristol Industries, Corp., Bristol, CT

TA-W-11,615; Little Frocks, Inc., Little Falls, NY

TA-W-11,365; Dunn Steel Products, Plymouth, MI

TA-W-11,094; Paul Murphy Plastics Co., Roseville, MI

TA-W-11,559; Creative Foam Corp., Fenton, MI

TA-W-10,715; Acme Chain, Div. of Incom International, Inc., Holyoke, MA

TA-W-10,175; Simco Leather Corp., Johnstown, NY

TA-W-11,849 & 12,193; Sealed Power Corp., Sanford Street & Harvey Street Plants, Muskegon, MI and Rochester Sleeve Div., Rochester, IN

TA-W-11,692; Armco, Inc., Ashland Works, Ashland, KY

TA-W-11,318; Valcraft Div., Valeron Corp., East Tawas, MI

TA-W-9362, 9363, & 9364; McLouth Steel Corp., Trenton, MI, Gibraltar, MI, and Detroit, MI

TA-W-9979; Flamingo Fashions, Inc., Hialeah, FL.

In each of the following cases the investigation revealed that critierion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firm.

TA-W-11,993; Armour Handcrafts, Bucilla Div., Long Island City, NY

TA-W-12,653; Multi-phase Finishing Co., Warren, MI

TA-W-12,152; Kaijay Pants Co., Inc., Nesquehoning, PA

TA-W-12,837; National Steel Corp., Great Lakes Steel Div., Ecorse, MI

TA-W-12,358; Chrysler Corp., Trenton Engine Plant, Trenton, MI

TA-W-11,888; RCA Corp., Distributor and Special Products, Div., Deptford, NJ

TA-W-11,064; The Carborundum Co., Electro Minerals Div., Niagara Falls, NY

TA-W-12,360; D. Seidmann's and Sons, Inc., Philadelphia, PA

In each of the following cases the investigation revealed that criterion (3) has not been met for the reason(s) specified.

TA-W-12,140; AJD Cap Corp., Richmond, VA

Aggreate U.S. imports of men's caps did not increase as required for certification.

TA-W-11,145; Alco Metal Stamping Corp., Alco Butler Corp., Brooklyn, NY

Aggregate U.S. imports of handbag frames are negligible.

TA-W-10,701; Fownes Brothers and Co., Inc., Amsterdam and Gloversville, NY

Aggregate U.S. imports of dress gloves did not increase as required for certification.

TA-W-10,366; Strawsine Mfg., Co., Corunna, MI

Aggregate U.S. imports of ventilation equipment are negligible.

In each of the following cases the investigation revealed that the firm does not produce an article within the meaning of Section 222(3) of the Act.

TA-W-12,216; Lynch Chevrolet, Inc., Waukesha, WI

TA-W-12,762; Courtesy Auto Sales, Inc., Wilmington, DE

In the following case the investigation revealed that criterion (2) has not been met with respect to stainless steel pipe, tubing and fittings. With respect to fabricated steel platewalk, U.S. imports are negligible.

TA-W-12,679; Felker Brothers Corp., Marshfield, WI

Affirmative Determinations

TA-W-12,207; Sagninaw Shingle Co., Aberdeen, WA

A certification was issued covering all workers of the firm separated on or after January 23, 1980.

TA-W-10,427; Leo Paley, Inc., New York, NY

A certification was issued covering all workers of the firm separated on or after August 11, 1979.

TA-W-11,531; S.W. Evans and Sons, Philadelphia, PA

A certification was issued covering all workers of the firm separated on or after October 22, 1979.

TA-W-11,607, 11,607A, & 11,608; Garon's Knitting Mills, Inc., East Michigan Street, Duluth, MN, West First Street, Duluth, MN, and North 30th Ave., Duluth, MN

A certification was issued covering all workers of the firm's plants separated on or after October 27, 1979.

TA-W-12,025; Post Shake Co., Inc., Montesano, WA

A certification was issued covering all workers of the firm separated on or after December 26, 1979.

TA-W-12,109; Pacific Northwest Cedar Products, Inc., Forks, WA

A certification was issued covering all workers of the firm separated on or after December 31, 1979.

TA-W-11,772; Jones Shake and Logging Co., Rockport, WA

A certification was issued covering all workers of the firm engaged in the production of red cedar shakes separated on or after November 4, 1979. The investigation further revealed that with respect to workers producing softwood logs, criterion (3) has not been met. U.S. imports of softwood logs are negligible.

I hereby certify that the aforementioned determinations were isued during the period September 21–25, 1981. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, Employment and Training Administration, 601 D Street, NW, Washington, D.C. 20213 during normal business hours or will be mailed to persons who write to the above address.

Dated: September 28, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-28799 Filed 10-1-81; 8:45 am]

BILLING CODE 4510-28-M

[TA-W-9544]

Industrial Fasteners Department, Bethlehem Steel Corporation, Vernon, Calif.; Affirmative Determination Regarding Application for Reconsideration

On June 12, 1981, the union requested administrative reconsideration of the Department of Labor's Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance for former workers of the Industrial Fasteners Department of Bethlehem Steel's plant in Vernon, California. The determination was published in the **Federal Register** on May 22, 1981 (46 FR 28049).

The application for reconsideration claimed that the Industrial Fasteners Department at Bethlehem Steel's Corporation plant in Vernon, California shut down because of increased import purchases by its customers.

Conclusion

After review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, D.C., this 21st day of September 1981.

Robert A. Schaerfl,

Director, Office of Program Management, Unemployment Insurance Service.

[FR Doc. 81-28800 Filed 10-1-81; 8:45 am]

BILLING CODE 4510-28-M

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 indentified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, 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 article 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

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

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 28th day of September 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
Allied Chemical Co. (USWA)	Buffalo, N.Y	9/21/81	9/11/81	TA-W-12,996	Acid—sulphuric.
Allied Products Corp., South Bend Stamping Div. (UAW)	So. Bend, Ind	9/21/81	9/16/81	TA-W-12,997	Stampings—automotive.
Arno Moccasin Co. (UFLW)	Lewiston, Maine	9/21/81	9/16/81	TA-W-12,998	Footwear—men, women, & children.
ASARCO, Inc. (workers)	Casa Grande, Ariz	9/21/81	9/15/81	TA-W-12,999	Copper—mined, cleaned & refined.
Hefty Tractor Co., Inc. (workers)	Juneau, Wis	9/21/81	9/15/81	TA-W-13,000	Tractors—agricultural & nursery.
Lee Tire & Rubber Co. (URW)	Conshohocken, Pa	9/22/81	9/15/81	TA-W-13,001	Tires—bias-ply autos & trucks.
Malden Mills, Inc. (workers)	Lawrence, Mass	9/21/81	9/16/81	TA-W-13,002	Fabrics—high pile.
Schwartz Industries, Inc. (company)	Warren, Mich	9/21/81	9/16/81	TA-W-13,003	Parts—automotive prototype.
Matex Knitting Mill, Inc. (workers)	Spartanburg, S.C	9/18/81	9/14/81	TA-W-13,004	Fabrics—double knit.
Montgomery Traps, Inc. (workers)	Mahaffey, Pa	9/21/81	9/17/81	TA-W-13,005	Traps—animal steel.
WeWin Cedar Products, inc. (workers)	Port Angeles, Wash	9/22/81	9/16/81	TA-W-13,006	Shakes, shingles—cedar.
Coos Head Timber Company, Bunker Hill Sawmill (International Woodworkers of America).	Coos Bay, Oreg	9/23/81	9/14/81	TA-W-13,007	Lumber.
Dee Sportswear, Inc. (ILGWU)	Newark, N.J	9/22/81	9/12/81	TA-W-13,008	Rainwear—women's.
Kokanee Cedar Sales, Inc. (workers)	Bonners Ferry, Idaho	9/23/81	9/15/81	TA-W-13,009	Shakes—western red cedar; lumber—western red cedar.
Lloyd Tool & Manufacturing Corp. (workers)	Burton, Mich	9/23/81	9/21/81	TA-W-13,010	Machines and fixtures.
National Packing Company (workers)	Ponce, P.R	9/24/81	9/15/81	TA-W-13,011	Tuna—cannery.
Uniforms By Ostwald, Inc. (workers)	Staten Island, N.Y	9/25/81	9/21/81	TA-W-13,012	Uniforms—school.

[FR Doc. 81-28797 Filed 10-1-81; 8:45 am]

BILLING CODE 4510-28-M

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, Employment and Training Administration, 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 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 October 13, 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

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C., this 21st day of September 1981.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner (Union/workers or former workers of:)	Location	Date received	Date of petition	Petition number	Articles produced
Beaver Metal, Forest Products Div. (workers)	Beaver, Wash	9/14/81	9/5/81	TA-W-12,974	Shakes and shingles—cedar.
Beaverton Plastics, Inc. (workers)	Clare, Mich	9/16/81	9/4/81	TA-W-12,975	Sheet, plastic extruded.
Felix Play Time, Inc. (workers)	New York, N.Y	9/9/81	9/3/81	TA-W-12,976	Apparel—children's.
Grand Ford, Inc. (company)	Bronx, N.Y	9/16/81	9/1/81	TA-W-12,977	Dealership—autos, trucks, service.
ITT Corp., United Plastics Div. (workers)	Madison Heights, Mich	9/15/81	9/9/81	TA-W-12,978	Auto parts—plastic.
Munsingwear, Inc. (ACTWU)	Minneapolis, Minn	9/16/81	9/8/81	TA-W-12,979	Fabrics—make, cut, dye.
Oomphies, Inc. (company)	Lowell, Mass	9/15/81	9/3/81	TA-W-12,980	Footwear—slippers, casual, women.
Ray-O-Vac Corp. (IBEW)	South Williamsport, Pa	9/11/81	9/25/81	TA-W-12,981	Batteries—carbon pencil.
Singer Co., Controls Div. (AIW)	Wauwatosa, Wis	9/14/81	9/8/81	TA-W-12,982	Valve—compressor, relief.
Stride Rite Footwear, Inc. (workers)	Lawrence, Mass	9/14/81	9/8/81	TA-W-12,983	Shoes—children's.
Tobin-Hamilton Co., Inc. (ACTWU)	Mansfield, Mo	9/15/81	9/2/81	TA-W-12,984	Shoes—children's.
Tracey Fashions, Inc. (ILGWU)	Chambersburg, Pa	9/11/81	9/8/81	TA-W-12,985	Knitwear, dresses—ladies'.
Grand Transformers (workers)	Coloma, Mich	9/11/81	9/7/81	TA-W-12,986	Transformers.
Tru-Balance Corsets, Inc. (workers)	New York, N.Y	8/26/81	8/25/81	TA-W-12,987	Brassieres.
Uniroyal, Inc. (URW)	Eau Claire, Wis	9/14/81	9/11/81	TA-W-12,988	Tires—passenger, trucks, G.O.T.R. and Giant off the road.
Westminster Knit (ILGWU)	Westminster, Md	9/11/81	9/8/81	TA-W-12,989	Knitwear, dresses—ladies'.
Wharram Manufacturing, Inc. (workers)	Flint, Mich	9/10/81	9/26/81	TA-W-12,990	Parts—auto and truck.
Wirtz Manufacturing Co (workers)	Port Huron, Mich	9/15/81	9/9/81	TA-W-12,991	Machines that produce batteries parts—molded.
York Dress Company (ILGWU)	York, Pa	9/11/81	9/8/81	TA-W-12,992	Knitwear, dresses—ladies'.
Allis Chalmers, Tractor Div. (workers)	West Allis, Wis	9/18/81	9/8/81	TA-W-12,993	Tractors and parts.
Anamax Mining Co. (USWA)	Sahuarita, Ariz	9/17/81	9/14/81	TA-W-12,994	Copper—mine.
Cyprus Metallurgical Process Corp. (USWA)	Tucson, Ariz	9/17/81	9/14/81	TA-W-12,995	Research—copper.

[FR Doc. 81-28798 Filed 10-1-81; 8:45 am]

BILLING CODE 4510-28-M

Pension and Welfare Benefit Programs

Advisory Council on Employee Welfare and Pension Benefit Plans; Meetings

Pursuant to section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, two meetings of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Tuesday, October 20, 1981, in Room N-3437D, U.S. Department of Labor, Third and Constitution Avenue, NW, Washington, D.C.

The purpose of the first meeting, which will begin at 9:30 a.m., is to discuss the items listed below and to invite public comment on any aspect of the administration of ERISA.

1. Department of Labor Progress Report.

2. Council Work Group Reports: Reporting, Disclosure and Recordkeeping/Communications—Joint Report; Communications.

3. Statements from the Public.

The purpose of the second meeting, which will begin at 1:30 p.m., is to discuss the items listed below and to invite public comment on any aspect of the administration of ERISA.

1. Council Work Group Reports: Prohibited Transactions, and Collective Bargaining.

2. Statements from the Public.

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA, by submitting 30 copies on or before October 19, 1981, to the Administrator, Pension and Welfare Benefit Programs, U.S. Department of Labor, Room S-4522, Third and Constitution Avenue, N.W., Washington, D.C. 20216.

Persons desiring to address the Council should notify Edward F. Lysczek, Executive Secretary of the Advisory Council, in care of the above address or by calling (202) 523-8753.

Signed at Washington, D.C., this 28th day of September 1981.

Ian D. Lanoff,

Administrator of Pension and Welfare Benefit Programs.

[FR Doc. 81-28761 Filed 10-1-81; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL SCIENCE FOUNDATION

Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received Under Antarctic Conservation Act of 1978, Pub. L. 95-541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by November 2, 1981. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541), has developed regulations that implement the "Agreed Measures for the Conservation of Antarctic Fauna and Flora" for all United States citizens. The Agreed Measures, developed in 1964 by the Antarctic Treaty Consultative Parties, recommended establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Specially Protected Areas and Sites of Special Scientific Interest. The regulations appeared in final form in the 7 June 1979 **Federal Register.** Additional information was published in the 13 August 1981 **Federal Register,** page 40951.

The application received is:

1. *Applicants*

Robert W. Risebrough and Alan M. Springer, Bodega Marine Laboratory, University of California, Bodega Bay, California 94923.

2. *Activities for Which Permit Requested*

	Number
a. Taking:	
Pygoscelis adeliae	30
P. antarctica	40
Oceanites oceanicus (Wilson's Storm Petrel)	20
Daption capensis	10
Fulmarus glacialoides	10

b. Import into U.S.A.

c. Enter Specially Protected Area (Litchfield Island).

The applicants are conducting a study of the distribution of hydrocarbons in food webs that are dependent upon krill. The specimens are needed for chemical analysis of hydrocarbons in the higher trophic levels of these food webs. The Wilson's Storm Petrels are not consumers of krill, but are required to obtain comparative data.

3. *Location*

Antarctic Peninsula

4. *Dates*

December 1, 1981 to March 31, 1982

Authority to publish this notice has been delegated by the Director, NSF to the Director, Division of Polar Programs.

Edward P. Todd,

Division Director, Division of Polar Programs.

[FR Doc. 81-28806 Filed 10-1-81; 8:45 am]

BILLING CODE 7555-01-M

Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of Permit Applications Received Under Antarctic Conservation Act of 1978, Pub. L. 95-541

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act of 1978 at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to these permit applications by November 2, 1981. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESS: Comments should be addressed to Permit Office, Room 627, Division of Polar Programs, National Science Foundation, Washington, D.C. 20550.

FOR FURTHER INFORMATION CONTACT: Charles E. Myers at the above address or (202) 357-7934.

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The application recieved is:

1. *Applicants:* Robert W. Risebrough and Alan M. Springer, Bodega Marine Laboratory, University of California, Bodega Bay, California 94923.

2. *Activities for Which Permit Requested:*

a. *Taking:*

Pygoscelis adeliae	30
P. antarctica	40
Oceanites oceanicus (Wilson's Storm Petrel)	20
Daption capensis	10
Fulmarus glacialoides	10

b. Import into U.S.A.

c. Enter Specially Protected Area (Litchfield Island).

The applicants are conducting a study off the distribution of hydrocarbons in food webs that are dependent upon krill. The specimens are needed for chemical analysis of hydrocarbons in the higher trophic levels of these food webs. The Wilson's Storm Petrels are not consumers of krill, but are required to obtain comparative data.

3. *Location:* Antarctic Peninsula.

4. *Dates:* December 1, 1981 to March 31, 1982.

Authority to publish this notice has been delegated by the Director, NSF To The Director, Division of Poloar Programs.

Edward P. Todd,

Division Director, Division of Polar Programs.

[FR Doc. 81-28778 Filed 10-1-81; 8:45 am]

BILLING CODE 7555-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-295]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 68 to Facility Operating License No. DPR-39, issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Unit No. 1 (the facility) located in Zion, Illinois. The amendment is effective as of the date of issuance.

This amendment allows a temporary change to the Technical Specifications to permit reserve offsite power to be backfed through the station's main transformer in the event Unit No. 1 must be shutdown while the Unit No. 2 system auxiliary transformer is being repaired.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve significant hazards consideration.

The Commission has determined that the issuance of the amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of the amendment.

For further details with respect to this action, see (1) the application for amendment dated September 25, 1981, (2) Amendment No. 68 to License No. DPR-39 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Documents Room, 1717 H Street NW., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 25th day of September, 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-28792 Filed 10-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-369]

Duke Power Co.; Issuance of Amendment to Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 4 to Facility Operating Licensing No. NPF-9, issued to Duke Power Company (licensee) for the McGuire Nuclear Station, Unit 1 (the facility) located in Mecklenburg County, North Carolina.

The amendment was authorized by telephone on August 28, 1981, and was confirmed by letter that same date. The amendment changes the Technical Specifications to prevent inadvertent actuation of the Upper Head Injection System during the performance of the Special Test Program. This amendment was issued on an expedited basis to permit completion of the Special Test Program.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Duke Power Company letter dated August 28, 1981, (2) Amendment No. 4 to Facility Operating License No. NPF-9 with Appendix A Technical Specification page change, and (3) the Commission's related Safety Evaluation.

All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and the Atkins Library, University of North Carolina, Charlotte (UNCC Station), North Carolina 28223. A copy of Amendment No. 4 may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 17th day of September 1981.

For the Nuclear Regulatory Commission.

Elinor G. Adensam,

Acting Chief, Licensing Branch No. 4, Division of Licensing, NRR.

[FR Doc. 81-28793 Filed 10-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co., et al.; Issuance of Amendment To Facility Operating License

The Nuclear Regulatory Commission (the Commission) has issued Amendment No. 74 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Company, Jersey Central Power and Light Company, and Pennsylvania Electric Company (the licensees), which revised the Operating License and Technical Specifications for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pennsylvania. This license amendment shall be effective upon acknowledgement by the NRC that it has received appropriate documentation from Pennsylvania Public Utilities Commission, State of New Jersey Department of Energy, Board of Public Utilities and Federal Energy Regulatory Commission which with this amendment would collectively authorize GPU Nuclear Corporation to operate TMI-1 in the manner described in this amendment to the license.

The amendment revises the Operating License and the Technical Specifications to reflect that GPU Nuclear Corporation is to replace Metropolitan Edison Company (Met Ed) as the licensee authorized to operate TMI-1. It should be noted that the license authorizing GPU Nuclear to operate TMI, Unit No. 1, is suspended pending the outcome of the TMI-1 restart proceeding. That proceeding will determine whether GPU Nuclear is qualified to operate the facility. Issuance of this amendment is not intended to influence or otherwise prejudice that proceeding.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the act and the

Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated January 26, 1981, (2) Amendment No. 74 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 23rd day of September 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch #4, Division of Licensing.

[FR Doc. 81-28794 Filed 10-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-514 CP and 50-515 CP]

Portland General Electric Co., et al. (Pebble Springs Nuclear Plant, Units 1 and 2); Prehearing Conference on Early Site Review Issues

September 28, 1981.

The Licensing Board's order of August 10, 1981, rescheduled the prehearing conference from October 8 to October 14 to avoid a conflict with a religious holiday. (46 FR 41235) This action was taken with concurrence of all parties.

The prehearing conference will commence at 9:30 a.m. (local time) on October 14, 1981 in Courtroom No. 2 (6th floor), U.S. Courthouse, 620 S.W. Main Street, Portland, Oregon. The issues to be considered are Portland General Electric's future plans for Pebble Springs and those issues appropriate for a possible early site review.

The public is invited to attent. No limited appearance statements will be heard at this prehearing conference.

Bethesda, Maryland, September 28, 1981.

It is so ordered.

For the Atomic Safety and Licensing Board.

Elizabeth S. Bowers,

Chairman, Administrative Judge.

[FR Doc. 81-28795 Filed 10-1-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. STN 50-528A, STN 50-529A, and STN 50-530A]

Arizona Public Service Co.; et al.; Receipt of Additional Antitrust Information; Time for Submission of Views on Antitrust Matters

Note.—This document was originally published in the issue of September 2, 1981. It is reprinted at the request of the Nuclear Regulatory Commission.

Arizona Public Service Company, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, has filed information requested by the Attorney General for antitrust review as required by 10 CFR Part 50, Appendix, L. This information concerns two proposed additional ownership participants, the Los Angeles Department of Water and Power and the Southern California Public Power Authority, for the Palo Verde Nuclear Generating Station. The current holders of the construction permits are Arizona Public Service Company, Salt River Project Agricultural Improvement and Power District, Southern California Edison Company, El Paso Electric Company, and Public Service Company of New Mexico.

The information was filed in connection with the application submitted by the construction permit holders for operating licenses for three pressurized water reactors. Construction was authorized on May 25, 1976 at the Palo Verde site located in Maricopa County, Arizona.

The original application was docketed on October 7, 1974, and the Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters was published in the **Federal Register** on October 22, 1974 (39 FR 37527). The Notice of Receipt of Application for Facility Operating Licenses; Notice of Availability of Environmental Report; and the Notice of consideration of Issuance of Facility Operating Licenses and Notice of Opportunity for Hearing was published in the **Federal Register** on July 11, 1980 (45 FR 46941). Subsequently, the Notice of Hearing was published in the **Federal Register** on April 22, 1981 (45 FR 23001).

A copy of the above documents are available for public examination and copying for a fee at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555 and at the Phoenix Public Library, Science and Industry Section, 12 East McDowell Road, Phoenix, Arizona 85004.

Any person who wishes to have his views on the antitrust matters with respect to the Los Angeles Department of Water and Power and the Southern California Public Power Authority presented to the Attorney General for consideration or who desires additional information regarding the matters covered by this notice, should submit such views or requests for additional information to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555. Attention: Chief, Utility Finance Branch Office of Nuclear Reactor Regulation, on or before November 9, 1981.

Dated at Bethesda, Maryland, this 26th day of August, 1981.

For the Nuclear Regulatory Commission.

Frank J. Miraglia,

Chief, Licensing Branch No. 3, Division of Licensing.

[FR Doc. 81-25482 Filed 10-1-81; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. MC81-5]

Mail Classification Schedule, 1981; Express Mail Forwarding and Address Correction Service

September 29, 1981.

Notice is hereby given that on September 25, 1981, the United States Postal Service ("Postal Service"), pursuant to Chapter 36 of Title 39, United States Code, filed a request with the Postal Rate Commission for a recommended decision on proposed changes in the forwarding service available for Express Mail and on the proposed establishment of address correction service for Express Mail. This filing has been assigned Docket No. MC81-5.

The Postal Service states that its filing contains such information and data which explain the nature, scope, significance and impact of the proposed changes.[1] The Postal Service proposes that the Domestic Mail Classification

[1] The specific changes in the Domestic Mail Classification Schedule are set out in legislative format in Attachment A of the Postal Service's request.

Schedule (DMCS) be amended to provide that undeliverable-as-addressed Express Mail be afforded nonlocal forwarding without additional charge. Currently, undeliverable-as-addressed Express Mail may be forwarded only to a local address; if the new delivery address is nonlocal, the Express Mail item is returned to the sender. The Postal Service asserts that its proposal will have no appreciable effect on Express Mail volumes or costs. According to Postal Service estimates, only 1,526 pieces of Express Mail would have been forwarded nonlocally in FY 1981 if the Postal Service's proposal had been in effect.

The Postal Service also proposes that address correction service be made available to users of Express Mail upon payment of the applicable fee. With address correction service, the Postal Service would notify users of that service of the forwarding address of the recipient of Express Mail. Address correction service is now available for all other classes of mail.

Hearings will be held on the proposal submtted by the Postal Service in Docket No. MC81–5. Any person desiring to be heard with reference thereto and to become a party to the proceeding, or to participate as a party in any hearing thereon, should file a petition for leave to intervene. Petitions for leave to intervene must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268 on or before October 15, 1981, and must be in accordance with § 20 of the Commission's rules of practice [39 CFR 3001.20]. We direct specific attention to section 20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not the petitioner requests a hearing or, in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in the hearing.[1] Alternatively, persons seeking limited participation, but who do not wish to become parties may, on or before October 15, 1981, file a written request for leave to be heard as a "limited participator," pursuant to section 19a of the Commission's rules of practice [39 CFR 3001.19a]. In addition, persons wishing to express their views informally, and not desiring to become a party or limited participant, may file comments pursuant to section 19b of the Commission's rules [39 CFR 3001.19b].

[1] In this regard, parties who intend to participate actively in this proceeding are encouraged to inform the Postal Service informally and promptly of any desired preliminary clarification of the Postal Service's presentation wherever the participant believes such clarification will expedite this proceeding.

At the same time as it filed its Proposal, the Postal Service, pursuant to Commission rules 22 and 64(h)(3), filed a motion for waiver of rule 64(d), rule 64(e) and rule 64(h), except for rule 64(h)(2)(i) insofar as it requests the statement required by rules 54(q) and 54(r).

The Postal Service requests waiver of 64(h), to the extent described above, because it says the proposed changes do not significantly change the cost-revenue relationships referred to in 64(h)(1)(i)–(iv) and no change in rates or fees are proposed. The Postal Service requests that 64(d) be waived to the extent it requires development of costs and revenues in accordance with 54(h), 54(f), and 54(j). The Postal Service supports its request for waiver of the cost data required by 54 (h) and (f), by stating that it is not requesting any changes in rates or fees, and that the effect of the changes on costs attributed and assigned to Express Mail are minuscule and insignificant. With respect to 54(j), the Service refers to the testimony of witness Knowles that the volume of Express Mail and the volume of forwarded and returned Express Mail will not be affected by the proposed changes. The Postal Service says that 64(e) should be waived because the proposed revisions do not entail any interclass changes.

Parties who wish to address the Postal Service's motion should file their answers by October 15, 1981.

The Officer of the Commission (OOC) designated to represent the interest of the general public in this proceeding will be Gerald E. Cerasale. During this proceeding, the OOC will direct the activities of Commission personnel assigned to assist him, and neither he nor such personnel will participate in or advise as to any Commission decision in this case. The OOC will supply, for the record, at the appropriate time, the names of all Commission personnel assigned to assist him in this case. In this proceeding, the OOC shall be separately served with three copies of all filings in addition to, and simultaneously with, service on the Commission of the 25 copies required by section 10(c) of the rules of practice.

The request of the Postal Service for a recommended decision on changes in Express Mail forwarding and the establishment of address correction service for Express Mail, and the motion for waiver of certain filing provisions of the Commission's rules of practice and procedure are on file with the Commission and are available for public inspection during regular business hours.

By order of the Commission.

David F. Harris,

Secretary.

[FR Doc. 81-28807 Filed 10-1-81; 8:45 am]

BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-2560]

Flintkote Co.; Application To Withdraw From Listing and Registration

September 28, 1981.

In the Matter of Flintkote Company 8¼% Sinking Fund Debentures (Due july 15, 1996).

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 New York Stock Exchange, Inc. ("NYSE").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

1. The debentures of Flintkote Company ("Company") have been listed and registered on the NYSE since 1971. The Company has determined that because of the insufficient trading activity of the debentures since 1979, listing of the debentures is no longer justified. In addition, as of April 23, 1981, there were only 148 registered holders of the debentures.

2. This application relates solely to withdrawal of the debentures from listing and registration on the NYSE. The NYSE has posed no objection to this matter.

Any interested person may, on or before October 20, 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. 81-28712 Filed 10-1-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

American Bankers Association Advisory Committee; Establisment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463), the Secretary announces the establishment of an advisory committee entitled the "American Bankers Association Advisory Committee".

The purpose of the Committee is to provide information and advice to the Secretary on a broad range of domestic and international economic and financial issues. The Committee will provide a means of liaison and communication between Treasury and the financial community with respect to Treasury programs involving taxes, monetary policy, debt management and foreign exchange issues as well as other areas of concern.

It is in the public interest that the Secretary receive the views and recommendations of this Committee because of the large and critical role the financial community plays in the economic environment of this nation. Establishment of the Committee is necessary because there is at the present time a need for a mechanism to communicate to the Secretary—and through the Secretary to the nation's economic policymakers—the views of the financial community on questions of major economic consequence.

Membership on the Committee will be balanced in terms of the wide variety of viewpoints represented and the differing functions to be performed. The Committee is expected to meet with Treasury officials approximately four times a year at the invitation of the Secretary.

For further information please contact Mr. Gordon Eastburn, Acting Deputy Assistant Secretary for Capital Markets Policy, Room 3025, Main Treasury, 15th & Pennsylvania, Washington, D.C. 20220.

Beryl Sprinkel,

Under Secretary for Monetary Affairs.

[FR Doc. 81-28774 Filed 10-1-81; 8:45 am]

BILLING CODE 4810-25-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination Regarding Application of Certain International Agreements

This notice[1] modifies the determination published in the **Federal Register** of January 4, 1980 (45 FR 1181), as amended by determinations published at 45 FR 18547, 45 FR 36569, 45 FR 63402, 45 FR 85239, 46 FR 24059, 46 FR 40624 and 46 FR 46263.

[1] Inquiries concerning this notice should be addressed to Kathryn Flynn, Office of GATT Affairs, Office of the U.S. Trade Representative, Washington, D.C. 20506, (202) 395-3063.

Under Section 1-103(b) of Executive Order 12188 of January 2, 1980, the functions of the President under section 2(b) of the Trade Agreements Act of 1979 (the Act) and section 701(b) of the Tariff Act of 1930 as amended, are delegated to the United States Trade Representative (the Trade Representative), who shall exercise such authority with the advice of the Trade Policy Committee.

Now, therefore, I, William E. Brock, United States Trade Representative, in conformance with the provisions of section 2(b) of the Act, Section 701(b) of the Tariff Act of 1930 as amended, and section 1-103(b) of Executive Order 12188, do hereby determine, effective on the date of signature of this Notice, that:

With respect to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade (the Subsidies Code), Australia has accepted the obligations of the agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement.

In accordance with section 701(b) of the Tariff Act of 1930, as amended (19 U.S.C. 1671(b)), as of September 28, 1981, Australia is a "country under the Agreement."

William E. Brock,

United States Trade Representative.

[FR Doc. 81-28692 Filed 10-1-81; 8:45 am]

BILLING CODE 3190-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 191
Friday, October 2, 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

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 11 a.m., Wednesday, October 7, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be voted on without discussion unless a member of the Board requests that an item be moved to the discussion agenda:

1. Proposed response to recommendations by the General Accounting Office concerning bank holding company inspections.
2. Proposal to add certain investment advisory activities to the list of activities that Edge Corporations may conduct in the United States.
3. Proposed revisions to and extension of Report of Officers' Checks and Deposits (FR 2019).

Discussion Agenda:

4. Consideration of policies proposed by the Federal Financial Institutions Examination Council regarding enforcement of the Equal Credit Opportunity and Fair Housing Acts.
5. Any items carried forward from a previously announced meeting.

Note.— This meeting will be recorded for the benefit of those unable to attend. Cassettes will be available for listening in the Board's Freedom of Information Office, and copies may be ordered for $5 per cassette by calling (202) 452-3684 or by writing to: Freedom of Information Office, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board (202)452-3204.

Dated: September 29, 1981.

James McCafee,

Assistant Secretary of the Board.

[S-1498-81 Filed 9-30-81; 10:15 am]

BILLING CODE 6210-01-M

2

NUCLEAR REGULATORY COMMISSION.

DATE: Wednesday, September 30, 1981 (Revision #2).

PLACE: Commissioners' Conference Room, 1717 H Street, NW., Washington, D.C.

STATUS: Open/Closed.

MATTERS TO BE CONSIDERED:

Wednesday, September 30:

10:00 a.m.

1. Briefing on Status and Prioritization of NUREG-0737/0660 Developmental Items (Approx 1 hour) (public meeting) (as announced)
2. Briefing on Diablo Canyon—Incorrect Seismic Analysis (public meeting)

2:00 p.m.

1. Discussion of Congressional Testimony (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.

Walter Magee,

Office of the Secretary.

September 29, 1981.

[S-1500-81 Filed 9-30-81; 3:51 pm]

BILLING CODE 7590-01-M

3

PAROLE COMMISSION.

Public Announcement

TIME AND DATE:

Tuesday, October 6, 1981, 3:30 p.m.–5:30 p.m.

Wednesday, October 7, 1981, 9:00 a.m.–5:30 p.m.

PLACE: Room 420-F; One North Park Building; 5550 Friendship Blvd.; Bethesda, Maryland 20015.

STATUS: Open.

CHANGES IN THE MEETING: On September 30, 1981, the Commission determined that the following agenda item be added to the meeting immediately following the guest speaker.

Emergency consideration of a proposal encompassing extreme budgetary restrictions for Fiscal Year 1982 expenditures just received from the Executive Office of the President through the Department of Justice. The above change is being announced at the earliest practicable time.

CONTACT PERSON FOR MORE INFORMATION: Ms. Billie L. Richards, Acting Chairman's Office, (301) 492-5990.

[S-1499-81 Filed 9-30-81; 2:22 pm]

BILLING CODE 4410-01-M

4

TENNESSEE VALLEY AUTHORITY.

[Meeting No. 1276]

TIME AND DATE: 10:15 a.m. (EDT), Wednesday, October 7, 1981.

PLACE: Conference Room B-32, West Tower, 400 Commerce Avenue, Knoxville, Tennessee.

STATUS: Open.

ACTION ITEMS:

Old Business Items:

1. Grant of permanent industrial easement to Inland Ports, Inc., and abandonment of certain flowage easement rights affecting Watts Bar Reservoir lands near Harriman Industrial Park in Harriman, Tennessee—Tract Nos. XWBR-693IF, WBR-1260F, WBR-1261F, and WBR-1263F.

A—Project Authorizations:

1. Project Authorization No. 3585—Installation of an automatic condenser tube cleaning system at Bull Run Steam Plant.
2. Project Authorization No. 3589—Installation of an automatic condenser tube cleaning system on Paradise Steam Plant unit 3.
3. Project Authorization No. 3503.1—Amendment to project authorization for preliminary studies for decomissioning the Edgemont, South Dakota, uranium mill.
4. Project Authorization No. 3573—Acquisition and exploration of coal land rights in Franklin County, Illinois.

B—Purchase Awards:

*1. Req. No. 38-193492—Installation of reheater elements and expansion joints for Paradise Fossil Plant unit 3.

*Item approved by individual Board members. This would give formal ratification to the Board's action.

C—Power Items:
1. Form agreement covering TVA's commercial and industrial heat and cool storage demonstration project.
2. Renewal of power contract with Forked Deer Electric Cooperative.
3. Renewal of power contract with Chickasaw Electric Cooperative.

D—Personnel Item:
1. Proposed compensation adjustments for management and physician schedules.

E—Real Property Transactions:
1. Land exchange affecting approximately 19.6 acres of land on Nottely Reservoir previously transferred by TVA to the United States Forest Service and 76 acres of privately owned land in Union County, Georgia.
2. Filing of condemnation suits.

F—Unclassified:
1. Interim budget plan for fiscal year 1982.
2. Proposed sale of surplus property—Construction equipment at various locations.
*3. Agreement with Tombigbee River Valley Water Management District for TVA to conduct a water supply study in Lee County, Mississippi.
4. Supplement to memorandum of understanding between the National Institute for Occupational Safety and Health and TVA for research program concerning the effects of the production and conservation of energy on the health and safety of employees engaged in work related to production of electric energy.
*5. Supplement to letter agreement with Defense Mapping Agency Hydrographic/Topographic Center for TVA's assistance in an accelerated mapping program.
6. Memorandum of understanding with United States Department of Interior, Bureau of Reclamation, covering arrangements for TVA to supply equipment and personnel on a short-term, reimbursable basis.
*7. Agreement with Office of Surface Mining covering arrangements for TVA to evaluate, on a cost reimbursable basis, certain requirements developed under the Surface Mine Control and Reclamation Act involving hydrology and sedimentology of surfaced-mined lands.
*8. Memorandum of agreement with U.S. Army Engineer Division, Hunstville, covering arrangements for TVA to provide mapping and data base support on a cost reimbursable basis.

CONTACT PERSON FOR MORE INFORMATION: Craven H. Crowell, Jr., Director of Information, or a member of his staff can respond to request for information about this meeting. Call (615) 632-3247, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 245-0101.

Dated: September 30, 1981.

[S 1501-81 Filed 9-30-81; 4:05 pm]

BILLING CODE 8120-01-M

5

UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES.

Meeting

TIME AND DATE: 8 a.m., October 15, 1981.

PLACE: Uniformed Services University of the Health Sciences, Room D3-001, 4301 Jones Bridge Road, Bethesda, Maryland 20014.

STATUS: Open.

MATTERS TO BE CONSIDERED:

8:00 a.m.—Meeting—Board of Regents
(1) Approval of Minutes, 23 May 1981; (2) Faculty Appointments—(a) Criteria for Academic Rank, (b) Faculty Appointment Titles; (3) Report—Associate Dean for Operations; (4) Report—Admissions; (5) Report—Chairman; (6) Report—President, USUHS—(a) USUHS Faculty and Staff Salary Approval, 1981-82, (b) Policy on Memorials (Committee), (c) Group Travel Accident Policy, (d) Summary—Students' Summer Programs, 1981, (e) Examination Results—Board of Medical Examiners, (f) Recommendations for Awards, (g) Report on Liaison Committee for Medical Education Limited Survey Visit
New Business

SCHEDULED MEETINGS: December 11, 1981.

CONTACT PERSON FOR MORE INFORMATION: Frank M. Reynolds, Executive Secretary of the Board, 202/295-3025.

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

September 29, 1981.

[S 1497-81 Filed 9-29-81; 4:58 pm]

BILLING CODE 3810-01-M

federal register

Friday
October 2, 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.

Alabama: AL81–1284	Sept. 4, 1981.
Colorado:	
CO81–5145	Sept. 4, 1981.
CO81–5148	Sept. 4, 1981.
CO81–5146	Sept. 4, 1981.
CO81–5147	Sept. 4, 1981.
California: CA81–5132	July 10, 1981.
Florida:	
FL81–1260	July 6, 1981.
FL81–1247	June 12, 1981.
Georgia:	
GA81–1191	Mar. 6, 1981.
GA81–1196	Mar. 20, 1981.
GA81–1233	May 22, 1981.
Idaho: ID81–5125	June 5, 1981.
Nevada: NV81–5102	Feb. 6, 1981.
New York:	
NY81–3018	Mar. 27, 1981.
NY81–3022	Apr. 3, 1981.
Oklahoma:	
OK81–4056	July 17, 1981.
OK81–4051	July 10, 1981.
OK81–4054	July 10, 1981.
OK81–4066	Aug. 21, 1981.
OK81–4067	Aug. 21, 1981.
OK81–4069	Sept. 4, 1981.
OK81–4070	Sept. 4, 1981.
OK81–4071	Sept. 11, 1981.
OK81–4072	Sept. 4, 1981.
Pennsylvania:	
PA81–3058	Aug. 28, 1981.
PA81–3051	Sept. 4, 1981.
PA80–3060	Oct. 10, 1980.

Supersedeas Decisions to General Wage Determination Decisions

The number of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decisions are in parentheses following the numbers of the decisions being superseded.

Kansas: KS81-4022 (KS81-4053)	Apr.10,1981.
Pennsylvania:	
PA80-3025 (PA81-3072)	Apr. 11, 1980.
PA80-3044 (PA81-3073)	July 25, 1980.
South Dakota: SD80-5118 (SD81-5155)	June 6, 1980.
Texas:	
TX81-4006 (TX81-4076)	Jan. 6, 1981.
TX81-4015 (TX81-4077)	Apr. 3, 1981.
TX81-4016 (TX81-4074)	Apr. 3, 1981.
TX81-4032 (TX81-4075)	May 8, 1981.
TX81-4045 (TX81-4078)	July 10, 1981.
TX81-4048 (TX81-4079)	July 10, 1981.
Utah: UT81-5117 (UT81-5156)	May 8, 1981.

Signed at Washington, D.C., this 25th Day of September 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

Modification Page 1

Decision No.: AL81-1284
Mod. # 1
(46-FR-44601 - September 4 1981)

Colbert and Lauderdale Counties, Alabama Building Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Electricians:					
Electricians	$13.00	.65	3% +.70		
Cablesplicers	13.25	.65	3% +.70		
DECISION NO. CO81-5145 - Mod. #1 (46 FR 44602 - September 4, 1981)					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld Counties, Colorado					
Change:					
Bricklayers; Stonemasons:					
Eagle County	$13.79	.85	$1.10		.06
Remaining Counties	13.79	.85	1.10		.06
Electricians:					
Remaining Counties:					
Electricians	16.85	.85	3%+1.25		3/10%
Cable Splicers	17.10	.85	3%+1.25		3/10%
Ironworkers:					
Structural, Ornamental, and Reinforcing	14.35	1.19	1.35		.17
Millwrights	14.66	1.10	1.00		.29
DECISION NO. CO81-5148 - Mod. #1 (46 FR 44616 - September 4, 1981)					
Las Animas, Otero, and Pueblo Counties, Colorado					
Change:					
Carpenters	$12.22	$1.10	$1.00	$1.00	.10
Ironworkers:					
Structural, Ornamental, and Reinforcing	14.35	1.19	1.35		.17
Millwrights	14.66	1.14	1.00		.29

Modification Page 2

DECISION NO. CO81-5146 - Mod. #1 (46 FR 44607 - September 4, 1981) El Paso County, Colorado	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Carpenters:					
Zone 1: 0-40 miles from Post Office in Colorado Springs	$12.22	$1.10	$1.00	$1.00	.10
Zone 2: 40-75 miles from Post Office in Colorado Springs	12.72	1.10	1.00	1.00	.10
Zone 3: 75 miles and over	12.97	1.10	1.00	1.00	.10
Ironworkers:					
Structural, Ornamental, and Reinforcing	14.35	1.19	1.35		.17
Millwrights	14.66	1.10	1.00		.29
DECISION NO. CO81-5147 - Mod. #1 (46 FR 44611-September 4, 1981) Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin Counties, Colorado					
Change:					
Carpenters:					
Post Office basing points in the Cities of Leadville, Fort Collins, Glenwood Springs, Grand Junction, Gunnison and Montrose:					
Zone 1: 0-40 miles from nearest basing point	12.22	1.10	1.00	1.00	.10
Zone 2: 40-75 miles from nearest basing point	12.72	1.10	1.00	1.00	.10
Zone 3: 75 miles and over from nearest basing point	12.97	1.10	1.00	1.00	.10
Ironworkers:					
Structural, Ornamental, and Reinforcing	14.35	1.19	1.35		.17
Millwrights	14.66	1.10	1.00		.29

Modification Page 3

DECISION NO. CA81-5132 - Mod. #3
(46 FR 35860 - July 10, 1981)
Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba Counties, Calif.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Sheet Metal Workers:					
Area 7	$20.04	1.28	2.90	2.50	.20

Modification Page 4

DECISION NO. FL81-1260 - MOD. #5 (46 FR 34968 - July 6, 1981) Cape Canaveral Air Force Station, Patrick Air Force Base, Kennedy Space Flight Center, & Melabar Radar Sites in Brevard & Volusia Counties, Florida	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Plumbers, Pipefitters & Steamfitters					
Commercial	$12.22	.70	.70		.10
Industrial	15.45	.70	.70		.10

DECISION NO. FL81-1247 - MOD. #1 (46 FR 31187 - June 12,1981) Volusia (except Cape Kennedy Space Flight Center & Cape Canaveral Air Force Station), Florida	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Elevator Constructors:					
Mechanic	$11.56	1.345	1.35	a + b	.035
Helper	8.09	1.345	1.35	a + b	.035
Laborers:					
Air Tool Operators, Mason Tenders, Mortar Mixers, Pipelayers (concrete & clay), Plasterers' Tenders	8.15	.25	.39		
Unskilled	8.00	.25	.39		
Painters:					
Brush & Roller	9.65	.50	.50		.06
Paperhangers, Sandblasters & Spray	10.15	.50	.50		.06
Plumbers, Pipefitters & Steamfitters					
Commercial	12.22	.70	.70		.10
Industrial	15.45	.98	.99		.10
Roofers:					
Roofers	10.00	.40	.25		.05
Kettlemen	8.55	.40	.25		.05

Modification Page 5

DECISION #GA81-1191 - Mod. #7 (46 FR 15645 - March 6, 1981) Clayton, DeKalb, & Fulton Counties, Georgia	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
Asbestos workers	$13.35	.85	1.00		.10
Bricklayers & Stone masons	12.12	.85	.80		.10
Carpenters, Drywall hangers, & Resilient floor layers	12.50	.70	.55		.02
Cement masons	11.70	.60	.80		
Electricians:					
Wiremen	13.95	7%	13%		½ of 1%
Cable splicers	14.85	7%	13%		½ of 1%
Glaziers	13.05	1.00	.73		.11
Marble masons, Terrazzo workers, & Tile setters	12.12	.85	.80		.03
Piledrivermen	12.65	.70	.55		.02
Roofers	9.35	.35	.20		

DECISION #GA81-1196 - Mod. #4 (46 FR 17967 - March 20, 1981) DeKalb & Fulton Counties, Georgia					
CHANGE:					
Brick masons	$12.12	.85	.80		.10
Carpenters	12.50	.70	.55		.02
Cement masons/finishers	11.70	.60	.80		
Electricians	13.95	7%	13%		½ of 1%
Piledrivermen	12.65	.70	.55		.02
Waterproofers (Roofers)	9.35	.35	.20		

DECISION #GA81-1233 - Mod. #1 (46 FR 28101 - May 22, 1981) Chattahoochee & Muscogee Counties, Georgia					
CHANGE:					
Bricklayers	$ 9.65				

Modification Page 6

DECISION NO. ID81-5125 - Mod. #6 (46 FR 30250 - June 5, 1981) Statewide Idaho	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
GLAZIERS:					
Area 1	$12.74	.84	1.00	b	
Area 2	13.70	.64	.70	b	.02
PLASTERERS:					
Area 1	14.93	1.00	1.75		.15
SOFT FLOOR LAYERS:					
Area 1	11.75	.69	1.10		
ADD:					
CARPENTERS:					
Area 2:					
Zone 1:					
Carpenters applying acoustical material; Lathers	12.10	1.25	1.30	1.00	.20
Zone 2:					
Carpenters applying acoustical material; Lathers	13.60	1.25	1.30	1.00	.20
Zone 3:					
Carpenters applying acoustical material; Lathers	13.85	1.25	1.30	1.00	.20

DECISION NO. NV81-5102 - Mod. #6 (46 FR 11482 - Feb. 6, 1981) Clark County (does not include the Navada Test Site), Nevada					
CHANGE:					
Laborers: Group 1	$12.75	$1.06	$1.58	.15	
Group 2	12.96	1.06	1.58	.15	
Group 3	13.06	1.06	1.58	.15	
Group 4	13.15	1.06	1.58	.15	
Group 5	13.25	1.06	1.58	.15	

DECISION NO. NY81-3018 - Mod. #3
(46 FR 19174 - March 27, 1981)
Albany, Rensselaer, Saratoga & Schenectady Counties, New York

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
BRICKLAYERS					
SCHEDULES #1, #2, #3, & #4					
CLASS A	13.15	.80	1.40		.06
CLASS B	9.28	.80	1.40		.06

DECISION NO. NY81-3022 - Mod. #2
(46 FR 20437 - April 3, 1981)
Onodaga County, New York

CHANGE:					
BRICKLAYERS & STONE MASONS	13.39	.75	1.31		.01
CARPENTERS & SOFT FLOOR LAYERS					
Building	12.99	.85	1.20		.05
ELEVATOR CONSTRUCTORS	14.76	1.345	1.085		.035
ELEVATOR CONSTRUCTORS HELPERS	10.33	1.345	1.085		.035
ELEVATOR CONSTRUCTORS HELPERS PROBATIONARY	7.38				
MARBLE, TILE & TERRAZZO WORKERS	12.11	.75	1.06		
ROOFERS	14.15	1.00	2.25		

DECISION #OK81-4056-Mod. #2
46FR37209 - July 17, 1981
Tulsa, Delaware, Creek, Craig, Ottawa, Mayes and Roger Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BRICKLAYERS-STONEMASONS:					
Tulsa, Delsware, Ottawa, Craig, Mayes and Roger Counties	$13.39	.90	.50	.50	.04
SPRINKLER FINTTERS	14.68	.95	1.40		.08

DECISION #OK81-4051-Mod. #3
46FR35886 - July 10, 1981
Pittsburg County, Oklahoma

CHANGE:					
Tile Setters	14.02	.90	.60		
Terrazzo workers	14.02	.90	.60		
Sprinkler fitters	14.68	.95	1.40		.08

DECISION #OK81-4054-Mod. #2
46FR35888 - July 10, 1981
Muskogee, Adair, Cherokee & Okmulgee Counties, Oklahoma

CHANGE:					
Marble, tile and terrazzo workers	14.02	.90	.60		
Sprinkler fitters	14.68	.95	1.40		.08

DECISION #OK81-4066-Mod. #1
46FR42610 - August 21, 1981
Garfield County, Arkansas

CHANGE:					
Bricklayers-Stonemasons	12.65				
Glaziers	12.47		.30		
Marble setters	15.04		.90		
Terrazzo workers	15.04		.90		
Tile layers	15.04		.90		
Sprinkler fitters	14.68	.95	1.40		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION #OK81-4067-Mod. #2					
46FR42613-August 21, 1981					
Oklahoma, Cleveland, Caddo, Canadian, Kingfisher, Lincoln, Logan, McClain, Grady Seminole & Pottawatomie Counties, Oklahoma					
CHANGE:					
Glaziers	$12.47		.30		
Marble setters	15.04		.90		
Terrazzo workers	15.04		.90		
Tile layers	15.04		.90		
DECISION #OK81-4069-Mod. #1					
46FR44646-September 4, 1981					
Wagoner County, Oklahoma					
CHANGE:					
Marble setters	15.04		.90		
Terrazzo workers	15.04		.90		
Tile layers	15.04		.90		
Sprinkler fitters	14.68	.95	1.40		.08
DECISION #OK81-4070-Mod. #1					
46FR44651-September 4, 1981					
Comanche County, Oklahoma					
CHANGE:					
Glaziers	12.47		.30		
Marble setters	15.04		.90		
Terrazzo workers	15.04		.90		
Tile layers	15.04		.90		
Sprinkler fitters	14.68	.95	1.40		.08
DECISION #OK81-4071-Mod. #1					
46FR45535-September 11, 1981					
McIntosh County, Oklahoma					
CHANGE:					
Sprinkler fitters	14.68	.95	1.40		.08
DECISION #OK81-4072-Mod. #1					
46FR44648-September 4, 1981					
Latimer, Leflore, Haskell, Sequoyah and Pushmataha Counties, Oklahoma					
CHANGE:					
Sprinkler fitters	14.68	.95	1.40		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
DECISION NO. PA81-3058					
MOD. NO. 3					
(46 FR 43596 - August 28, 1981)					
Adams, Berks, Bradford, Carbon, Columbia, Cumberland, Dauphin, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montour, Northampton, Northumberland, Perry, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming & York Counties, Pennsylvania					
CHANGE:					
FOOTNOTE:					
a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Election Day; Thanksgiving Day and Christmas Day provided the employee works the day before and after the holiday.					
DECISION NO. PA81-3051					
MOD. NO. 1					
(46 FR 44653 - September 4, 1981)					
Luzerne County, Pennsylvania					
CHANGE:					
Elevator Constructors	$13.10	1.345	1.085	c+d	.035
Elevator Constructors Helpers	9.17	1.345	1.085	c+d	.035
Elevator Constructors Helpers (Prob.)	6.55				
DECISION NO. PA80-3060					
MOD. NO. 7					
(45 FR 67531 - October 10, 1980)					
Lycoming County, Pennsylvania					
CHANGE:					
Boilermakers	$16.67	1.275	1.00		.02
Elevator Constructors	12.84	1.345	1.085	b+c	.035
Elevator Constructors Helpers	70%JR	1.345	1.085	b+c	.035
Elevator Constructors Helpers (Prob.)	50%JR				
Millwrights	14.42	.70	.90		.05
Sheet Metal Workers	13.21	.80	.86		.04

STATE: Kansas COUNTY: Leavenworth
DECISION NUMBER: KS81-4053 DATE: Date of Publication
Supersedes Decision No. KS81-4022, dated April 10, 1981, in 46 FR 21568.
DESCRIPTION OF WORK: Building Construction Projects (does not include single family homes and apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.74	1.05	1.75		.06
BOILERMAKERS	14.97	1.375	1.15		.05
BRICKLAYERS, STONEMASONS	13.39	1.00	.95	1.50	
CARPENTERS:					
Carpenters, Millwrights, and Piledrivermen	14.05	.65	.75		.07
CEMENT MASONS	14.075	.80	.70		
ELECTRICIANS:					
Zone 1:					
Delaware, Kickapoo, High Prairie and Leavenworth Townships	16.28	.69	3%+.90	7%	.12
Zone 2:					
Remainder of County	14.50	.75	3%+.70		.10
ELEVATOR CONSTRUCTORS	14.135	1.195	.95	a	.035
ELEVATOR CONSTRUCTORS' HELPERS	9.89	1.195	.95	a	.035
GLAZIERS	12.35	.90	1.19	17.14%	.05
IRONWORKERS	13.85	.80	1.50	1.00	.05
LATHERS	14.05	.65	.75		.07
LINE CONSTRUCTION:					
Zone 1:					
Southwest 2/3 of Leavenworth County:					
Linemen	14.52	.45	3%		1/2%
Cable Splicers	15.26	.45	3%		1/2%
Groundmen	9.03	.45	3%		1/2%
Powdermen	12.03	.45	3%		1/2%
Line Truck and Equipment Operators	12.03	.45	3%		1/2%
Zone 2:					
Remainder of Leavenworth County:					
Linemen	17.33	.45	3%+.25		1/2%
Linemen Operators	16.13	.45	3%+.25		1/2%
Groundmen Powdermen	12.02	.45	3%+.25		1/2%
Groundmen	11.42	.45	3%+.25		1/2%
MARBLE AND TILE SETTERS	15.20	5%	5%		
PAINTERS:					
Brush, Roller, Tapers	$12.19	.55	.70		.08
Spray	13.19	.55	.70		.08
Paperhangers	12.69	.55	.70		.08
PLASTERERS	15.80				
PIPEFITTERS	14.54	.72	1.60		.10
PLUMBERS	16.16	1.20	1.30		.15
ROOFERS	13.05	.75	.75		.14
SHEET METAL WORKERS	14.17	.75	1.44	1.25	.17
SOFT FLOOR LAYERS	11.26	.60	1.00	1.00	1%
SPRINKLER FITTERS	15.10	.95	1.40		.08
TERRAZZO WORKERS	14.31	5%	5%		
WELDERS: Receive rate prescribed for craft performing operation to which the welding is incidental.					

FOOTNOTE:

a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Also 7 paid holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day after Thanksgiving Day, and Christmas Day.

LABORERS (Building Construction):					
General Laborers	8.25	.60	.60	.50	.05
Power Tool Operators; Compactors; Concrete Breakers; Chipping Tools; Drilling Tools; Concrete Saws; Mechanically Operated Georgia Buggy	8.45	.60	.60	.50	.05
Mason Tenders; Plaster Tenders; Mortar Mixers for Plasterers, Masons and Cement Finishers; All Stocking Scaffold; Clean up for Masons (Building & Wrecking)	8.55	.60	.60	.50	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (Building Construction (Cont'd):					
Sand and Concrete Gun Nozzlemen Powdermen	$ 8.65	.60	.60	.50	.05
LABORERS (Site Preparation and Grading):					
Group 1	7.80	.60	.60	.50	.05
Group 2	7.95	.60	.60	.50	.05
Group 3	8.05	.60	.60	.50	.05
Group 4	8.20	.60	.60	.50	.05

Group 1: Board Mat Weavers and Cable Tiers; Georgia Buggy, Manually Operated; Mixermen - No Skip Lift; Salamander Tenders; Track Men; Tractor Swampers; Truck Dumpers; Wire Mesh Setters; Water Pump up to 4 inches; and all other General Laborers.

Group 2: Air Tool Operators; Cement Handlers (Bulk); Chain Saw; Georgia Buggy (Mechanically Operated); Grade Men; Hot Mastic Kettlemen; Crusher Feeders; Joint Men; Jute Men; Mason Tenders; Material Batch Hopper and Scale Men; Mixer Men; Pier Hole Men Working 10 ft. deep; Pipelayer - Drainage (Concrete and/or Corrugated Metal); Signal Men (Crane); Truck Dumper--Dry Batch; Vibrator Operator; Wagon and Churn Drill Operator.

Group 3: Asphalt Raker; Barco Tamper; Concrete Saw, Creosote Material--Handling and Applying; Nozzle Burner (Cutting Torch and Burning Bar).

Group 4: Conduit Pipe; Tile and Duct Line Setter; Form Setter and Liner on Concrete Paving; Powderman; Sandblasting and Gunnite Nozzleman; Sanitary Sewer Pipe Layer; Steel Plate Structure Erectors; Water and Gas Distrbution Lines.

POWER EQUIPMENT OPERATORS (Building Construction):	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$14.11	$1.00	$1.40	$1.05	.20
Group 2	13.76	1.00	1.40	1.05	.20
Group 3	11.36	1.00	1.40	1.05	.20
Group 4	11.86	1.00	1.40	1.05	.20
Group 5	12.11	1.00	1.40	1.05	.20
Group 6	14.01	1.00	1.40	1.05	.20
Group 7	14.36	1.00	1.40	1.05	.20
Group 8	13.86	1.00	1.40	1.05	.20
Group 9	13.61	1.00	1.40	1.05	.20
Group 10	11.61	1.00	1.40	1.05	.20
Group 11	14.61	1.00	1.40	1.05	.20
Group 12	15.11	1.00	1.40	1.05	.20

Group 1: Asphalt Paver and Spreader; Asphalt Plant Mixer Operator; Asphalt Plant Operator; Back Fillers; Backhoe, All Types; Barber-Green Loader (Similar Type); Blade--Power, All Types; Boats--Power; Boilers (2); Boring Machines (All Types); Cable Ways; Cherry Pickers (All Types); Chip Spreader; Clamshells; Combination Concrete Hoist and Mixer, Such As Mixermobile; Concrete Ready-Mixed Plant, Portable (Job Site); Concrete Mixer Paver; Crane--Overhead; Crane or Rigs (All Types); Crusher, Rock; Derricks and Derrick Cars (Power Operated); Ditching Machines; Dozers; Draglines; Dredges--Any Type Power; Forklift (All Types and Sizes Except Masonry); Grade-all--Similar Type; Hoist, Endless Chain--Power Operated with Power Travel; Loaders, All Types; Locomotives, All Types; Mechanics and Welders; Mucking Machines; Orange Peels; Pile Drivers (All Types); Pumps--Material-- All Types; Push Cats; Scoops (All Types); Self-Propelled Rotary Drill; Shovel; Power; Side Boom; Skimmer Scoop; Testhold Machine; Throttle Man.

POWER EQUIPMENT OPERATORS
(Building Construction)
(Cont'd.)

Group 2: Boilers (1); Brooms, Power Operated (All Types); Chip Spreader (Front Man); Clef Plane Operator; Compressor (1), 105 Ft. or Over; Compressors (2), 105 Ft. or Over, Not More Than 20 Ft. Apart; Compressors, Tandem (Any Size); Compressor, Single, Truck Mounted; Concrete Saws, self-Propelled; Crab--Power Operated; Curb Finishing Machine; Elevator; Finishing Machine; Fireman on Rigs; Flex Plane; Floating Machine; Form Grader; Greaser, Hoist, Endless Chain, Power Operated; Hopper, Power Operated; Hydra Hammer (All Types); Lad-A-Vator, Similar Type; Roller, All Types; Siphone, Jets and Jennies; Sub-grader; Tractors over 50 HP.

Group 3: Oiler.

Group 4: Fork Lift, Masonry; Oiler Driver, All Types.

Group 5: "A" Frame Trucks; Mixers (With Side Loaders); Pumps (With Well Points Dewatering Systems, Test and Pressure Pumps); Tractors (Except When Hauling Material), less than 50 HP.

Group 6: Hoists, Each Additional Drum Over 1 Drum.

Group 7: Clamshells, 80 Ft of Boom or Over (Including Jib); Crane or Rigs, 80 Ft. of Boom or Over (Including Jib) and Over 200 Feet; Draglines, 80 Ft. of Boom or Over (Including Jib); Pile Drivers, 80 Ft. of Boom or Over (Including Jib).

Group 8: Crane Operator.

Group 9: Loader Operator; Plant Man.

Group 10: Conveyor Operator.

Group 11. Crane, Tower or Climbing.

Group 12: Master Mechanic.

POWER EQUIPMENT OPERATORS: (Cont'd) Site Preparation and Grading:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.10	$1.00	$1.25	$1.05	.20
Group 2	12.85	1.00	1.25	1.05	.20
Group 3	12.15	1.00	1.25	1.05	.20
Group 4	10.65	1.00	1.25	1.05	.20
Group 5	11.15	1.00	1.25	1.05	.20
Group 6	13.35	1.00	1.25	1.05	.20
Group 7	9.03	1.00	1.25	1.05	.20
Group 8	13.10	1.00	1.25	1.05	.20

Group 1: Asphalt Paver and Spreader; Asphalt Plant Console Operator; Auto Grader; Backhoe; Blade Operator, all types; Boilers (2); Booster Pump on Dredge; Boring Machine (truck or crane mounted); Bulldozer Operator; Clamshell Operator; Compressor Maintenance Operator, 2; Concrete Plant Operator, Central Mix; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine, Rotary, self-propelled; High Loader-Fork Lift; Hoisting Engineer, 2 active drums; Locomotive Operators, standard gauge; Mechanics and Welders, field or shop; Maintenance Operator; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Pump, 2; Pushcat Operator; Quad-trac; Scoop Operator, all types; Scoops in Tandem; Self-propelled Rotary Drill (Leroy or equal, not air trac); Shovel Operator; Side Discharge Spreader; Sideboom Cats; Skimmer Scoop Operator; Slip-form Paver (CMI, REX, or equal); Throttle Man; Truck Crane; Welding Machine Maintenance Operator (2).

POWER EQUIPMENT OPERATORS (Cont'd)
Site Preparation and Grading (Cont'd)

Group 2: A-Frame Truck; Asphalt Hot Mix Silo; Asphalt Plant Fireman, Drum or Boiler; Asphalt Plant Mixer Operator; Asphalt Plant Man; Asphalt Roller Operator; Backfiller Operator; Chip Spreader; Concrete Batch Plant, Dry, Power-Operated; Concrete Mixer Operator; Skiploader; Concrete Pump Operator; Crusher Operator; Elevating Grader Operator; Greaser, Hoisting engine, 1 drum; LaTourneau Rooter; Multiple Compactor; Pavement Breaker, Self-propelled of the Hydra-hammer or similar type; Power shield; Pug Mill Operator; Stump Cutting Machine; Towboat Operator; Tractor Operator, over 50 HP.

Group 3: Boilers, 1; Chip Spreader (Front Man); Churn Drill Operator; Compressor Maintenance Operator, 1; Concrete Saws, self-propelled; Conveyor Operator; Distributor Operator; Finishing Machine Operator; Fireman, Rig; Float Operator; Form Grader Operator; Pump; Pump Maintenance Operator, other than dredge; Roller Operator, other than high type asphalt; Screening and Washing Plant Operator; Self-propelled Street Broom or Sweeper; Siphons and Jets; Sub-grading Machine Operator; Tank Car Heater Operator combination Boiler and Booster; Tractor, 50 HP or less, without attachments; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator, 1.

Group 4: Mechanics' Helpers.

Group 5: Oiler Driver, all types.

Group 6: Clamshell, 3 yards capacity or over; Crane or Rigs; 80 ft. of boom or over (including jib); Draglines, 3 yds. capacity or over; Piledriver, 80 ft. of boom or over (including jib); Shovels, 3 yds. capacity or over.

Group 7: Oiler.

Group 8: Hoists (each additional drum over 1 drum).

Men working in tunnels or shafts (not Air Shafts or Coffer Dams) of 25 feet or more in lenght or depth will be paid $0.50 per hour above the regular classification.

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Building Construction:					
Single Axle Trucks	$ 6.55	.75	$1.00		
Warehousemen - supply	9.925	.75	1.00		
Fork Lift - Supply	10.175	.75	1.00		
Tanden Axle Trucks	10.84	.75	1.00		
Warehousemen and Stock Men	10.925	.75	1.00		
Flat Bed Trucks; Pick-up Trucks; Dump Trucks (under 10 yards capacity)	10.975	.75	1.00		
Dump Trucks (10 yards capacity and over); Semi-truck; Steel Truck	11.05	.75	1.00		
Transit Mix (under 5 yards)	11.025	.75	1.00		
Oiler, Greaser and Mechanic Helpers; Distributor Driver and Operator	11.075	.75	1.00		
Transit Mix (5 yards and over)	11.125	.75	1.00		
Straddle Trucks; Wheel Tractors (when used for towing); Heavy hauling, A-frame and Winch Trucks; Fork Lift Trucks; Hydro Lift Trucks; Hydraulically operated Aerial Lift, heavy excavating; Double bottom units (20 ton capacity and over)	11.175	.75	1.00		
Transit Mix Tractor Trailer; Mechanics	11.275	.75	1.00		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: (Cont'd) Site Preparation and Grading:					
GROUP 1	$11.50	1.00	1.50	.75	
GROUP 2	11.70	1.00	1.50	.75	
GROUP 3	12.01	1.00	1.50	.75	
GROUP 4	12.16	1.00	1.50	.75	
GROUP 5	11.28	1.00	1.50	.75	

GROUP 1: One Team; Station Wagons; Pickup Trucks; Material trucks, single axle, Tank Wagon Drivers, single axle.

GROUP 2: Material Trucks, Tandem; Two teams; Semi-trailer; Winch Truck, Fork Trucks; Distributor Drivers and Operators; Agitator and Transit Mix; Tank Wagon Drivers; single axle; Tank Wagon Drivers, Tandem or Semi-trailers; Insley Wagon; Dump Trucks; excavating, 5 cu. yds. and over, Dumpster, Half-tracks, Speedace, Euclids and other similar excavating equipment.

GROUP 3: A-Frame, Lowboy, and Boom Truck Drivers,

GROUP 4: Mechanics and Welders

GROUP 5: Mechanics' Helpers; Oilers and Greasers,

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: Pennsylvania COUNTIES: Adams & York
DECISION NO.: PA81-3072 DATE: Date of Publication
Supersedeas Decision No. PA80-3025 dated April 11, 1980, in 45 FR 25015.
DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories). Excluding Sewage and Water Treatment Plant Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$14.01	1.12	.90		.02
Boilermakers	16.67	1.275	1.00		.02
Bricklayers & Stonemasons	11.05	.65	.55		
Carpenters (York County)	11.49	.85	.55		.03
Carpenters (Adams County)	12.72	.70	.90		.05
Cement Masons (Adams County)	11.33	.80	.80		
Cement Masons (York County)	9.94	.35	.25		.01
Electricians:					
Franklin, Carrol, Monoghan, and Fairview Townships in York County	13.56	.65	3%+.67		1/4%
Remainder of York County, and Adams County in its entirety	13.95	.55	3%+.25		.01
Elevator Constructors	12.84	1.345	1.085	a+b	.035
Elevator Constructors Helpers	8.99	1.345	1.085	a+b	.035
Elevator Constructors Helpers (Prob.)	6.42				
Glaziers	11.71	.70	.65		.01
Ironworkers	14.265	1.49	1.46		.045
Lathers	12.72	.70	.90		.05
Laborers:					
General Laborers	8.10	.50	.77		
Operator of jackhammer (etc.)	8.30	.50	.77		
Wagon drill operator	8.40	.50	.77		
Handling of all materials (etc.)	8.35	.50	.77		
Laborers assisting tile (etc.)	8.15	.50	.77		
Handling & using dynamite	8.43	.50	.77		
Caisson work (top men)	8.35	.50	.77		
Caisson work (bottom men)	8.55	.50	.77		
Mixer man	8.50	.50	.77		
Line Construction:					
Linemen, cable splicers	14.23	.60	3%		3/8%
Winch truck operators	9.96	.60	3%		3/8%
Groundman	8.54	.60	3%		3/8%
Marble, tile & terrazzo workers	9.84	.65	.55		
Millwrights (Adams County)	14.42	.70	.90		.05
Millwrights (York County)	11.99	.85	.55		.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Painters:					
Brush	$9.60	.45	.15		
Structural Steel	10.35	.45	.15		
Spray	10.45	.45	.15		
Piledrivermen	12.97	3.13	1.40	c	.13
Plasterers (York County)	8.60	.35	.25		.01
Plasterers (Adams County)	10.31	.80	.80		.01
Plumbers	13.30	1.02	1.00		.11
Roofers:					
Composition	11.50	.72	.55	.25	
Sheet Metal Workers	11.66	1.44	1.18		.14
Soft Floor Layers:					
Adams County	10.98	.70	.90		.05
York County	11.49	.85	.55		.03
Sprinkler Fitters	15.56	.95	1.40		.08
Steamfitters	13.30	1.02	1.00		.11
Truck Drivers:					
Pick-up, Dump, Service Trucks, Flat Truck to and including 2 License Highway Plates	9.47	d	e		
Transit Mix, Winch Trucks, Tractor Trailers, all types of Euclid, Ross Lumber Carriers, and Trucks over 2 Plates	9.72	d	e		
Welder - Receive rate for craft					

PAID HOLIDAYS (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 8% basic hourly rate for 5 years of more of service or 6% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Paid Holidays: A through F, plus the Friday after Thanksgiving Day.

c. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day; Thanksgiving Day.

d. Employer shall contributes $71.37 per month to a Health & Welfare Fund.

e. Employer shall contributes $46.80 per month to a Pension Fund.

"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))."

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$14.27	10%	10.3%	a	1.3%
GROUP 2	13.98	10%	10.3%	a	1.3%
GROUP 3	13.11	10%	10.3%	a	1.3%
GROUP 4	12.34	10%	10.3%	a	1.3%
GROUP 5	11.87	10%	10.3%	a	1.3%
GROUP 6	10.96	10%	10.3%	a	1.3%
GROUP 7	14.52	10%	10.3%	a	1.3%
GROUP 7-A	14.77	10%	10.3%	a	1.3%
GROUP 7-B	15.01	10%	10.3%	a	1.3%

CLASSIFICATIONS DEFINITIONS

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2 : All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type bachoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, fireman (for power equipment) machines similar to above

GROUP 5: - Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc): 100 ft. and over

GROUP 7-A: 150 ft. and over
GROUP 7-B: 200 ft. and over

FOOTNOTES:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Northumberland
DECISION NO.: PA81-3073 DATE: Date of Publication
Supersedes Decision No. PA80-3044, dated July 25, 1980, in 45 FR 49839.
DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories.) Excluding Sewage and Water Treatment Plant Projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Asbestos Workers	$12.225	.80	.90		.01
Boilermakers	16.67	1.275	1.00		.02
Bricklayers & Stonemasons	12.25	.55	.80		
Carpenters	12.72	.70	.90		.05
Cement Masons	12.45				.01
Electricians:					
Delaware, Lewis & Trubut	11.50	.65	3%+1.00	1.00	.02
Remainder of County	13.65	.60	3%+.40		.05
Glaziers:					
Edgewell, Ralph, Knulpmont, Coal, Marion Heights Twps:	9.19	.40	.40		.01
Remainder of County	11.71	.70	.65		.01
Ironworkers	14.265	1.49	1.46		.045
Laborers:					
North of Susquehanna River					
Unskilled laborers, scaffold builders, wrecking, window cleaners & demolition	8.35	.70	.60		
Mason tenders, operators of jackhammers, paving breakers, vibrators & other pneumatic & mechanical tool coming under the jurisdiction of laborers, wagon drill operators, excavating for caisson, under pinning & pier holes (below 12"), non-metallic pipe layers, plasterer tenders, mortar men mixed by hand), handling & using cutting or burning torches in the wrecking of building	8.50	.70	.60		

DECISION NO. PA81-3073

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS (CONT'D):					
South of Susquehanna River					
Group 1	$9.45	.60	.73		
Group 2	9.92	.60	.73		
Group 3	8.85	.60	.73		
Group 4	9.72	.60	.73		

Group 1 General Laborers: Air, fuel and electric tool operators and all other pneumatic and mechanical tools, including blowpipe and vacuum cleaners. Cassion workers (top men), pipelayers for all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe & the making of joints for same. Power-buggy, pre-cast slab placers & signal men, blaster helper, excavation of all foundation, digging of trenches, piers and manholes. Wrecking and moving of all structures. Underpinning & shoring, stripping, dismantling, oiling & moving of concrete forms, loading and carrying, of reinforcing steel, handling & distribution of lumber, and all other building materials to stock piles, unloading, carrying, distribution, and laying of precast concrete slabs and planks for flooring & roofing, general cleanup & removal of refuge, debris, and all scrap materials(s), vibrator operator (concrete placing - whose power is supplied by compressed air, electric, gasoline & any other means):

Group 2 Semi-Skilled: Caisson worker (bottom men), blasters, wagon air track and diamond point drill operators, burning torches, green cutting machine (nozzle men), and steam jenny. Plasterer & cement mason tenders, machine mixers, plasterer pump and scaffold builders (excluding masonry scaffolding). Sand blasting (nozzle man):

Group 3 Nursery Workers, window washers, floor scrubbers, and watchmen. Tenders of propane gas burners, salamander(s), smudge pots, tool room workers. Fire watch:

Group 4 Mason Tenders: (Brick & Block), machine mixers, motorized stockers, scaffold builders (masonry), motor pump, conveyors, mechanical cleaners and sandblasting for masonry and masonry equipment.

DECISION NO. PA81-3073

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Lathers	$12.72	.70	.90		.05
LINE CONSTRUCTION:					
Linemen, dynamite man, heavy equipment operators	13.37	.55	3%		3/8%
Winch truck operators	9.38	.55	3%		3/8%
Groundman	8.97	.55	3%		3/8%
Marble & Tile Setters	12.25	.55	.80		
Millwrights	14.42	.70	.90		.05
Painters:					
Brush	10.85	.75	.60		.10
Tapers	11.51	.75	.60		.10
Hazardous	12.51	.75	.60		.10
Piledrivermen	12.97	3.13	1.40	a	.13
Roofers:					
Coal, East Cameron, Jackson, Jordan, Little Mahony, Lower Augusta, Upper Mahony, Point Rockfeller, Shamokin, Upper Mahony, Washington, West Cameron, Zerbe Composition	10.76	.80	.55		
Remeinder of County Composition	11.15	.90	.85		
Plumbers	13.30	1.02	1.00		.11
Steamfitters	13.30	1.02	1.00		.11
Sprinkler Fitters	15.56	.95	1.40		.08
Sheet Metal Workers	13.21	.80	.86		.04
Soft Floor Layers	10.98	.70	.90		.05
Welders: Receive rate for craft					

FOOTNOTE:

a. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day and Thanksgiving Day.

"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))."

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	$14.27	10%	10.3%	a	1.3%
GROUP 2	13.98	10%	10.3%	a	1.3%
GROUP 3	13.11	10%	10.3%	a	1.3%
GROUP 4	12.34	10%	10.3%	a	1.3%
GROUP 5	11.87	10%	10.3%	a	1.3%
GROUP 6	10.96	10%	10.3%	a	1.3%
GROUP 7	14.52	10%	10.3%	a	1.3%
GROUP 7-A	14.77	10%	10.3%	a	1.3%
GROUP 7-B	15.01	10%	10.3%	a	1.3%

CLASSIFICATIONS DEFINITIONS

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2 : All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type bachoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreader, tireman (for power equipment) machines similar to above

GROUP 5: - Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc): 100 ft. and over

GROUP 7-A: 150 ft. and over
GROUP 7-B: 200 ft. and over

FOOTNOTES:
a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

SUPERSEDEAS DECISION

STATE: SOUTH Dakota COUNTIES: Statewide
DECISION NUMBER: SD81-5155 DATE: DATE OF Publication
Supersedeas Decision No. SD80-5118 - dated June 6, 1980, in 45 FR 38248
DESCRIPTION OF WORK: Heavy and Highway Projects:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Concrete Finisher	$8.36				
Form Builder	8.36				
Form Builder Tender	6.86				
Form Setter	8.04				
LABORERS:					
Air Tool Operator	5.92				
Common Laborer	5.92				
Landscape Worker	5.92				
Manhole Builder	7.48				
Piledriver (Leadsman)	7.28				
Pipelayer (other than Culvert)	7.28				
Powderman (Blaster)	8.46				
PAINTERS	7.28				
POWER EQUIPMENT OPERATORS:					
Asphalt Distributor	7.04				
Asphalt Paving Machine	7.88				
Asphalt Paving Machine Tender	6.02				
Asphalt Plant Tender	6.66				
Asphalt Plant, stationary and traveling	8.46				
Auger Operator (truck type)	6.66				
Automatic Fine Grader Operator	8.06				
Broom (self-propelled)	6.66				
Bulldozer, 80 HP or less	7.18				
Bulldozer, over 80 HP	8.16				
Bullfloat Machine	7.58				
Concrete Batch Plant	8.16				
Concrete Mixer	6.90				
Concrete Paver	8.46				
Concrete Paving Cure Machine	7.00				
Concrete Paving Form Grader	8.06				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Cont'd)					
Concrete Paving Finishing Machine	$8.06				
Concrete Paving Joint Machine	7.80				
Concrete Paving Joint Sealer	7.00				
Concrete Paving Saw	7.58				
Concrete Paving Spreader	8.06				
Concrete Paving Subgrader	7.88				
Conveyor	6.22				
Cranes, Derricks, Draglines, Piledrivers, Backhoes, and Shovels, 1¼ cu. yds. or less	7.88				
Cranes, Derricks, Draglines, Piledrivers, Backhoes, and Shovels over 1¼ cu. yds.	8.66				
Crusher, including those with integral screening Plant	8.16				
Curb Machine	7.00				
Fireman (Boiler and Retort)	6.70				
Front End Loader, 1¼ cu. yds. or less	6.90				
Front End Loader, 1¼ cu. yds. to 3¼ cu. yds.	7.58				
Front End Loader, over 3¼ cu. yds.	8.08				
Mechanic, heavy duty	8.46				
Mechanic Tender	6.90				
Mechanic, maintenance	7.58				
Motor Grader, finish	8.46				
Motor Grader, rough	7.80				
Oiler and Greaser	7.58				
Roller, self-propelled (hot mix)	7.00				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS: (Cont'd)					
Roller, self-propelled (other)	$6.38				
Roller, Sheepfoot or 50 ton, pneumatic	7.00				
Scrapers	8.94				
Spreader (materials)	7.58				
Stationary Plant	7.50				
Tractor (Crawler or Pneumatic)	7.00				
Tractor (farm type with attachments including Loader)	6.02				
Tractor, Pusher	8.16				
Traveling Plant (Stabilization)	7.88				
Traveling Plant Tender	6.02				
Trenching Machine	7.58				
Wagon Drill, including Airtrac, Trac-drill, etc.	7.58				
TRUCK DRIVERS:					
Euclid or Dumptor	6.62				
Truck Cranes	6.48				
Truck, single axle	5.92				
Truck, Tandem or Semi-trailer	6.38				
WELDERS:					
Welder, certified	8.06				
Welder, general	7.58				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Group 1	$13.26	.45	4%		1/2%
Group 2	13.23	.45	4%		1/2%
Group 3	10.61	.45	4%		1/2%
Group 4	8.84	.45	4%		1/2%
Group 5	8.12	.45	4%		1/2%

Group 1: Journeyman Cable Splicer; Journey Lineman

Group 2: Tractor Dozer Operator, D-4 and larger; All Rigs erecting steel tower and "H" fixtures, also tension pulling Machines

Group 3: Groundman - operating special equipment, Hole Digging Machines; Aerial Baskets on energized circuits; Tractors, D-4 and larger, Transmission Line Pole hauling; All fifth wheel trucks and other setting and assembly equipment excluding steel tower and "H" fixtures erection

Group 4: Groundman - Truck or Tractor Driver with Winch; Operators of trucks up to and including 2½ tons; Tractor, including D-2 and smaller including wheel tractors and Crawler Tractors

Group 5: Groundman - Truck or Tractor Driver, without winch; Operators of truck, up to and including 2½ tons; Tractors, D-2 and smaller including Wheel Tractors and Crawler Tractors

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Brazos
DECISION NO.: TX81-4076 DATE: Date of Publication
Supersedes Decision No. TX81-4006, dated January 6, 1981, in 46 FR 1547.
DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.05	1.10	1.18	-	.08
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS & STONEMASONS	15.05	.94	1.05		.06
CARPENTERS:					
Carpenters	12.80				
Millwrights	15.285				
CEMENT MASONS	14.50	.73	1.07		.08
ELECTRICIANS	12.825	1.00	12%		.08
ELEVATOR CONSTRUCTORS:					
Mechanics	13.90	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Probationary)	50%JR				
GLAZIERS	13.39	.67	.875		.03
IRONWORKERS	14.76	.80	1.70		.10
LABORERS:					
Group 1	6.29	.47	.41		.02
Group 2	6.39	.47	.41		.02
Group 3	6.49	.47	.41		.02
Group 4	6.44	.47	.41		.02
Group 5	6.54	.47	.41		.02
Group 6	6.69	.47	.41		.02

LABORERS CLASSIFICATION DEFINITIONS

GROUP 1 - Construction labor, including excavation, concrete work, reinforcing, mason handler & wheeler (stock pile), asphalt ironer & raker, pipe layer (non-metallic), pump crete pipe (handling & laying) & all building construction labor excepting that hereinafter classified; carpenters tender, cement mason tender, vibrator operator, other mechanic tender (except as otherwise classified); dumper & spotter
GROUP 2 - Air tool operator
GROUP 3 - Well driller
GROUP 4 - Cutting torch man; mason tender; mason handler & wheelers handling from first stock pile; concrete pipe (handling & laying); sand blaster; power buggy operator; plasterer tender & hod carrier; lather tender; well driller tender
GROUP 5 - Tool room tender; mortar mixer (hoe or otherwise); blaster, powder man; gunnite worker
GROUP 6 - Gunnite nozzleman

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Linemen & cable splicers	$14.74	.60	3%		1/2%
Groundmen	8.55	.60	3%		1/2%
MARBLE MASONS	13.67	.89	.50		.11
PAINTERS:					
GROUP 1 - All brush painting, hand roller, steam cleaning, all pneumatic tools	13.095	.765	.60	.40	.05
GROUP 2 - All spray painting, sandblasting, waterblasting	13.47	.765	.60	.40	.05
GROUP 3 - Tape, float & drywall	13.22	.765	.60	.40	.05
GROUP 4 - Steeple jack work hot materials	13.72	.765	.60	.40	.05
PIPEFITTERS	15.20	.95	1.00		.08
PLASTERERS	13.50	.92	.45		.02
PLUMBERS	15.12	.75	.80		.10
SHEET METAL WORKERS	15.26	3%+.525	.825	.42	.10
SOFT FLOOR LAYERS	14.00	.77	.65		.14
TERRAZZO WORKERS	13.67	.89	.50		.11
TILE SETTERS	13.67	.89	.50		.11
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 months - none; 6 months to 5 years - 6% over 5 years - 8% of basic hourly rate
b - Paid Holidays A thru G

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))

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$13.34	.75	1.25		.07
GROUP 2	11.48	.75	1.25		.07
GROUP 3	10.85	.75	1.25		.07
GROUP 4	10.64	.75	1.25		.07

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy duty mechanic; blade grader, self-propelled; bull clam; back filler; derrick-power operated (all types); clam shell; draglines; push cat operator; bull dozer & all types cat tractors; cable-way; backhoe; shovel; power operated; crane, power operated (all types); elevating grader, self-propelled; hoist, motor-driven, two drums or more; mix mobile; water well drilling machines, used on construction; building elevator, used on construction; tug boat operator, assigned to construction; winch truck; locomotive crane; concrete mixer, 14 cubic feet or more; paving mixer (all types); pile driver; scraper, heavy type, over 3 cubic yards; trenching machine (all sizes); gradall; high-lift; foundation boring machine; gasoline or diesel-driven welding machines, 7 or more; pumpcrete machine operator; turnapulls; DW-10 Caterpillar, S-18 euclid and similar tractors; asphalt plant mixer operator on job; crusher operator on job; scoopmobiles; forklift used on construction (not including warehousing); well point pump; concrete batch plant operator; pneumatic rollers, self-propelled;

GROUP 2 - Air compressors; blade grader, towed; flex plane; form grader; concrete mixer, less than 14 cubic feet; pumps; pulsometer; truck crane driver; gasoline or diesel driven welding machines (on 3 or more, up to 6 machines); hoist, single drum; scraper, 3 cubic yards or less; wagon drill operator; conveyor; generator, gasoline or diesel driven, over 1500 watts; rubber tired farm tractor with attachments; a light equipment operator may run 1 or 2 105 cfm compressors

GROUP 3 - Fireman
GROUP 4 - Oiler

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: TX81-4077
COUNTIES: Jefferson & Orange
DATE: Date of Publication
Supersedes Decision No. TX81-4015, dated April 3, 1981, in 46 FR 20448
DESCRIPTION OF WORK: Building (Including Residential) Projects

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Jefferson County	$15.05	1.10	1.18		.08
Orange County	15.36	.825	1.23		.05
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS & STONEMASONS	13.65	.89	.80		.04
CARPENTERS:					
Carpenters:					
Commercial	14.37	.85	.60		.065
Residential construction of not more than 2 units & condominium townhouses of not more than 6 units excluding all apartment construction & multiple buildings for rental purposes	12.24	.55	.45		
Millwrights	14.625	.85	.60		.05
Piledrivermen	14.51	.85	.60		
CEMENT MASONS:					
North 1/2 of Jefferson Co. bounded on the south side by Nederland Ave.	12.70				
South 1/2 of Jefferson Co. & all of Orange Co.	12.62				
ELECTRICIANS	15.55	.90	3%+.285		.08
ELEVATOR CONSTRUCTORS:					
Mechanics	13.90	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Probationary)	50%JR				
GLAZIERS:					
Northern 1/2 of Jefferson Co.	12.92	.60			
Southern 1/2 of Jefferson Co. & all of Orange Co.:					
Commercial	12.10	.60			.05
Residential	11.95	.60			.05
IRONWORKERS	13.60	.80	1.70		.10

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DECISION NO. TX81-4077

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
GROUP 1 - Common laborer, asphalt ironer & raker; sandblaster exclusive of preparation for painters, dumper, spotter & wagon drill; powderman blaster; well driller	$ 8.20	.57	.60		.04
GROUP 2 - Carpenter tender	8.25	.57	.60		.04
GROUP 3 - Cement masons tender; air tool operator (jackhammer-vibrator)	8.30	.57	.60		.04
GROUP 4 - Plaster & lather tender; pipe layers, non-metallic pipe including handling & laying pumpcrete pipe	8.40	.57	.60		.04
GROUP 5 - Mortar mixers, hod carriers & mason tender	8.45	.57	.60		.04
LATHERS	13.485	.55			.01
LINE CONSTRUCTION:					
Linemen	16.14	.60	3%		1/2%
Groundmen	11.78	.60	3%		1/2%
PAINTERS:					
Southern 1/2 of Jefferson Co. & all of Orange Co.:					
GROUP 1 - Brush:					
Commercial	12.10	.60			.05
Residential	11.95	.60			.05
GROUP 2 - Paperhanger:					
Commercial	12.35	.60			.05
Residential	12.20	.60			.05
GROUP 3 - Spray:					
Commercial	12.60	.60			.05
Residential	12.47	.60			.05
GROUP 4 - Sandblaster, power cleaning:					
Commercial	12.42	.60			.05
Residential	12.21	.60			.05
GROUP 5 - Hot paint:					
Commercial	12.85	.60			.05

Twenty-five cents (25¢) per hour premium on all work from stage, chair, window jack or ledge in all classifications

DECISION NO. TX81-4077

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D):					
Northern 1/2 of Jefferson Co.:					
GROUP 1 - Brush:					
Commercial	$12.80	.82			
Residential	12.55	.82			
GROUP 2 - Paper & vinyl hangers:					
Commercial	13.05	.82			
Residential	12.80	.82			
GROUP 3 - Brush, steel:					
Commercial	12.97	.82			
GROUP 4 - Spray:					
Commercial	13.22	.82			
Residential	12.97	.82			
Twenty-five cents (25¢) per hour above the prevailing wage rate when working on window jacks or ledge, swing stage, bosun chair, cat walks, spider & skates in all classifications.					
PIPEFITTERS	14.62	.87	1.00		.15
PLASTERERS	13.50	.92	.45		.02
PLUMBERS	12.96	.95	.75		.03
ROOFERS:					
Composition	12.96	.57	.50	.35	.06
Slate and tile	13.71	.57	.50	.35	.06
Kettlemen	12.06	.57	.50	.35	.06
SHEET METAL WORKERS:					
Commercial	12.67	3%+.58	.55		.14
Work on a single family dwelling or multiple family housing unit less than 3 stories in height where each individual family apartment is individually conditioned by a separate & independent unit or system	8.24	3%+.58	.55		.14
SPRINKLER FITTERS	14.68	.95	1.40		.08
TILE SETTERS	12.14	.89	.80		.04

DECISION NO. TX81-4077

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
GROUP 1 - Under 1-1/2 tons & wash, grease, tireman, fuel pump operators when used on construction	9.91	.53			
GROUP 2 - 1-1/2 tons thru 2-1/2 tons, dump truck less than 7 yds.	10.50	.53			
GROUP 3 - Over 2-1/2 tons, farm tractors (when used to transport personnel or material), fork lifts (when used in warehouses, storage yards & when used to transport material), floats, hydraulic tail gate lifts	10.69	.53			
GROUP 4 - Euclids (not self-loading)	10.79	.53			
GROUP 5 - Warehousemen-material checker; town driver	10.87	.53			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES FOR ELEVATOR CONSTRUCTORS
a - 1st 6 mos. - none; 5 mos. to 5 yrs. - 6%; over 5 yrs. - 8% of basic hourly rate
b - Paid Holidays A thru G

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

DECISION NO. TX81-4077

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$13.485		.25		
GROUP 2	11.21		.25		
GROUP 3	10.39		.25		
GROUP 4	10.14		.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy duty mechanic; Blade grade, self-propelled; Bull clan; Back filler; Derrick-power operated, all types; Dragline; Push cat; Bulldozer & all types of cat tractors; Cableway; Backhoe; Shovel; Crane-power operated, all types; Elevating grader, self-propelled; Hoist - motor driven, two drums or more; Mix mobile; Winch truck; Locomotive crane; Mixer, 14 cu. ft. or more; Paving mixer,all sizes; Piledrivers; Scraper-heavy type, over 3 cu. yds.; Trench machines, all sizes; Gradeall; High-lift; Foundation boring machines; Gasoline or diesel driven welding machines-7 to 12 machines; Pumpcrete machine; Drill operator - Water well; DW-10 euclid; Tournapulls; Asphalt Plants; Crushing machines and batch plants; Scoopmobiles; Fingerlift operator; Elevator when used to haul men or material on construction work; Well point system & operation of similar dewatering devices

GROUP 2 - Air compressor; Blade grade-towed; Flex plane; Form grader; Mixer, less than 14 cu. ft.; Pump, Pulsometer; Truck crane driver; Gasoline or diesel welding machines, 3 to 6 machines; Hoist-single drum; Scraper, 3 cu. yds. or less; Conveyors-power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in to labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas COUNTY: Travis

DECISION NO.: TX81-4074 DATE: Date of Publication

Supersedes Decision No. TX81-4016, dated April 3, 1981, in 46 FR 20450

DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.70	.80	1.55		.08
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS & STONEMASONS	13.52	.70	.65		.05
CARPENTERS:					
Carpenters	13.56	.48	.70		.04
Millwrights	13.81	.48	.70		.04
CEMENT MASONS	12.69	.60	.55		
ELECTRICIANS & CABLE SPLICERS	13.80	.80	8%		.8%
ELEVATOR CONSTRUCTORS:					
Mechanics	13.06	1.345	1.085	a+b	.035
Helpers	70%JR	1.345	1.085	a+b	.035
Helpers (Probationary)	50%JR				
GLAZIERS	10.26		.50		.01
IRONWORKERS	13.05	.55	1.45		.12
LABORERS:					
GROUP 1 - General laborer and pier hole men	8.43	.30	.40		.02
GROUP 2 - Mason tender; Pipelayer (concrete & clay); Cement finisher tender; Scaffold builder; Gunnite & cement work mixer & power tool op.	8.58	.30	.40		.02
GROUP 3 - Plaster tender; hod carrier; Mortar mixer; Lather tender	8.755	.30	.40		.02
GROUP 4 - Gunnite over 1-1/2" thick; Nozzlemen; Machine operator; Powderman & blaster	8.83	.30	.40		.02
LATHERS	11.525				.01
LINE CONSTRUCTION:					
Linemen	14.50	.60	3%		1/2%
Groundmen	7.98	.60	3%		1/2%
MARBLE, TILE & TERRAZZO WORKERS	11.10	.70			.05
MARBLE, TILE & TERRAZZO FINISHERS:					
Marble, tile & terrazzo finisher	8.62				
Terrazzo floor machine ops.	8.82				
Terrazzo base machine ops.	8.97				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
GROUP 1 - Journeyman painters, taping & floating of sheetrock	$11.05				
GROUP 2 - Spray; sandblasting swing stage	11.55				
PLASTERERS	13.74	.60	.55		.01
PLUMBERS & PIPEFITTERS	14.40	.50	.50		.07
ROOFERS:					
Roofers; deckmen	9.24	.50			
Kettlemen	8.19	.50			
Waterproofers	8.69	.50			
SHEET METAL WORKERS	14.87	3%+.65	1.32		.12
SOFT FLOOR LAYERS	14.00	.77	.65		.14
SPRINKLER FITTERS	14.68	.95	1.40		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS

A-New Year's DAy; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTES FOR ELEVATOR CONSTRUCTORS

a - 1st 6 months - none; 6 months to 5 years - 6%; over 5 years - 8% of basic hourly rate
b - Paid Holidays A thru G

DECISION NO. TX81-4074

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$13.59		.65		.05
GROUP 2	12.52		.65		.05
GROUP 3	11.30		.65		.05
GROUP 4	11.19		.65		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy duty mechanic; blade grader - self-propelled; Crawler dozers or loaders; derricks, power operated (all types); Dragline; cableway; backhoe; crane, power operated (all types); elevating grader, self-propelled; hoist, motor driven, two drums or more; mix mobile; high-lifts and loaders, over 1/3 cu. yd. capacity; winch truck; locomotive; mixer, 14 cu. ft. or over; paving mixer (all sizes); scraper; trenching machine (all sizes); gradall; foundation boring machine; scoopmobile; shovel, power operated; pump crete machine; rock crusher operated on job; well points including installations; riding compactor; forklift over 1500 lbs. capacity; flat wheel rollers (60" & over); Pneumatic rollers (10 tons & above)
GROUP 2 - Blade grader, towed; flex plane; form grader; mixer, less than 14 cu. ft.; pulsometer; conventional truck crane driver and oiler; combination man; hoist, single drum; pneumatic roller; high-lifts and loaders, 1/3 cu. yd. or less; forklift 1500 lbs. capacity or less
GROUP 3 - Fireman
GROUP 4 - Oiler

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: Texas — COUNTIES: Galveston & Harris
DECISION NO. TX81-4075 — DATE: Date of Publication
Supersedes Decision No. TX81-4032, dated May 8, 1981, in 46 FR 25981.
DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to & including 4 stories). (Use current highway general wage determination for Paving & Utilities Incidental to Building Construction for Galveston (excluding Galveston Island) & Harris Counties).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$15.05	1.10	1.18		.08
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS & STONEMASONS	15.05	.94	1.05		.06
CARPENTERS:					
Carpenters & piledrivermen	14.90	1.00	.95		.07
Millwrights	15.285	1.00	.95		.07
CEMENT MASONS:					
Galveston County	14.50	.73	1.07		
Harris County	14.50	.73	1.07		.08
ELECTRICIANS:					
Galveston County	14.44	.90	3%+1.40		.08
Harris County	14.25	1.00	12%		.08
ELEVATOR CONSTRUCTORS:					
Mechanics	13.90	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Prob.)	50%JR				
GLAZIERS	13.39	.67	.875		.03
IRONWORKERS	14.76	.80	1.70		.10
LABORERS:					
GROUP 1 - Common	10.95	.60	.91		.05
GROUP 2 - Air tool op. (jackhammer-vibrator); mason tenders;pipelayers (concrete & clay); sand blasterers; power buggy op.	11.135	.60	.91		.05
GROUP 3 - Lather tender; mortar mixers; plaster tenders & hod carriers	11.245	.60	.91		.05
GROUP 4 - Well driller	11.54	.60	.91		.05
GROUP 5 - Well driller tender	11.085	.60	.91		.05
GROUP 6 - Blaster,powderman	11.405	.60	.91		.05
LATHERS(Harris Co. only)	13.82	.70	.35		.03
LINE CONSTRUCTION:					
ZONE 1 - Galveston Co. & that part of Harris Co. from Loop 610 east to State Hwy. 59, north on State Hwy. 59, Hwy. 1960 west on Hwy. 1960 to Hwy. 6, south on Hwy. 6 to State Hwy. 59, southeast on State Hwy. 59 to Loop 610					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Line construction (Cont'd):					
around Loop 610 to State Highway 59 North:					
Lineman & Cable Splicer	$16.45	.60	3%		1/2%
Groundman	9.54	.60	3%		1/2%
Zone 2 - Remainder of Harris Co:					
Lineman & Cable splicer	16.05	.60	3%		1/2%
Groundman	9.31	.60	3%		1/2%
MARBLE MASONS:					
Galveston County	13.76				
Harris County	13.67	.89	.50		.11
MARBLE MASONS' FINISHERS	9.70	.80	.25		
PAINTERS:					
East Harris County:					
GROUP 1 - All brush painting, hand rolling and all other work other than that below	14.98				
GROUP 2 - All pneumatic & electric tools & steam cleaning	15.335				
GROUP 3 - All tape and float on drywall	15.075				
GROUP 4 - All paper & vinyl hanging	15.23				
GROUP 5 - All spray painting, Sandblasting & waterblasting	15.375				
GROUP 6 - Steeple jack work, hot materials	15.64				
Remainder of Harris County:					
GROUP 1 - All brush painting, hand roller, steam cleaning, all pneumatic tools	13.095	.765	.60	.40	.05
GROUP 2 - All spray painting, sandblasting, waterblasting	13.47	.765	.60	.40	.05
GROUP 3 - Tape, float & drywall	13.22	.765	.60	.40	.05
GROUP 4 - Steeple jack work, hot materials	13.72	.765	.60	.40	.05
Galveston County:					
GROUP 1 - Painters on new work	13.645	.95	.90	1.15	.05
GROUP 2 - Painters on swinging stage work or using materials injurious to the skin	13.895	.95	.90	1.15	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS (CONT'D):					
GROUP 3 - Painters on rework & repaint	$12.89	.95	.90	1.15	.05
PIPEFITTERS	15.20	.95	1.00		.08
PLASTERERS	13.50	.92	.45		.02
PLUMBERS	15.12	.75	.80		.10
ROOFERS:					
Composition	12.96	.57	.50	.35	.06
Slate & tile	13.71	.57	.50	.35	.06
Kettlemen	12.06	.57	.50	.35	.06
SHEET METAL WORKERS	15.26	3%+.525	.825	.42	.10
SOFT FLOOR LAYERS	14.00	.77	.65		.14
SPRINKLER FITTERS	14.68	.95	1.40		.08
TERRAZZO WORKERS:					
Galveston County	13.76				
Harris County	13.67	.89	.50		.11
TERRAZZO WORKERS' FINISHERS:					
Terrazzo workers' finishers	9.70	.80	.25		
Terrazzo floor machinemen	9.85	.80	.25		
Terrazzo base machinemen	10.00	.80	.25		
TILE SETTERS:					
Galveston County	13.76				
Harris County	13.67	.89	.50		.11
TILE SETTERS' FINISHERS	9.70	.80	.25		
TRUCK DRIVERS:					
GROUP 1 - Under 1½ tons; wash grease, tireman, fuel pump operator when used on construction jobs	7.84				
GROUP 2 - 1½ thru 2½ tons; dump truck less than 7 yds.	8.23				
GROUP 3 - Over 2½ tons; farm tractors; fork lifts, floats	8.45				
GROUP 4 - Euclids (not self-loading)	8.61				
GROUP 5 - Pickup drivers	9.14				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$13.34	.75	1.25		.07
GROUP 2	11.48	.75	1.25		.07
GROUP 3	10.85	.75	1.25		.07
GROUP 4	10.64	.75	1.25		.07

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy duty mechanic; blade grader, self-propelled; bull clam; back filler; derrick-power operated (all types); clam shell; draglines; push cat operator; bull dozer & all types cat tractors; cable-way; backhoe; shovel, power operated; crane, power operated (all types); elevating grader, self-propelled; hoist, motor-driven, two drums or more; mix mobile; water well drilling machines, used on construction; building elevator, used on construction; tug boat operator, assigned to construction; winch truck; locomotive crane; concrete mixer, 14 cubic feet or more; paving mixer (all types); pile driver; scraper, heavy type, over 3 cubic yards; trenching machine (all sizes); gradall; high-lift; foundation boring machine; gasoline or diesel-driven welding machines, 7 or more; pumpcrete machine operator; turnapulls; DH-10 Caterpillar, S-18 euclid and similar tractors; asphalt plant mixer operator on job; crusher operator on job; scoopmobiles; forklift used on construction (not including warehousing); well point pump; concrete batch plant operator; pneumatic rollers, self-propelled;

GROUP 2 - Air compressors; blade grader, towed; flex plane; form grader; concrete mixer, less than 14 cubic feet; pumps; pulsometer; truck crane driver; gasoline or diesel driven welding machines (on 3 or more, up to 6 machines); hoist, single drum; scraper, 3 cubic yards or less; wagon drill operator; conveyor; generator gasoline or diesel driven, over 1500 watts; rubber tired farm tractor with attachments; a light equipment operator may run 1 or 2 105 cfm compressors

GROUP 3 - Fireman
GROUP 4 - Oiler

DECISION NO.: TX81-4075

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)).

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS
A New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day' F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 6%, over 5 yrs. - 8% of basic hourly rates
b - Paid Holidays A thru G

SUPERSEDEAS DECISION

STATE: TEXAS COUNTY: Bexar
DECISION NO.: TX81-4078 DATE: Date of Publication
Supersedeas Decision No.: TX81-4045, dated July 10, 1981, in 46 FR 35892.
DESCRIPTION OF WORK: Building Projects (does not include single family homes & apartments up to and including 4 stories). (Use current heavy & highway general wage determination for Paving & utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$14.70	.80	1.55		.08
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS & STONEMASONS	12.78	.67	.30	.25	.05
CARPENTERS:					
Carpenters	12.24	.48	.80	.40	.05
Millwrights	12.54	.48	.80	.40	.05
CEMENT MASONS	12.22	.45		.65	.05
ELECTRICIANS:					
Electricians	13.74	.60	5%		1%
Cable splicers	13.99	.60	5%		1%
ELEVATOR CONSTRUCTORS:					
Mechanics	13.43	1.345	1.085	a+b	.035
Helpers	70%JR	1.345	1.085	a+b	.035
Helpers (Prob.)	50%JR				
GLAZIERS	6.80				
IRONWORKERS	12.00	.55	1.45	.50	.12
LABORERS:					
GROUP 1 - General laborers	7.77	.57	.60		.05
GROUP 2 - All power tools & equipment operators; cutting torch man; power buggy op.; wagon drill op.; well driller; drilling rig tender; cement finisher tender; handling creosoted materials; scale man on batch plants asphalt raker; concrete & clay & all non-metallic pipe laying; plasterer tender; brick tender; lather tender	8.02	.57	.60		.05
GROUP 3 - Mortar mixer man; grout machines; pumpcrete machines; gunnite mixing machines; running sand dryer & loading; operating sand blaster; bell hole man; blaster, powderman; gunnite nozzleman	8.27	.57	.60		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION:					
Lineman	$14.63	.60	3%		½%
Cable splicer	14.88	.60	3%		½%
Groundman	8.05	.60	3%		½%
MARBLE SETTERS	11.62	.67	.30	.25	
MARBLE SETTERS' FINISHERS	8.62				
PAINTERS:					
Brush; paperhanger; taper & floater; hand roller	10.45		.50		.05
Brush on all structural steel; spray on any other surface other than steel	10.70		.50		.05
PLUMBERS & PIPEFITTERS	15.93	.75	.88		.10
ROOFERS:					
Roofers; deckman	9.24	.50			
Kettlemen	8.19	.50			
Waterproofers	8.69	.50			
SHEET METAL WORKERS	14.87	3%+.65	1.32		.12
SOFT FLOOR LAYERS	6.35				
SPRINKLER FITTERS	14.68	.95	1.40		.08
TERRAZZO WORKERS	11.62	.67	.30	.25	
TERRAZZO WORKERS' FINISHERS:					
Terrazzo finishers	8.62				
Floor machine operators	8.82				
Base machine operators	8.97				
TILE SETTERS	11.62	.67	.30	.25	
TILE SETTERS' FINISHERS	8.62				
TRUCK DRIVERS	3.64				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; C-Christmas Day

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 mos. - none; 6 mos. to 5 years. - 6%; over 5 yrs. - 8% of basic hourly rate
b - Paid Holidays A thru G

	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP 1	$12.12	.75	1.25		
GROUP 2	10.79	.75	1.25		
GROUP 3	9.09	.75	1.25		
GROUP 4	8.72	.75	1.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - All foundation drilling rigs; all rollers (5 tons or over); backfiller; backhoe; blade graders (self-propelled); bull clam; bulldozers; cableway; clamshell operator; crane (power operated, all types); derricks (power operated, all types); draglines; DW-10 caterpillar and similar tractors; elevating graders (self-propelled); euclid; fork lift used on construction; gasoline or diesel-driven welding machines (7 to 12); gradall; heavy duty mechanic; high lifts; hoist (two drums or more); locomotives; mixer (14 cu. ft. or over); mixmobile; paving mixers (all sizes); piledriver; pumpcrete machine operator; rock crusher operator on job; scoopmobile; scrapers; shovel (power operated); turnapulls; trenching machines (all sizes); winch truck
GROUP 2 - Air compressor (any time there are three or more attachments operating on a 125 cu. ft. air compressor or less, a light equipment operator shall be employed. Any compressor over 125 cu. ft. shall have a light equipment operator); blade graders (towed); building elevator used on construction; flex planes; form graders; hoist (single drum); mixer (less than 14 cu. ft.); pneumatic roller; pulsometers; pump (2½ or larger shall require a light equipment operator); three to six welding machines or any three pieces or equipment of equal or similar nature
GROUP 3 - Fireman
GROUP 4 - Oiler

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).

STATE: TEXAS

COUNTIES: Bell, Bosque, Coryell, Falls, Hill & McLennan

DECISION NO.: TX81-4079

DATE: Date of Publication

Supersedes Decision No. TX81-4048, dated July 10, 1981, in 46 FR 35903.

DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to & including 4 stories).

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
ZONE 1 - Bell, Coryell & Falls	$14.70	.80	1.55		.08
ZONE 2 - Bosque, Hill & McLennan	13.675	.835	1.20		.045
BOILERMAKERS	14.80	1.275	1.00		.04
BRICKLAYERS	12.80	.70	.55		.03
CARPENTERS:					
ZONE 1 - Bell & Coryell Cos.					
Carpenters	11.00				
Millwrights	11.25				
ZONE 2 - Bosque, Falls, Hill & McLennant					
Carpenters	10.91	.42			
Millwrights	11.68	.42			
CEMENT MASONS	12.69	.60	.55		
ELECTRICIANS:					
ZONE 1 - Bell (that part which is nearer to Waco than Austin but excluding that part of Ft. Hood, the boundary which presently is located approx. 2 mile inside the Bell Co. line & the City of Killeen), Bosque, Coryell, (except that part of Ft. Hood south of Cowhouse Creek), Falls, Hill & McLennan Cos.					
Electricians	12.50	.60	3%		1/2%
Cable splicers	13.50	.60	3%		1/2%
ZONE 2 - Bell (that part which is nearer to Austin than Waco & not to exceed more than 2 miles into Bell Co. from the southeast boundary line of Coryell Co., Gray Field & the City of Killeen) & Coryell (that part south of Cowhouse Creek) Counties					
Electricians & Cable splicers	$13.80	.80	8%		.8%
ELEVATOR CONSTRUCTORS:					
Mechanics	12.87	1.345	.95	a+b	.035
Helpers	70%JR	1.345	.95	a+b	.035
Helpers (Prob.)	50%JR				
GLAZIERS	7.50				
IRONWORKERS	13.05	.55	1.45		.12
LABORERS:					
Unskilled	3.35				
Mason tenders & mortar mixers	3.55				
LATHERS	11.10			1.00	.05
LINE CONSTRUCTION:					
ZONE 1 - Bell (that portion which is nearer to Waco than Austin but excluding that part of Ft. Hood, the boundary which presently is located approx. 2 miles inside the Bell Co. line & the City of Killeen); Bosque, Coryell (portion except part of Ft. Hood south of Cowhouse, Creek), Falls, Hill & McLennan Counties:					
Linemen	12.06	.60	8%		1/8%
Cable splicers	13.27	.60	8%		1/8%
Groundman	8.44	.60	8%		1/8%
Operators	12.66	.60	8%		1/8%
ZONE 2 - Bell (that portion which is nearer to Austin than Waco) & Coryell (that portion south of Cowhouse Creek) Cos.:					
Linemen	13.80	.60	8%		1/8%
Cable splicers	15.18	.60	8%		1/8%
Groundmen	9.66	.60	8%		1/8%
Operators	14.49	.60	8%		1/8%

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
PAINTERS:					
GROUP 1 - Brush	$ 9.40				.04
GROUP 2 - Boiler Pipe & steel, structural steel, window jacks, roofs, stage work, smoke stack, water towers, boatswain chair	9.90				.04
GROUP 3 - Ames tools for dry wall	10.00				.04
GROUP 4 - Spray work & self-feeding rollers	10.15				.04
GROUP 5 - Steam cleaning, sandblasting & hazardous work	10.50				.04
PLASTERERS	13.74	.60	.55		.01
PLUMBERS & PIPEFITTERS:					
ZONE 1- McLennan County Basic rate	12.15	.40	.55		.04
ZONE 2 - 20 to 45 miles from McLennan Court House including towns of Temple, Marlin, Clifton, Hillsboro & Belton	12.65	.40	.55		.04
ZONE 3 - All other areas	13.65	.40	.55		.04
ROOFERS:					
GROUP 1 - Slate, tile, asbestos, roofing & siding	6.95				.03
GROUP 2 - Composition, built-up damp & waterproofing	6.80				.03
GROUP 3 - Kettlemen	5.10				.03
SHEET METAL WORKERS:					
ZONE 1 - Within a radius of 20 miles from the McLennan Co. Court House	11.30	3%+.65	.72		.09
ZONE 2 - Over 20 miles up to & including 45 miles	11.78	3%+.65	.72		.09
ZONE 3 - Over 45 miles	12.75	3%+.65	.72		.09
SPRINKLER FITTERS	14.68	.95	1.40		.08
TRUCK DRIVERS	3.35				
welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS FOR ELEVATOR CONSTRUCTORS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-the Friday after Thanksgiving Day; G-Christmas Day

FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 6%
over 5 yrs. - 8% of basic hourly rate
b - Paid Holidays A thru G

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.59		.65		.05
Group 2	12.52		.65		.05
Group 3	11.30		.65		.05
Group 4	11.19		.65		.05

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS
GROUP 1 - Heavy duty mechanic; Blade grader - self-propelled; Crawler dozers or loaders; Derricks, power operated (all types); Draglines; Cableway; Backhoe; Crane, power operated (all types); Elevating grader, self-propelled; Hoist, motor driven, two drums or more; Mix mobile; High-lifts and loaders, over 1/3 cu. yd. capacity; Winch truck; Locomotive; Mixer, 14 cu. ft. or over; Paving mixer (all sizes); Scraper; Trenching machine (all sizes); Gradall; Foundation boring machine; Scoopmobile; Shovel, power operated; Pump crete machine; Rock crusher operated on job; Well points including installations; Riding compactor; Forklift over 1500 lb. capacity; Flat wheel rollers (60" & over); Pneumatic rollers (10 tons & above)
GROUP 2 - Blade grader, towed; Flex plane; Form grader; Mixer, less than 14 cu. ft.; Pulsometer; Conventional truck crane driver and oiler; Combination man; Hoist, single drum; Pneumatic roller; High-lifts and loaders, 1/3 cu. yd. or less; Poklift, 1500 lb. capacity or less
GROUP 3 - Fireman
GROUP 4 - Oiler

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)).

DECISION NO. TX81-4079

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Air Tool Man	$ 4.50				
Asphalt Heaterman	5.15				
Asphalt Raker	5.65				
Batching Plant Scaleman	5.50				
Carpenter	6.50				
Carpenter Helper	4.00				
Concrete Finisher (Paving)	6.45				
Concrete Finisher Helper (Paving)	4.75				
Concrete Finisher (Structures)	6.00				
Concrete Finisher Helper (Structures)	4.00				
Electrician	10.00				
Form Builder (Structures)	4.75				
Form Builder Helper (Structures)	4.50				
Form Setter (Paving & Curb)	5.15				
Form Setter Helper (Paving & Curb)	4.10				
Form Setter (Structures)	5.55				
Form Setter Helper (Structures)	4.50				
Laborer, Common	4.00				
Laborer, Utility Man	4.00				
Mechanic	5.00				
Mechanic Helper	4.10				
Oiler	5.50				
Serviceman	4.50				
Pipelayer: Bosque, Falls, Hill & McLennan Cos.	5.00				
Pipelayer (Concrete & Clay) Bell & Coryell Cos.	5.00				
Pipelayer Helper: Bosque, Falls, Hill & McLennan Cos.	4.25				
Pipelayer Helper (Concrete & Clay): Bell & Coryell Cos.	4.25				

DECISION NO. TX81-4079

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers (Bell & Coryell): Zone 1 - 20 to 45 miles from McLennan Court House including towns of Temple & Belton	$12.65	.40	.55		.04
Zone 2 - all areas not including in Zone 1	13.65	.40	.55		.04
Powderman	5.50				
Reinforcing Steel Setter (Structures)	5.40				
Reinforcing Steel Setter Helper	4.20				
Sign Erector	4.65				
Spreader Box Man	5.00				
Swamper	4.90				
Power Equipment Operators: Asphalt Distributor	5.50				
Asphalt Paving Machine	5.55				
Broom or Sweeper Op.	4.80				
Bulldozer, 150 HP & Less	5.35				
Bulldozer, over 150 HP	6.00				
Concrete Paving Curing Machine	5.00				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	5.25				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & Over)	6.10				
Foundation Drill Operator (Truck Mounted)	8.00				
Foundation Drill Op. Helper	4.50				
Front End Loader (2½ CY & Less)	5.00				
Front End Loader (Over 2½ CY)	6.00				
Motor Grader Op., Fine Grade	7.35				
Motor Grader Operator	5.65				

DECISION NO. TX81-4079

INCIDENTAL PAVING & UTILITIES	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
Power Equipment Op. (Cont'd):					
Roller, Steel Wheel (Plant-Mix Pavements)	$ 4.80				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	4.75				
Roller, Pneumatic (Self-Propelled)	4.10				
Scrapers (17 CY & Less)	5.00				
Scrapers (Over 17 CY)	5.60				
Tractor (Crawler Type) over 150 HP	4.60				
Tractor (Pneumatic) 80 HP & Less	4.75				
Tractor (Pneumatic) over 80 HP	5.00				
Traveling Mixer	4.50				
Truck Drivers:					
Single Axle, Light	4.45				
Tandem Axle or Semitrailer	4.85				
Lowboy-Float	4.50				
Welder	5.00				

Unlisted classifications needed for work not included within the scope of the sclassifications 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: Utah COUNTIES: Statewide
DECISION NUMBER: UT81-5156 DATE: Date of Publication
Supersedes Decision No. UT81-5117 dated May 8, 1981, in 46 FR 25981
DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories), Heavy and Highway Projects.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$16.11	.77	$1.52		
BOILERMAKERS	15.71	1.30	1.25	1.00	.04
BRICKLAYERS	13.50	.70	.63		.09
CARPENTERS:*					
Building Construction:					
Carpenters	12.90	.65	.65	.25	.03
Saw Operators; Carpenters handling creosote materials	13.15	.65	.65	.25	.03
Millwrights	13.75	.65	.65	.25	.03
Piledrivermen	14.58	.65	.65	.25	.03
Heavy and Highway Construction:*					
Zone 1:					
Carpenters	12.75	.80	.75	.25	.03
Saw Operators; Carpenters handling creosote materials	13.00	.80	.75	.25	.03
Millwrights	12.75	.80	.75	.25	.03
Piledrivermen	17.05	.80	.75	.25	.03
Zone 2:					
Carpenters	13.75	.80	.75	.25	.03
Saw Operators; Carpenters handling creosote materials	14.00	.80	.75	.25	.03
Millwrights	12.75	.80	.75	.25	.03
Piledrivermen	17.05	.80	.75	.25	.03
Zone 3:					
Carpenters	15.25	.80	.75	.25	.03
Saw Operators; Carpenters handling creosote materials	15.50	.80	.75	.25	.03
Millwrights	12.75	.80	.75	.25	.03
Piledrivermen	17.05	.80	.75	.25	.03
CEMENT MASONS:					
Building Construction:					
Cement Masons	12.54	.65	.65	.25	.10
Machine Operator; Mastic Floor Materials	12.79	.65	.65	.25	.10

*See ZONE DESCRIPTIONS - Page 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CEMENT MASONS:* (Cont'd)					
Heavy and Highway Construction:					
Zone 1:					
Cement Masons	$12.14	.80	.75	.25	.10
Machine Operator; Mastic Floor Materials	12.39	.80	.75	.25	.10
Zone 2:					
Cement Masons	14.14	.80	.75	.25	.10
Machine Operator; Mastic Floor Materials	14.39	.80	.75	.25	.10
Zone 3:					
Cement Masons	14.54	.80	.75	.25	.10
Machine Operator; Mastic Floor Materials	14.79	.80	.75	.25	.10
DRYWALL INSTALLERS:					
Taping, finishing and texturing (hand or machine)	13.64	.51	.40		.03
ELECTRICIANS:*					
Area 1:					
Zone 1:					
Electricians; Technicians	15.00	.75	3%+1.00		8/10%
Cable Splicers	15.25	.75	3%+1.00		8/10%
Zone 2:					
Electricians; Technicians	15.75	.75	3%+1.00		8/10%
Cable Splicers	16.50	.75	3%+1.00		8/10%
Zone 3:					
Electricians; Technicians	16.50	.75	3%+1.00		8/10%
Cable Splicers	16.75	.75	3%+1.00		8/10%
Zone 3A:					
Electricians; Technicians	16.00	.75	3%+1.00		8/10%
Cable Splicers	16.25	.75	3%+1.00		8/10%
Zone 4:					
Electricians; Technicians	18.25	.75	3%+1.00		8/10%
Cable Splicers	18.50	.75	3%+1.00		8/10%

*See AREA and ZONE DESCRIPTIONS - Page 3

AREA and ZONE DESCRIPTIONS

CARPENTERS:
Heavy and Highway Construction:
Zone 1: Area 0 to 40 road miles from the following Cities: Brigham City, Cedar City, Kanab, Logan, Moab, Monticello, Ogden, Price, Provo, Richfield, St. George, Salt Lake City, and Vernal
Zone 2: Area 40 to 60 road miles from the Cities listed in Zone 1
Zone 3: Area over 60 road miles from the Cities listed in Zone 1

CEMENT MASONS:
Heavy and Highway Construction:
Zone 1: Area 0 to 40 road miles from the following Cities: Brigham City, Cedar City, Kanab, Logan, Moab, Monticello, Ogden, Price, Provo, Richfield, St. George, Salt Lake City, and Vernal
Zone 2: Area 40 to 60 road miles from the Cities listed in Zone 1
Zone 3: Area over 60 road miles from the Cities listed in Zone 1

ELECTRICIANS:
Area 1: North section of Utah - Box Elder and Cache Counties; Davis County (north of 41st Parallel); Morgan, Rich, and Weber Counties:
Zone 1: That area 10 miles on either side of Interstate Highway #15, commencing on the south at the 41st Parallel in Davis County, continuing north to Highway #91 - Interstate #15 junction south of Brigham City; at this point go east and north through Logan and continue north to the 42nd Parallel in Cache County on Highway #91
Zone 2: That area not included in Zone 1 that lies east of 112°20' longitude in Box Elder County and that area lying west of 111°35', north of the 41st Parallel in Cache, Morgan, Weber Counties
Zone 3: That area lying east of 111°35' longitude and north of the 41st Parallel in Cache, Morgan, Rich, Weber Counties; also the area in Box Elder County lying west of 112°20' longitude and north and east of Utah Highway #83
Zone 3A: That area from a point 2 miles north of Center Street in Smithfield to the Utah-Idaho State Line and 10 miles east and west from Highway #91
Zone 4: All other area west of Zones 3 and 3A in Box Elder County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS:* (Cont'd)					
In Zones 2, 3, and 3A, on any job or project not exceeding $250,000.00 electrical, labor and material included, Zone 1 rate shall apply.					
Area 2:					
Zone 1:					
Zone 1A:					
Electricians; Technicians	$14.75	$1.00	3%+1.00		8/10%
Cable Splicers	15.25	1.00	3%+1.00		8/10%
Zone 1B:					
Electricians; Technicians	15.50	1.00	3%+1.00		8/10%
Cable Splicers	16.00	1.00	3%+1.00		8/10%
Zone 1C:					
Electricians; Technicians	16.25	1.00	3%+.75		8/10%
Cable Splicers	16.95	1.00	3%+.75		8/10%
Zone 2:					
Electricians; Technicians	18.75	1.00	3%+.75		8/10%
Cable Splicers	17.75	1.00	3%+.75		8/10%
ELEVATOR CONSTRUCTORS	14.045	1.345	1.085	a	.035
ELEVATOR CONSTRUCTORS' HELPERS	9.83	1.345	1.085	a	.035
ELEVATOR CONSTRUCTORS' HELPERS (Prob.)	7.02				
GLAZIERS:					
Area 1	19.23	.75	.40		.08
Area 2	13.20	.61	.70		
IRONWORKERS:					
Fence Erectors; Ornamental; Reinforcing; Structural	14.25	1.05	1.60		.10
LABORERS:*					
Building Construction:					
Group 1	9.12	.70	.35	.25	.04
Group 2	10.12	.70	.35	.25	.04
LATHERS	12.22	.55	.70		.01

*SEE AREA, ZONE, and GROUP DESCRIPTIONS - Page 5

AREA and ZONE DESCRIPTIONS

ELECTRICIANS: (Cont'd)

Area 2: South section of Utah (Remaining Counties):

Zone 1: Davis County (south of 41st Parallel); Salt Lake County; Tooele County (northeast corner beginning at a point where the township line between Township 3 south and Township 4 south, Salt Lake Base Meridian, intersects the east boundary line of Tooele County and thence west along said township line to the southwest corner of Section 32, Township 3 south, Range 4 west, Salt Lake Base Meridian, thence north to the northwest corner of Section 17 of Township 3 south, Range 4 west, thence west to longitude 112.5°, thence north along the line of longitude 112.5° to the north line of Tooele County); Utah County (north of 40th Parallel):

Zone 1A: Ten miles either direction (east or west) from Interstate Highway #15, bounded on the north by the 41st Parallel and on the south by the 40th Parallel

Zone 1B: The balance of Zone 1 that lies in Davis, Salt Lake, and Utah Counties

Zone 1C: That portion of the remainder of Zone 1 that lies in Tooele County

Zone 2: Remainder of Counties and all portions of Counties not included in Zone 1 of the south section of Utah

GLAZIERS:

Area 1: Iron and Washington Counties

Area 2: Remaining Counties

GROUP DESCRIPTIONS
FOR
LABORERS
Building Construction

Group 1: Laborers

Group 2: Powdermen and Drillers

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION WORKERS:					
Groundman	$10.83	.45	3%+.50		1/4%
Line Equipment Serviceman	12.98	.45	3%+.50		1/4%
Line Equipment Mechanic:					
Base Shop	12.98	.45	3%+.50		1/4%
Right-of-way	13.88	.45	3%+.50		1/4%
Line Equipment Operators	13.20	.45	3%+.50		1/4%
Linemen	14.67	.45	3%+.50		1/4%
Cable Splicers	16.17	.45	3%+.50		1/4%
MARBLE SETTERS	12.37	.60	.60		.04
MASON TENDERS	11.02	.50	.35		
PAINTERS:*					
Area 1:					
Brush; Roller	10.72	.51	.50		.05
Spray; Sandblast; Steeplejack; Brush, steel and bridge; Brush (swing stage;	10.97	.51	.50		.05
Spray (swing stage); Sandblaster (swing stage); Spray, steel and bridge	11.17	.51	.50		.05
Area 2:					
Brush; Roller	12.00	.61	.50		.02
Brush (swing stage); Brush (Steel and bridge); Spray Sandblaster, Steeplejack	12.30	.61	.50		.02
Spray (swing stage); Spray (Steel and bridge); Sandblaster (swing stage)	12.55	.61	.50		.02
Wallcovering Hanger	12.25	.61	.50		.02
PLASTERERS' TENDERS	12.10	.50	.35		
PLASTERERS	13.44	.55	.65		.10
PLUMBERS; Pipefitters	15.11	1.00	1.10		.06
REFRIGERATION and AIR CONDITIONING	12.60	.81	1.10		.06
ROOFERS	11.74	.62	.35		.05
SHEET METAL WORKERS	14.30	1.15	1.39		.12
SOFT FLOOR LAYERS	9.98	.51	.27		
SPRINKLER FITTERS	14.09	.95	1.40		.08
TERRAZZO WORKERS and TILE LAYERS	12.37	.60	.65		.04

*See AREA DESCRIPTIONS - Page 7

WELDERS: Receive rate prescribed for craft performing operation to which Welding is incidental.

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. 7 Paid Holidays: A through G.

b. Employees who have been employed for a period of 1 year shall have 3 weeks' vacation with pay. Should a holiday listed below occur within an employee's vacation period he shall be allotted an additional day's vacation. 8 Paid Holidays: A through F, President's Day and Pioneer Day.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Friday after Thanksgiving

AREA DESCRIPTIONS

PAINTERS:
Area 1: Box Elder, Cache, and Rich Counties; and the following Counties north of an east-west line from the north boundary of Farmington: Davis, Morgan, Summit, Tooele, and Weber Counties
Area 2: Remainder of State

LABORERS:* Heavy and Highway Construction	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$9.72	$11.72	.70	.35	.25	.04
Group 2	9.85	11.85	.70	.35	.25	.04
Group 3	9.97	11.97	.70	.35	.25	.04
Group 4	10.22	12.22	.70	.35	.25	.04
Group 5	10.72	12.72	.70	.35	.25	.04
Tunnel and Shaft Work:						
Group 1	9.67	11.87	.70	.35	.25	.04
Group 2	9.97	11.97	.70	.35	.25	.04
Group 3	10.17	12.17	.70	.35	.25	.04
Group 4	10.62	12.62	.70	.35	.25	.04

*See AREA DESCRIPTIONS - following TRUCK DRIVERS' Classifications

Group 1: General Laborers

Group 2: Asphalt Raker; Sandblast Pot Tender; Gunite Nozzleman; Concrete Pump Head Hoseman; Signalman and Dumpman on concrete construction

Group 3: Work of all types using cutting torch; Operators of gasoline, electric or pneumatic tools (e.g., Compressor, Compactor, Jackhammer, Vibrator, Concrete Saw, Chain Saw and Concrete Cutting Torch); Pipelayer; Laser Instrument Operator; Refinery Tank and Vessel Cleaner; Sandblaster

Group 4: Air Track and similar Drills

Group 5: Powderman

Tunnel and Shaft Work

Group 1: Underground Laborers

Group 2: Brakeman; Chucktender; Dumpman; Powderman Tender; Puddler; Nipper; Tapman; Vibrator; Screedman

Group 3: Cutting Machine Operator; Drill Doctor; Finisher; Gunite Gunman; Miner; Powder Makeup Man; Spader and Tugger; Steelman; Gunite Groundman; Gunite Nozzleman; Gunite Rodman; Concrete Head Hoseman

Group 4: Shifter

POWER EQUIPMENT OPERATORS:* Building Construction	Basic Hourly Rates AREA 1	Basic Hourly Rates AREA 2	Fringe Benefits Payments H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$10.78	$12.78	$1.33	$1.785	$1.00	.08
Group 2	11.17	13.17	1.33	1.785	1.00	.08
Group 3	11.37	13.37	1.33	1.785	1.00	.08
Group 4	11.48	13.48	1.33	1.785	1.00	.08
Group 5	11.99	13.99	1.33	1.785	1.00	.08
Group 6	12.16	14.16	1.33	1.785	1.00	.08
Group 7	12.28	14.28	1.33	1.785	1.00	.08
Group 8	12.61	14.61	1.33	1.785	1.00	.08
Group 9	12.68	14.68	1.33	1.785	1.00	.08
Group 10	12.84	14.84	1.33	1.785	1.00	.08
Group 11	13.02	15.02	1.33	1.785	1.00	.08
Group 12	13.51	15.51	1.33	1.785	1.00	.08
Group 13	14.47	16.47	1.33	1.785	1.00	.08
Group 14	14.96	16.96	1.33	1.785	1.00	.08
Group 15	15.24	17.24	1.33	1.785	1.00	.08

*See AREA DESCRIPTIONS - following TRUCK DRIVERS' classifications

POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

Group 1: Assistant to Engineer; Elevator Operators; Hydraulic Monitor; Material Loader or Conveyor Operators

Grup 2: Air Compressor Operator; Concrete Mixer Operator (skip-type); Concrete Pump or Pumpcrete Gun Operator; Generator Operator (100 KW or over); Mixer Box Operator or similar (concrete or asphalt plant continuous mix); Pump Operator; Truck Crane Oiler

Group 3: Front End Loader (up to and including 1 cu. yds. struck M.R.C.); Hoist Operator - 1 drum; Slip Form Pumps

Group 4: Air Compressor Operator (2 or more compressors); Signalman; Small Rubber-tired Tractor; Small self-propelled Pneumatic Rollers; Towermobile Operator; Welding Machine (2 or more); Concrete Conveyor, building site

Group 5: A-Frame Truck and Tugger Hoist; Fork Lift (construction job site); Kolman Loader and similar; Loader Operator (over 1 cu. yd. to and including 2 cu. yds. struck M.R.C.); McGinnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mixermobile Operator; Ross Carrier or similar type; Small rubber-tired Tractor (with attachments, including Backhoe); Small rubber-tired Trenching Machine; Small Tractor with boom; Gradesetter

Group 6: Bridge Crane; Concrete Mixer Operator (paving or batch plant); Drilling Machine Operator (Well or Diamond); Dual Drum Mixers; Hoist Operator - 2 drums; Lull High-lift (40 ft. or similar); Roller Operator or self-propelled Compactors; Tractor Operator (Sheep's Foot and compacting equipment); Trenching Machine; Concrete Conveyor or Concrete Pump, truck or equipment mounted (boom length to apply); Self-propelled Compactor with or without Dozer

Group 7: Tractor Operator (Bulldozer or tractor-drawn Scraper or drag-type Shovel or boom attachment, up to and including D-7 or similar)

Group 8: Chicago Boom (including Stiff Leg and Sheer Pole); Concrete Batch Plant (multiple units); Loader Operator (over 2 cu. yds. up to and including 5 cu. yds. struck M.R.C.); Self-propelled boom type Lifting Device (center mount) (10 ton capacity or less M.R.C.)

POWER EQUIPMENT OPERATORS (Cont'd)
BUILDING CONSTRUCTION (Cont'd)

Group 9: Heavy Duty Repairman or Welder; Tractor Operator (Bulldozer or tractor-drawn Scraper or drag-type Shovel or boom attachment, larger than D-7 or similar)

Group 10: Motor Patrol

Group 11: Loader Operator (over 5 cu. yds. up to and including 12 cu. yds. struck M.R.C.); Universal Equipment Operator (Shovel, Backhoe, Dragline, Derrick, Derrick Barge, Clamshell, Crane, Grade-all, etc.)(up to and including 5 cu. yds. struck M.R.C.); Self-propelled boom type Lifting Device (center mount); Tower Crane (Linden type or similar designs and capacity)

Group 12: Remote Controlled (over 12 cu. yds. struck M.R.C. up to 18 cu. yds. M.R.C.)

Group 13: Loader Operator (over 12 cu. yds. struck M.R.C. up to 18 cu. yds. M.R.C.)

Group 14: Operator of Helicopter (when used in erection work)

Group 15: Cranes over 125 tons

POWER EQUIPMENT OPERATORS:* Heavy and Highway Construction	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
Group 1	$12.51	$14.51	$1.38	$2.15	$1.32	.17
Group 2	12.85	14.86	1.38	2.15	1.32	.17
Group 3	13.04	15.04	1.38	2.15	1.32	.17
Group 4	13.15	15.15	1.38	2.15	1.32	.17
Group 5	13.61	15.61	1.38	2.15	1.32	.17
Group 6	13.76	15.76	1.38	2.15	1.32	.17
Group 6-A	13.87	15.87	1.38	2.15	1.32	.17
Group 7	14.17	16.17	1.38	2.15	1.32	.17
Group 7-A	14.32	16.32	1.38	2.15	1.32	.17
Group 8	14.29	16.29	1.38	2.15	1.32	.17
Group 9	14.45	16.45	1.38	2.15	1.32	.17
Group 10	14.89	16.89	1.38	2.15	1.32	.17
Group 10-A	15.85	17.85	1.38	2.15	1.32	.17
Group 10-B	16.30	18.30	1.38	2.15	1.32	.17
Group 11	16.46	18.46	1.38	2.15	1.32	.17
*See AREA DESCRIPTIONS - following TRUCK DRIVERS' classifications						

Underground and Shaft Work:

Underground Work: Employees working underground shall receive $0.30 per hour in addition to their straight-time hourly wage rate.

Shaft Work: Employees working within Shafts, Stopes and Raises shall receive $0.50 per hour in addition to their straight-time hourly rates.

POWER EQUIPMENT OPERATORS
HEAVY and HIGHWAY CONSTRUCTION

Group 1: Assistant to Engineer; Brakeman - Locomotive; Elevator Operator; Fireman; Asphalt Plant Fireman; Hydraulic Monitor; Material Loader or Conveyor Operator; Partsman - field; Repairman Tender - field

Group 2: Boxman, asphalt plant; Air Compressor Operator; Concrete Mixer Operator (skip type); Concrete Pump or Pumpcrete Gun Operator; Engineer, Dinky Operator; Generator Operator (100 KW or over); Mixer Box Operator or similar (concrete or asphalt plant continuous mix); Pump Operator; Screedman; Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Truck Crane Oiler (Assistant to Engineer)

Group 3: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper - multiple purpose; Front End Loader (up to and including 1 cu. yd. struck M.R.C.); Hoist Operator - 1 drum Line Master; Slip Form Pumps

Group 4: Batch Operator (asphalt plant); Air Compressor Operator (2 or more compressors); Concrete Conveyor, building site; Lube and Service engineer (mobile and grease rack); Motorman; Pavement Breaker Operator (Emsco and similar type); Shuttlecar; Signalman; Slurry Seal Machine or similar; Small rubber-tired Tractor; Small self propelled pneumatic Rollers; Towermobile Operator; Welding Machine (2 or more)

Group 5: A-Frame Truck and Tugger Hoist; Concrete Saws (self-propelled unit on streets, highways, airports and canals); Engineer - Locomotive; Forklift (construction jobsite); Gradesetter; Kolman Loader (and similar); McGinnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mixermobile Operator; Pipe Bending Machine Operator; Pipe Cleaning Machine; Pipe Wrapping Machine; Power Jumbo Operator (setting slip forms, etc., in tunnels); Road Mixing Machine Operator; Ross Carrier or similar type; Small rubber-tired Trenching Machine; Small rubber-tired tractor (with attachments, including Backhoe); Small Tractor with boom; Surface Heater (self-propelled); Loader Operator (over 1 cu. yd. up to and including 2 cu. yds. "struck" M.R.C.)

POWER EQUIPMENT OPERATORS (Cont'd)
Heavy and Highway Construction

Group 6: Bridge Crane; Chip Box Spreader (Flaherty type and similar); Concrete Conveyor or Concrete Pump, truck or equipment mounted, boom length to apply; Concrete Mixer Operator (paving or batch plant); Concrete Pipe Floater Operator; Deck Engineer (Marine); Drilling Machine Operator (Well or Diamond); Drilling and Boring Machinery, horizontal and vertical (not to apply to waterliners, wagon drills, or jack hammers); Dual Drum Mixers; Elevating Grader Operator; Fuller Kenyon Pump and similar types; Heavy Duty Rotary Drill Rigs (such as Quarry Master, Joy Drills or equal); Hoist Operator - 2 drums; Lull High-lift (40 ft or similar); Mechanical Burm, Curb and/or Curb and Gutter Machine, concrete or asphalt; Mechanical Finisher Operator (asphalt or concrete); Mine or Shaft Hoist; No-joint Pipe Laying Machine; Pavement Breaker; Pavement Breaker with Compressor combination; Pavement Breaker, truck mounted, Compressor combination; Refrigeration Plant; Roller Operator or self-propelled Compactor; Self-propelled Compactor (with multiple-propulsion power units); Self-propelled Pipeline Wrapping Machine Perault, CRC, or similar types); Self-propelled Compactor with or without Dozer; Slusher Operator; Tractor Operator (Sheep's Foot and Compacting Equipment); Tractor Compressor Drill Combination; Trenching Machine

Group 6-A: Side Boom Operator; Tractor Operator (Bulldozer or Tractor-drawn Scraper or Drag-type Shovel or Boom attachment, up to and including D-7 or similar)

Group 7: Asphalt Plant Engineer; Chicago Boom (including Stiff Leg and Sheer Pole); Combination Backhoe and Loader (3/4 cu. yds. or over M.R.C.); Combination Slusher and Motor Operator; Concrete Batch Plant (multiple units); Do-mor Loader and Adams Elegrader; Engineer, Crushing Plant; Euclid Loader and similar types; Loader Operator (over 2 cu. yds. up to and including 6 cu. yds. "struck" M.R.C.); Koehring Skooper (or similar)(up to 5 cu. yds. "struck" M.R.C.); Mechanical Trench Shield; Mucking Machine Operator Rubber-tired Scrapers (under 35 cu. yds. "struck" M.R.C.); Saurman type Dragline (under 5 cu. yds. "struck" M.R.C.); Self-propelled Boom-type lifting device (center mount)(10-ton capacity or less M.R.C.); Self-propelled Elevating Grade Plane; Soil Stabilizer (P & H or equal); Tri Batch Paver; Tunnel Mole (or similar)

POWER EQUIPMENT OPERATORS (Cont'd)
Heavy and Highway Construction

Group 7-A: Heavy Duty Repairman or Welder; Tractor Operator (Bulldozer or Tractor-drawn Scraper or Drag-type Shovel or boom attachment, larger than D-7 or similar); Rubber-tired Dozer

Group 8: Combination Mixer and Compressor (gunite); Highline Cableway Signalman; Motor Patrol; Tower Crane (Linden type or similar designs and capacity); D-10, Komatsu 455 and over

Group 9: DW-10, 20, etc. (Tandem Scrapers); Loader Operator (over 6 cu. yds. up to and including 12 cu. yds. "struck" M.R.C.); Highline Cableway Operator; Lift Slab Machine (Vagtborg and similar types); Locomotive (over 100 tons) (single or multiple units); Prestress Wire Wrapping Machine; Saurman-type Dragline (5 cu. yds. and over "struck" M.R.C.); Self-propelled boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); Tractor (Tandem Scrapers); Universal Equipment Operator (Shovel, Backhoe, Dragline, Derrick, Derrick Barge, Clamshell, Crane, Grade-all, etc)(up to and including 5 cu. yds. "struck" M.R.C.); Hydraulic Backhoe, tractor mounted, rubber tired, etc., 3/4 yd. and over

Group 10: Automatic Concrete Slip Form Paver; Koehring Skooper (or similar)(5 cu. yds. and over "struck" M.R.C.); Multiple-propulsion Power Unit Earthmovers (up to and including 75 cu. yd. "struck" M.R.C.); Power Equipment with shovel-type controls (over 5 cu. yds. up to and including 7 cu. yds. "struck" M.R.C.); Remote-controlled Cranes and Derricks; Rubber-tired Scrapers (35 cu. yds. and over "struck" M.R.C.); Self-propelled Boom-type lifting device (center mount)(over 25 tons M.R.C.); Slip Form Paver (concrete or asphalt); Sub-grader (automatic Sub-grader - Fine Grader, CMI or similar); Tandem Tractors; Tower Cranes Mobile

Group 10-A: Loader Operator (over 12 cu. yds. "struck" M.R.C. up to 18 cu. yds. M.R.C.); Multi -purpose Earthmoving Machines (2 or more scrapers)(over 75 cu. yds. "struck" M.R.C); Power Shovels and Draglines (over 7 cu. yds. "struck" M.R.C.); Holland Loader (60" belt)

Group 10-B: Operator of Helicopter (when used in erection work); Loader (18 cu. yds. and over)

Group 11: Cranes over 125 tons

POWER EQUIPMENT OPERATORS: Steel Erection	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	$13.70	$1.38	$2.15	$1.22	.17
Group 2	14.15	1.38	2.15	1.22	.17
Group 3	14.38	1.38	2.15	1.22	.17
Group 4	15.55	1.38	2.15	1.22	.17
Group 4-A	15.92	1.38	2.15	1.22	.17
Group 5	16.52	1.38	2.15	1.22	.17
Group 6	17.04	1.38	2.15	1.22	.17
Group 7	17.40	1.38	2.15	1.22	.17
Group 8	17.75	1.38	2.15	1.22	.17
Group 9	19.01	1.38	2.15	1.22	.17
Piledriving					
Group 1	13.13	1.38	2.15	1.22	.17
Group 1-A	13.54	1.38	2.15	1.22	.17
Group 1-B	13.79	1.38	2.15	1.22	.17
Group 2-A	13.79	1.38	2.15	1.22	.17
Group 2-B	14.44	1.38	2.15	1.22	.17
Group 2-C	14.69	1.38	2.15	1.22	.17
Group 2-D	14.87	1.38	2.15	1.22	.17
Group 3	15.05	1.38	2.15	1.22	.17
Group 3-A	15.57	1.38	2.15	1.22	.17
Group 4	16.23	1.38	2.15	1.22	.17
Group 5	16.44	1.38	2.15	1.22	.17
Group 6	17.81	1.38	2.15	1.22	.17

UNDERGROUND and SHAFT WORK:
Underground Work: Employees working underground shall receive $0.30 per hour in addition to their straight-time hourly rate.

Shaft Work: Employees working within Shafts, Stopes and Raises shall receive $0.50 per hour in addition to their straight-time hourly rate.

POWER EQUIPMENT OPERATORS
Steel Erection

Group 1: Assistant to Engineer (Oiler)

Group 2: Compressor Operator; Generator, gasoline or diesel driven (100 KW or over)(structural steel or tank erection only); Assistant to Engineer (Truck Crane Oiler)

Group 3: Compressors, Generators and/or Welding Machines or combination (2 to 6)(structural steel or tank erection only); Deck Engineer; Forklift; Instrumentman; Signalman (using mechanical equipment)

Group 4: Heavy Duty Repairman; Tractor Operator

Group 4-A: Combination Heavy Duty Repairman - Welder

Group 5: Dual purpose A-frame or Boom Truck; Boom Cat; Chicago Boom; Crawler Cranes and Truck Cranes (15 tons M.R.C. or less); Single drum Hoist; Self-propelled Boom-type lifting device (center mount)(10 ton capacity or less M.R.C.); Tugger Hoist; Overhead Cranes (15 tons M.R.C. or less)

Group 6: Crawler Cranes and Truck Cranes (over 15 tons M.R.C.); Cary Lift, Campbell or similar; Derricks; Gantry Rider (or similar equipment); Highline Cableway; Two or more drum Hoist; Self-propelled boom-type lifting device (center mount) (over 10 tons up to and including 25 tons); Tower Cranes Mobile (including rail mounted); Universal Liebher and Tower Cranes (and similar types); Overhead Cranes (over 15 tons M.R.C.)

Group 7: Self-propelled Boom-type Lifting Device (center mount) (over 25 tons)

Group 8: Cranes (over 125 tons)

Group 9: Operator of Helicopter

POWER EQUIPMENT OPERATORS (Cont'd)
Piledriving

Group 1: Deckhand; Fireman; Oiler

Group 1-A: Compressor Operator

Group 1-B: Truck crane Oiler (Assistant to Engineer)

Group 2-A: Operator of Tugger Hoist (hoisting material only)

Group 2-B: Forklift Operator

Group 2-C: Compressor Operator (over 2); Generators; Pumps; Welding Machine (powered other than by electricity)

Group 2-D: A-Frames

Group 3: Deck Engineer; Self-propelled boom-type lifting device (center mount) (10-ton capacity or less M.R.C.)

Group 3-A: Heavy Duty Repairman and/or Welder

Group 4: Operator of Piledriving Rigs, skid or floating and derrick barges; Operator of diesel or gasoline powered Crane Piledriver (without boiler)(up to and including 1 cu. yd. rating); Truck Crane Operator (up to and including 25 tons) (hoisting material only); Operating Engineer in lieu of Assistant to Engineer tending boiler or compressor attached to Crane Piledriver; Self-propelled boom-type lifting device (center mount) (over 10 tons up to and including 25 tons)

Group 5: Operator of diesel or gasoline powered Crane Piledriver (without boiler)(over 1 cu. yd. rating); Operator of Crane (with steam, flash boiler, pump or compressor attached); Operator of steam powered Crawler or Universal type Driver (Raymond or similar type); Truck Crane Operator (over 25 tons) (hoisting material or performing piledriving work) Self-propelled Boom-type Lifting Device (center mount) (over 25 tons)

Group 6: Cranes (over 125 tons)

TRUCK DRIVERS:*	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
Dump Trucks - water level capacity (bottom, end, and side)(including Dumpster Truck, Turnawagons, Turnarockers and Dumpcrete):						
Less than 8 cu. yds.	$12.20	$14.20	$1.31	$1.25	$1.00	.10
8 cu. yds. and less than 14 cu. yds.	12.35	14.35	1.31	1.25	1.00	.10
14 cu. yds. and less than 35 cu. yds.	12.50	14.50	1.31	1.25	1.00	.10
35 cu. yds. and less than 55 cu. yds.	12.70	14.70	1.31	1.25	1.00	.10
55 cu. yds. and less than 75 cu. yds.	12.90	14.90	1.31	1.25	1.00	.10
75 cu. yds. and less than 95 cu. yds.	13.10	15.10	1.31	1.25	1.00	.10
95 cu. yds. and less than 105 cu. yds.	13.30	15.30	1.31	1.25	1.00	.10
105 cu. yds. and less than 130 cu. yds.	13.42	15.42	1.31	1.25	1.00	.10
All 130 cu. yds. and over to be paid one-half cent ($0.005) per cu. yd. capacity per hour in addition to rate for 105 yds. and less than 130 yds.						
Flat Rack Trucks, Bulk Cement Trucks, Transport Trucks, Semi-trailer (carrying capacity):						
Pickup	12.025	14.025	1.31	1.25	1.00	.10
Less than 10 tons	12.10	14.10	1.31	1.25	1.00	.10
10 tons and less than 15 tons	12.25	14.25	1.31	1.25	1.00	.10
15 tons and less than 20 tons	12.35	14.35	1.31	1.25	1.00	.10
20 tons and over	12.50	14.50	1.31	1.25	1.00	.10

TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	Education and/or Appr. Tr.
	AREA 1	AREA 2				
Transit Mix Trucks:						
Less than 8 cu. yds.	$12.425	$14.425	$1.31	$1.25	$1.00	.10
Over 8 to 14 cu. yds.	12.525	14.525	1.31	1.25	1.00	.10
Concrete Pumping Trucks	12.425	14.425	1.31	1.25	1.00	.10
Water, Fuel and Oil Trucks:						
Less than 1200 gallons	12.075	14.075	1.31	1.25	1.00	.10
1200 gallons to less than 2500 gallons	12.20	14.20	1.31	1.25	1.00	.10
2500 gallons to less than 4000 gallons	12.35	14.35	1.31	1.25	1.00	.10
4000 gallons to less than 6000 gallons	12.65	14.65	1.31	1.25	1.00	.10
6000 gallons to less than 10,000 gallons	12.90	14.90	1.31	1.25	1.00	.10
10,000 gallons to less than 15,000 gallons	13.15	15.15	1.31	1.25	1.00	.10
15,000 gallons to less than 20,000 gallons	13.40	15.40	1.31	1.25	1.00	.10
20,000 gallons to less than 25,000 gallons	13.65	15.65	1.31	1.25	1.00	.10
25,000 gallons and over	13.90	15.90	1.31	1.25	1.00	.10
Oiler Spreader Operator (on single Man operation where Boot Man is not required)	12.90	14.90	1.31	1.25	1.00	.10
Fork Lift, Straddle Truck	12.40	14.40	1.31	1.25	1.00	.10

*See AREA DESCRIPTIONS - following Pages

AREA DESCRIPITONS
Laborers
(Heavy and Highway Construction)

Power Equipment Operators

Truck Drivers

AREA 1: All area included in the description defined below which is based upon township and range lines as referenced to the Salt Lake City Base and Meridian:

Commencing at the intersection of the Utah/Nevada border and the Southerly line of township 35 south;
Thence easterly to the S.E. corner of township 35 south, range 17 west;
Thence northerly to the S.E. corner of township 34 south, range 17 west;
Thence easterly to the S.E. corner of township 34 south, range 16 west;
Thence northerly to the S.E. corner of township 30 south, range 16 west;
Thence easterly to the S.E. corner of township 30 south, range 15 west;
Thence northerly to the S.E. corner of township 25 south, range 15 west;
Thence easterly to the S.E. corner of township 25 south, range 14 west;
Thence northerly to the S.E. corner of township 24, south, range 14 west;
Thence easterly to the S.E. corner of township 24 south, range 13 west;
Thence northerly to the S.E. corner of township 23 south, range 13 west;
Thence easterly to the S.E. corner of township 23 south, range 12 west;
Thence northerly to the S.E. corner of township 18 south, range 12 west;
Thence easterly to the S.E. corner of township 18 south, range 11 west;
Thence northerly to the S.E. corner of township 16 south, range 11 west;
Thence easterly to the S.E. corner of township 16 south, range 10 west;
Thence northerly to the S.E. corner of township 15 south, range 10 west;
Thence easterly to the S.E. corner of township 15 south, range 9 west;
Thence northerly to the S.E. corner of township 14 south, range 9 west;

AREA DEFINITIONS (Cont'd)

AREA 1: (Cont'd)

Thence easterly to the S.E. corner of township 14 south, range 8 west;
Thence northerly along the easterly line of range 8 west, crossing the Salt Lake Base Line to the intersection of the easterly line of range 8 west and the northerly border of Utah;
Thence easterly along the northerly border of Utah crossing the Salt Lake Meridian to the Utah/Idaho/Wyoming border;
Thence southerly along the Utah/Wyoming border;
Thence easterly along the Utah/Wyoming border to the intersection of the Utah/Wyoming border and Longitude 111 degrees west;
Thence southerly along Longitude 111 degrees west crossing the Salt Lake Base Line to the intersection of Longitude 111 degrees west and the southerly line of township 4 south;
Thence easterly along the southerly line of township 4 south to the S.E. corner of township 4 south, range 17 east;
Thence northerly to the S.E. corner of township 1 south, range 17 east;
Thence easterly along the southerly line of township 1 south to the intersection of the Utah/Colorado border;
Thence southerly along the Utah/Colorado border to the intersection of the Utah/Colorado border and the southerly line of township 7 south;
Thence westerly along the southerly line of township 7 south to the S.W. corner of township 7 south, range 20 east;
Thence southerly to the S.E. corner of township 8 south, range 19 east;
Thence westerly along the southerly line of township 8 south to the S.E. corner of township 8 south, range 12 east;
Thence southerly along the easterly line of range 12 east to the S.E. corner of township 20 south, range 12 east;
Thence westerly along the southerly line of township 20 south to the S.E. corner of township 20 south, range 3 east;
Thence southerly along the easterly line of range 3 east to the S.E. corner of township 27 south, range 3 east;
Thence westerly to the intersection of the southerly line of township 27 south and the Salt Lake Meridian, thence southerly along the Salt Lake Meridian to the intersection of the Salt Lake Meridian and the southerly line of township 39 south;
Thence westerly crossing the Salt Lake Meridian to the S.E. corner of township 39 south, range 2 west;

[FR Doc. 81-28436 Filed 10-1-81; 8:45 am]
BILLING CODE 4510-27-C

AREA DEFINITIONS (Cont'd)

AREA 1: (Cont'd)

Thence southerly to the S.E. corner of township 41 south, range 2 west;
Thence westerly to the S.E. corner of township 41 south, range 3 west;
Thence southerly along the easterly line of range 3 west to the Utah/Arizona border;
Thence westerly along the Utah/Arizona border to the Utah/Arizona/Nevada border;
Thence northerly along the Utah/Nevada border to the point of beginning. Commencing at the intersection of the Utah/Colorado border and the southerly line of township 34 south;
Thence westerly to the S.W. corner of township 34 south, range 21 east;
Thence northerly to the S.W. corner of township 29 south, range 21 east;
Thence westerly to the S.W. corner of township 29 south, range 19 east;
Thence northerly to the N.W. corner of township 23 south, range 19 east;
Thence easterly to the N.W. corner of township 23 south, range 22 east;
Thence northerly to the N.W. corner of township 21 south, range 22 east;
Thence easterly to the N.E. corner of township 21 south, range 24 east;
Thence southerly to the N.E. corner of township 31 south, range 24 east;
Thence easterly along the northerly line of township 31 south, to the Utah/Colorado border;
Thence southerly along the Utah/Colorado border to the point of beginning.

AREA 2: All areas not included in Area 1 as defined.

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
October 2, 1981

Part III

Department of State

Change in Fees for Consular Services

DEPARTMENT OF STATE

22 CFR Part 22

[Docket No. SD-172]

Change in Fees for Consular Services

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The Department of State proposes a revised Schedule of Fees for consular services performed in the United States or in foreign countries. The principal changes in the Schedule are to clarify certain descriptions of services and to present requirements for: (a) surcharges related to fee services, and (b) collections for transportation and other expenses when appropriate and necessary.

DATES: Comments must be submitted on or before November 2, 1981. The proposed effective date is November 12, 1981.

ADDRESS: Send comments to Mr. Ronald K. Somerville, Executive Director, Bureau of Consular Affairs, Department of State, 2201 C Street NW., Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT:
Charles Ellison (202) 632-3528.

SUPPLEMENTARY INFORMATION: This revision supplements the rule effective and published on February 12, 1981 (46 FR 11968). The Schedule of Fees is being changed in accordance with a Department study of policies, costs and fees for consular services, and with the user charge principle, as prescribed by the Congress and applied by the Department in keeping with guidelines of the Office of Management and Budget. The Schedule lists charges for services which provide special benefits to individuals, organizations, or groups. It also identifies various services to be rendered without fee.

Accordingly, Part 22 of Title 22 of the Code of Federal Regulations would be amended as set forth below.

Dated: September 12, 1981.

Richard T. Kennedy,
Under Secretary for Management.

PART 22—SCHEDULE OF FEES FOR CONSULAR SERVICES—DEPARTMENT OF STATE AND FOREIGN SERVICE

The authority citation for 22 CFR Part 22 reads as follows:

Authority: Secs. 3, 4, 63 Stat. 111, as amended (22 U.S.C. 811a; 2658; 22 U.S.C. 2651; 5 U.S.C. 438a; 22 U.S.C. 1201); E.O. 10718, 22 FR 4632; 3 CFR, 1954-1958 Comp. page 382.

§ 22.1 Schedule of fees. [Amended]

1. In § 22.1, "DO", representing DITTO in the Fee column on the right, is changed to "No fee" wherever it appears.

2. Item No. 13(b) of § 22.1 is amended to read as follows:

Item No. and passport and citizenship services	Fee
• • • • •	
13(b) "Certificate of Witness to Marriage", in quadruplicate. (Exempt from charges of Item 93 and Item 94)	$55.00
• • • •	

3. The bracketed statement after Item No. 13(d) of section 22.1 is revised to read as follows:

• • • • •	
[Certified copies of above documents concerning Passport and Citizenship Services may be obtained from Passport Services, Correspondence Branch, Department of State, Washington, D.C. 20524, $4.00 a copy.]	$4.00
• • • • •	

4. The bracketed statement, which follows "(Item Nos. 18 and 19 vacant)", on Surcharges is removed and the subsection heading is revised as follows:

Item No. and visa services for aliens	Fee
• • • • •	

5. Item No. 22 of § 22.1 is revised to read as follows:

• • • • •	
22. Furnishing and verification of application and issuance of nonimmigrant visa. (Fees prescribed in Appendices B, C, and E, Part IV, FAM, Vol. 9 of Department of State, as amended from time to time)	Reciprocal
23. • • •	

6. Item Nos. 24 and 25 of section 22.1 are revised to read as follows:

• • • • •	
24. Visa or supplemental visa of alien crew list. (If Item 93 is applicable, only one surcharge shall be applied per group served on the same visit):	
(a) Up to 40 crew members	$35.00
(b) 41 to 100 crew members	$60.00
(c) 101 to 200 crew members	$86.00
(d) Over 200 crew members	$152.00
25. Revalidation or transfer of a nonimmigrant visa.	Reciprocal
• • • • •	

7. The bracketed statement, which follows "(Item nos. 26 through 29 vacant)" the above Item of this section, on Surcharges is removed and a new subsection heading is added as follows:

Item No. and overseas citizens services	Fee
SERVICES RELATING TO VESSELS AND SEAMEN	
• • • • •	

8. Item No. 33 of § 22.1 is revised as follows:

• • • • •	
33. Shipment or discharge of seamen on undocumented vessel, each seaman. (If Item 93 is applicable, only one surcharge shall be applied per group served on the same visit)	$5.00
• • • • •	

9. The bracketed statement, which follows "(Item nos. 37 through 44 vacant)" of § 22.1 on Surcharges is removed.

10. Item No. 50 of § 22.1 is revised as follows:

• • • • •	
50. Administering an oath and certificate thereof to petition for immediate relative, nonimmigrant finance(e), temporary worker, nonimmigrant intracompany transferree, or preference immigrant status	$4.00
• • • • •	

11. Item No. 58 of § 22.1 is amended by revising the introductory text and paragraph (a) as follows:

• • • • •	
58. Services under the heading, "Notarial Services and Authentications", when rendered:	
(a) In connection with execution of forms or documents (except those related to applications for passports or immigrant visas) required by and to be presented to any department or agency of the Federal Government.	No fee
• • • • •	

12. The bracketed entry, which follows "(Item no. 68 vacant)" of this section, on Surcharges is removed.

13. Item No. 69 of § 22.1 is revised as follows:

• • • • •	
69. In taking depositions or executing commissions to take testimony:	
(a) For the services of a diplomatic or consular officer, per hour or fraction thereof	$90.00
(b) For the services, if required of a staff member of the Foreign Service as interpreter, stenographer or typist, per hour or fraction thereof	$35.00
[Services of 69(a) and 69(b) above are exempt from charges of Item 93, but not of Item 94.] • •	

14. The bracketed statement, which follows Item 69 of § 22.1 on transportation and incidental expenses is removed.

15. Item No. 72 of § 22.1 is revised to read as follows:

72. For placing or removing seal on estates of decedents; for disbursing funds supplied by relatives and others; for forwarding to legal representative or other authorized person of securities and other instruments not negotiated (or not negotiable) by the consular officer, or evidence of bank deposits of the decedent; or for releasing on the spot against memorandum receipt and without occasion either for safekeeping on official accountability or for consular inventory and appraisal to the legal representative or other authorized person in the country, of personal property taken into nominal possession for the explicit purpose of transfer of custody	No fee

16. Item No. 76 of § 22.1 is revised to read as follows:

76. For photocopying or otherwise duplicating a document, per copy per page. [This fee does not apply to such customary activities as issuance of copies of records: (1) from supplies kept for distribution, such as press releases and information leaflets; (2) as part of normal and generally reciprocal services performed by the post's library or the library of the Department at the request of similar agencies or institutions; or (3) in lieu of or as enclosures to letters with the purpose of saving costs in preparing mail.]	$0.20

17. Item No. 82 of § 22.1 is revised to read as follows:

82. Supervising or proctoring an examination at the request of an agency or instrumentality of the Federal or a State Government by a consular or other officer, including completion of a certificate without seal—for each hour or fraction thereof, unless the cost is reimbursable to the Department of State by an agency or instrumentality of the Federal or a State Government. (Service is exempt from charges of Item 93, but not of Item 94.)	$90.00

18. Item No. 84 of § 22.1 is revised to read as follows:

84. Preparing and sending Interested Party Messages for the primary benefit of nongovernment individuals, organizations or groups:	
(a) From a Foreign Service post to the Department of State	$15.00
(b) From the Department of State to a Foreign Service post	$15.00
(c) From a Foreign Service post to another Foreign Service post	$15.00

19. The description of service and the fee for Item No. 85 of § 22.1 are removed and the following description and entry in the Fee column are substituted:

85. Making an Interested Party toll telephone call. (See bracketed statement on collections under Item 94.)	Cost

20. Item No. 93 of § 22.1 and the subsection heading are revised to read as follows:

Item No. and surcharges	Fee
93. Surcharges for services rendered away from office or after duty hours in the United States or in a foreign country are required for all "Fee" services listed above when performed at the request of an interested party unless specifically exempted, but are not required for "No fee" services nor for instances of common disaster (i.e., ship wrecks, air crashes, etc.) or evacuations. However, whether employees can be made available to perform duties away from office or after duty hours will be determined by the Consul General, the supervising consular officer, or the Passport Agency Director after considering workload priorities for the staff concerned. The following surcharges, when required, are added to the regular fee:	
(1) American employee	$20.00
(2) Foreign Service National employee	$10.00

21. In § 22.1, the bracketed paragraph under Item No. 93 is removed. A new subsection heading, a new Item No. 94 and a paragraph in brackets are added to read as follows:

Item No. and transportation and other expenses	Fee
94. Transportation and other expenses necessarily being incurred by officers or other employees of U.S. Passport Agencies or American consular posts in foreign countries shall be collected on an estimated cost basis from the persons requesting the performance of "Fee" services listed above unless specifically exempted. Transportation and other expenses may also be collected for "No fee" or any other consular services when the Consul General, the supervising consular officer, or the Passport Agency Director concerned determines that collections for these purposes are appropriate and necessary. For example: the services of assisting in the recovery of lost or stolen vehicles, boats or planes may call for coverage of such expenses; or special estate settlement, handling or disposition services requested by the next of kin or legal representative of the decedent may require unusual travel or other special expenses.	
[Collections under Item 85 and Item 94 shall not be considered as part of the official fees but shall be recorded as refunds to the post allotment and accounted for as such. If there is uncertainty as to the extent of expenses entailed, a trust account, per Item 92 above, may be established with payment(s) made as performance of the service progresses.]	

22. Paragraph (a) of § 22.2 is revised to read as follows:

§ 22.2 Requests for services in the United States.

(a) *Requests for records.* Requests by the file subject of the individual's authorized agent for services involving U.S. passport applications and related records, including consular birth, marriage and death records and authentication of other passport file documents, shall be addressed to Passport Services, Correspondence Branch, Department of State, Washington, D.C. 20524. Requests for consular birth records should specify if a Consular Report of Birth (Form FS 240, or long form) or Certification of Birth (Form DS 1350, or short form) is desired. Advance remittance of the exact fee is required for each service.

* * * * *

23. Paragraph (a) of § 22.3 is revised to read as follows:

§ 22.3 Remittances in the United States.

(a) *Type of Remittance.* Remittances shall be in the form of: (1) check or bank draft drawn on a bank in the United States; (2) money order—postal, international or bank; or (3) U.S. currency. Remittances shall be made payable to the order of the Department of State. The Department will assume no responsiblity for cash which is lost in the mail.

* * * * *

24. Section 22.7 is revised to read as follows:

§ 22.7 Collection and return of fees.

No fees or collections other than those prescribed in the Schedule of Fees, § 22.1, or by or pursuant to an act of Congress, shall be charged or collected by officers of the Foreign Service for official services performed abroad (22 U.S.C. 1201). All fees received by an officer of the Foreign Service for services rendered in connection with the duties of office or as a consular officer shall be accounted for and paid into the Treasury of the United States (22 U.S.C. 99 and 812). For receipt, registry, and numbering provisions, see § 22.5(b). Collections for transportation and other expenses necessary for performance of services or for Interested Party toll telephone calls shall be refunded to post allotment accounts and made available for meeting such expenses.

25. Section 22.8 is revised to read as follows:

§ 22.8 Effective date.

The changes in descriptions of services and fees became effective upon publication of the final rule.

[FR Doc. 81-28713 Filed 10-1-81; 8:45 am]
BILLING CODE 4710-06-M

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This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

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DOT/FAA	USDA/FSIS		DOT/FAA	USDA/FSIS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/MA	MSPB/OPM		DOT/MA	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	

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REMINDERS

List of Public Laws

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