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Friday
October 23, 1981

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GSA
5/12

Highlights

51907 **Income Tax** Treasury/IRS issues temporary regulations on special rules for leases under the Economic Recovery Tax Act of 1981.

51903 **Low Income Housing** HUD/FHC authorizes establishment of Section 8 Fair Market Rents that vary according to financing type and permits use of fiscal year 1981 financing adjustments.

51897, 51898 **Investments** DIDC decides to retain rules, as amended, on interest rate ceilings for 26-week money market certificates and small savers certificates. (2 documents)

51952 **Oil and Gas Reserves** DOE/EIA requests comments on revised Annual Survey of Domestic Oil and Gas Reserves.

51900 **Consumer Protection** FTC issues final prohibited trade practices and affirmative corrective actions order to American Home Products Corp., et al. to cease misrepresenting Anacin, Arthritis Pain Formula and other non-prescription drug products.

51920 **Credit** FRS proposes to amend definition of "arranger of credit".

52039 **Outer Continental Shelf** Interior/BLM requests comments on effects from drilling discharges on marine environment.

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Highlights

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

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

51892 Banks, Banking FRS delegates authority to Federal Reserve Banks to determine that termination of "grandfather privileges" is not warranted for certain nonbanking activities of eligible bank holding companies.

51893 FHLBB amends rules authorizing federally chartered thrift institutions to make non-amortized and partially-amortized loans.

51940 Postal Service PS proposes to amend procedures for handling certain undeliverable-as-addressed third-class mail.

51945 Tobacco USDA/ASCS announces marketing quotas for cigar-filler and cigar-filler and binder tobacco.

52061 Nuclear Energy NRC requests comments on options for approval of applications for disposal or onsite storage of thorium or uranium wastes from past nuclear operations.

51915 Procurement IDCA/AID revises policy on nationality of contractor employees.

51929 Alcohol and Rum Treasury/ATF proposes to amend and recodify rules on distribution and use of denatured alcohol and rum and tax-free alcohol.

51918 Public Health HHS/PHS provides for continuing treatment for Hansen's disease patients after closure or transfer of PHS facilities.

52063 Foreign Trade Trade Representative announces resolution of complaint of price-undercutting for subsidized cheese imports from Finland.

52072 Minimum Wages Labor/ESA/W&H publishes minimum wages for Federal and federally assisted construction. (Part II of this issue)

51935 Regulatory Agenda VA

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Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

7 CFR Part 724

Proclamation, Determinations, and Announcements of National Marketing Quotas and Referendum Results

AGENCY: Agricultural Stabilization and Conservation Service, USDA.

ACTION: Final rule.

SUMMARY: This rule deletes the regulations codified at 7 CFR 724.21 through 724.27 (Referendum Results). Referendum results for the various kinds of tobacco are published each year in the **Federal Register** and are also later codified in the Code of Federal Regulations. In order to avoid having to amend the Code of Federal Regulations after each referendum, the results of referendums will no longer be codified in the Code of Federal Regulations but will be published in the **Federal Register** in the notice section.

EFFECTIVE DATE: October 23, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, Program Specialist, (ASCS), Price Support and Loan Division, U.S. Department of Agriculture, P.O. Box 2415, Washington, D.C. 20013. (202) 447–6733.

SUPPLEMENTARY INFORMATION: This final rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified "not major" since the decodification has no annual effect on the economy.

It has been determined that the Regulatory Flexibility Act is not applicable to this final rule since the Agricultural Stabilization and Conservation Service (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 rule.

This rule will not have a major impact specifically on area and community development. Therefore, review as established by Office of Management and Budget Circular A–95 was not used to assure that units of local government are informed of this rule.

Previously, the results of referendums which were conducted to determine whether producers were in favor of marketing quotas for various kinds of tobacco were published in the **Federal Register** as final rules and codified in the Code of Federal Regulations. Effective with the publication of this rule, referendum results will hereafter appear only as notices in the **Federal Register.**

Since this final rule makes no substantive change in the regulations but merely deletes the referendum results previously published in the Code of Federal Regulations, it has been determined that no further public rulemaking is required. However, the referendum results previously appearing in 7 CFR 724.21 through 724.27 remain applicable to the crops to which each refers.

Final Rule

§§ 724.21–724.27 [Removed]

Accordingly, §§ 724.21 through 724.27 (referendum results) of Title 7 are hereby removed from the Code of Federal Regulations

(Sec. 312, 375, 52 Stat. 46, as amended, 66, as amended, 7 U.S.C. 1312, 1375)

Signed at Washington, D.C., on October 15, 1981.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 81–30635 Filed 10–22–81; 8:45 am]

BILLING CODE 3410–05–M

Agricultural Marketing Service

7 CFR Part 910

[Lemon Reg. 329]

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 25–31, 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 25, 1981.

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

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

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

The committee met again publicly on October 20, 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 has improved.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the

declared purposes of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Information collection requirements (reporting or 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 910.629 is added as follows:

§ 910.629 Lemon Regulation 329.

The quantity of lemons grown in California and Arizona which may be handled during the period October 25, 1981, through October 31, 1981, is established at 220,000 cartons.

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

Dated: October 21, 1981.

D. S. Kuryloski,

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

[FR Doc. 81-30996 Filed 10-22-81; 12:17 pm]

BILLING CODE 3410-02-M

Rural Electrification Administration

7 CFR Part 1701

Public Information; Appendix A—REA Bulletins Acceptance of Standards, Specifications, Equipment Contract Forms, Manual Sections, Drawings, Materials, and Equipment for the Telephone Program, Bulletin 345-3

AGENCY: Rural Electrification Administration, USDA.

ACTION: Final rule.

SUMMARY: REA hereby amends Appendix A by issuing a revised Bulletin 345–3. Bulletins 345–3 (Telephone) and 44–7 (Electric) were formerly issued as a joint document. This revision will issue 345–3 as a separate document, and similar action is being taken with 44–7. The result should be less confusing to all concerned. At this time changes in procedures, including added protection for a manufacturer prior to delisting of its products, have been incorporated.

EFFECTIVE DATE: October 8, 1981.

FOR FURTHER INFORMATION CONTACT: E. J. Cohen, Engineering Management and Standards Engineer, Telecommunications Engineering and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone (202) 447–4561. The Final Regulatory Impact Analysis describing the options considered in developing this rule and the impact of implementing each option is available on request from the above office.

SUPPLEMENTARY INFORMATION: Pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et. seq.), REA hereby amends Appendix A—REA Bulletins by issuing a revised Bulletin 345–3, Acceptance of Standards, Specifications, Equipment Contract Forms, Manual Sections, Drawings, Materials and Equipment for the Telephone Program. This action has been reviewed under USDA procedures established to implement Executive Order No. 12291 and has been classified as not major. A Regulatory Flexibility Analysis is not required.

It was deemed highly desirable to provide additional safeguards to further protect established supplier-client relationships during Committee actions which would lead to the delisting of a product. As a significant revision was required, efforts were made to simplify and clarify the document to make it easier for the user to understand.

The only other major alternative considered was retention of the document without change. This was rejected in view of the desirability ot the additional safeguards, and document clarification.

This program is listed in the Catalog of Federal Domestic Assistance as 10.851 Rural Telephone Loans and Loan Guarantees.

REA, in an effort to clarify its operating procedures and to assure due process for suppliers, hereby amends Bulletin 345–3.

A Notice of Proposed Rule Making was published in the **Federal Register** on April 10, 1981, volume 46, No. 69, page 21367. However, no public comments were received in response to the notice.

Dated: October 8, 1981.

Harold V. Hunter,

Administrator.

[FR Doc. 81-30642 Filed 10-22-81; 8:45 am]

BILLING CODE 3410-15-M

FEDERAL RESERVE SYSTEM

12 CFR Part 265

[Docket No. R-0367]

Reserve Bank Authority To Determine That Termination of Grandfathered Activities Is Not Warranted

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: This amendment to the Rules Regarding Delegation of Authority delegates to the Reserve Banks authority to make determinations regarding indefinite "grandfather privileges" for certain nonbanking activities of eligible bank holding companies under section 4(a)(2) of the Bank Holding Company Act.

EFFECTIVE DATE: October 20, 1981.

FOR FURTHER INFORMATION CONTACT: Bronwen Mason, Senior Counsel (202/452–3546) or Susan Weinberg, Attorney (202/452–3707), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Section 4(a)(2) of the Bank Holding Company Act provides that "a company covered in 1970," as defined in section 2(b) of the BHC Act, may continue to engage in those nonbanking activities in which it was lawfully engaged directly or through subsidiaries on June 30, 1968, and in which it has been engaged continuously thereafter. Section 4(a)(2) further provides that within two years after the banking assets of a bank controlled by such a company exceeds $60 milllion, the Board shall review the activities for which grandfather privileges are claimed and determine whether grandfather privileges for such activities should be terminated. The Board is authorized to terminate grandfather privileges where such action is necessary to prevent undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices.

This delegation authorizes Reserve Banks to make determinations concerning the grandfathered activities of a company covered in 1970 in those cases which raise no significant policy or legal issues and where all relevant considerations indicate that termination of such activities is not warranted. Specifically, Reserve Banks are authorized to issue determinations where (a) the bank holding company is a "company covered in 1970;" (b) the

nonbanking activities raise no significant unresolved policy issues; and (c) the bank holding company was lawfully engaged in such activities as of June 30, 1968, and has engaged in such activities continuing thereafter.

The provisions of section 553 of Title 5, United States Code, relating to notice, public participation, and deferred effective date have not been followed in connection with the adoption of this amendment because the change to be effected is procedural in nature and does not constitute a substantive rule subject to the requirements of that section. The Board's expanded rulemaking procedures (44 FR 395 (1979)) have not been followed because the amendment is a technical one and because it relieves a burden that could obstruct necessary and prompt action that would be in the public interest.

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

In order to implement these delegations, § 265.2(f) of the Board's Rules Regarding Delegation of Authority is amended by adding paragraph (54) as follows:

§ 265.2 Specific functions delegated to Board employees and Federal Reserve Banks.

* * * * *

(f) * * *

(54) Under the provisions of section 4(a)(2) of the Bank Holding Company Act relating to grandfather privileges for certain nonbanking activities of bank holding companies, to determine that termination of grandfathered activities of a particular bank holding company is not warranted: *Provided*, The Reserve Bank is satisfied all of the following conditions are met:

(i) The company or its successor is "a company covered in 1970;"

(ii) The nonbanking activities for which indefinite grandfather privileges are being sought do not present any significant unsettled policy issues; and

(iii) The bank holding company was lawfully engaged in such activities as of June 30, 1968 and has been engaged in such activities continuously thereafter.

(12 U.S.C. 1843(a)(2) and 1844(b))

Board of Governors of the Federal Reserve System, October 20, 1981.

James McAfee,

Assistant Secretary of the Board.

[FR Doc. 81-30814 Filed 10-22-81; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL HOME LOAN BANK BOARD

12 CFR Part 545

[No. 81-608]

Balloon-Payment Mortgage Loans; Reverse-Annuity Mortgage Loans

Dated: October 15, 1981.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Federal Home Loan Bank Board hereby amends its regulation authorizing federally-chartered thrift institutions to make non-amortized and partially-amortized loans by raising the maximum loan-to-value ratio from 60 to 95 percent, removing the existing five-year maximum on the terms of such loans, and permitting the interest rates on such loans to be adjusted periodically. The Board also liberalizes its regulation authorizing the issuance of reverse-annuity mortgage loans by deleting the requirements that such loan plans be submitted to the Board, that lenders offer refinancing of such loans at maturity, and that such loans bear a fixed interest rate. These actions are intended to enhance associations' ability to balance the yields of their investment portfolios with their liabilities, and to meet borrowers' needs for additional home-financing options.

EFFECTIVE DATE: October 21, 1981.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Hall, Office of General Counsel (202-377-6466), or Joseph A. McKenzie, Office of Policy and Economic Research (202-377-6763), Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552.

SUPPLEMENTARY INFORMATION: On July 14, 1981, the Board proposed to permit federally-chartered thrift institutions to make non-amortized and partially-amortized home loans in amounts not exceeding 95 percent of the value of the property securing the loan, subject only to the maximum term permissible for home loans (FHLBB Res. No. 81-401; 46 FR 37714 (1981)). At that time, institutions were permitted to make such loans for a period of up to five years in an amount not exceeding 60 percent of the value of the security property, with interest payable at least semiannually (12 CFR 545.6-2(a)(4)(i) (1981)). The Board also proposed to make liberalizing changes to its reverse-annuity mortgage (RAM) regulation that would give associations greater flexibility in structuring RAM plans. The Board accepted comments on the proposal until August 21, 1981.

Overview of Comments

The Board received 119 comments on the proposed changes. Federal savings and loans submitted 83 comments, 14 were from state-chartered savings and loans, 7 were from thrift trade groups, 5 were from consumers and consumer groups, and 2 were from private mortgage insurance companies. Other commenters included law firms, the Federal Home Loan Mortgage Corporation, and the Federal Home Loan Banks.

Savings and loans overwhelmingly supported the changes to the balloon-loan authority proposed by the Board, citing the overall beneficial impact such changes would have on associations' ability to upgrade their mortgage portfolios. Associations asserted there is a definite borrower demand for short-term, fixed-rate mortgage loans carrying long-term amortization schedules that cannot be satisfied under the existing lending authority. They believed that broadening the balloon-loan authority as proposed would enable them to meet this demand.

Of the 5 consumers and consumer groups commenting on the proposal, 2 expressed opposition to the proposed amendments. The other 3 expressed concern that a borrower, at maturity of a balloon loan, might not be able to obtain a refinancing of the outstanding loan balance, and suggested that the regulation should prevent such a situation from arising.

Only 32 of the commenters addressed the Board's proposed revisions to the reverse-annuity mortgage (RAM) regulation. Of these, 31, including the one consumer that addressed the proposal, approved of the proposal, and one commenter expressed no objection. However, one savings and loan felt the requirement that a RAM lender offer to refinance the loan at maturity with conventional financing should not be deleted. The association felt RAM borrowers, likely to be retired, should not be faced with the prospect of having to sell their homes to pay off their loans, and being left with few resources with which to obtain other living accommodations.

Balloon-Payment Mortgages

By its action today, the Board amends its regulation authorizing federally-chartered savings and loans and mutual savings banks to issue non-amortized and partially-amortized loans by removing the five-year limit on the maximum maturity of such loans and the 60 percent loan-to-value limitation, and by permitting adjustment of the

interest rate. By permitting periodic rate adjustment, this action will enhance associations' ability to balance the yields of their loan portfolios with their payments on liabilities, thus attaining a more realistic asset/liability structure and producing profitability even in an inflationary economy. The amendments are in keeping with the Board's authorization over the past year of a variety of mortgage instruments designed to enable associations to balance assets and liabilities (*e.g.*, 12 CFR 545.6–2(a), 545.6–4a, 545.6–4b). This action will allow them to meet borrowers' needs with an additional type of home-financing tool.

Term to Maturity

Over 90 percent of those commenting on the issue supported the deletion of the five-year limitation. The others felt a term of longer than five, ten or fifteen years was unnecessary. By deleting the five-year limit on the terms of balloon loans, the 40-year limitation applicable to all home loans (12 CFR 545.6–4a(1)) will apply to balloon loans. Based on the comment letters received, there appears to be a demand for balloon loans with terms of up to fifteen years or more. Therefore, a limitation of less than 40 years on balloon loans would limit the flexibility associations would have to develop different types of balloon loan instruments to address present home-financing needs. Since the Board wishes to encourage associations to be responsive to their local needs, it has determined to provide associations with the authority to do so.

Medium-length balloon loans should be very attractive in the secondary market. Since the cash flow on a pass-through certificate is concentrated in the early years, a pass-through package made up of medium-length balloon loans, which would terminate pool to terminate earlier than a pool consisting of long-term loans, would ensure investors of a relatively steady flow of cash. Such pools should be less costly to administer, and should also be attractive to investors because refinanced balloon loans can be repackaged at maturity and priced at a premium.

Loan-to-Value Limitation

The Board has replaced the 60-percent limitation on the loan-to-value ratio of a balloon loan with the 90- and 95-percent limitations applicable to home loans generally. Since many borrowers cannot afford to make a down-payment greater than 20 percent of the purchase price, this change will make balloon loans more useable loan instruments. Under the amendment, a balloon loan may be made in excess of 90 percent of the value of the security property only if the requirements of 12 CFR 545.6–2(a)(2) are met. One of these requirements provides that there be monthly payments of principal and interest. Therefore, non-amortized balloon loans may not be made in an amount exceeding 90 percent of the value of the security property.

Approximately 85 percent of the commenters addressing this issue supported a loan-to-value limitation not exceeding 95 percent of the property value. The other commenters felt the limitation should be set at 90 percent or less, suggesting it might be helpful to both the borrower and the lender to have the resulting lower principal balance at maturity of the loan. The Board finds that extending the maximum limitation to 95 percent for partially-amortized balloon loans and to 90 percent for nonamortized loans will not appreciably increase the risk to the borrower or the lender. To the extent negative amortization may occur with an adjustable-rate balloon loan (see discussion below), associations will be responsible for establishing their own underwriting standards regarding collateralization of the loan with the security property.

Interest-Rate Adjustments

The Board has determined to permit the interest rate of a partially-amortized balloon loan to be adjusted periodically subject to the requirements of the Board's adjustable mortgage loan (AML) regulation (12 CFR 545.6–4a). Thus, interest-rate adjustments on an adjustable-rate balloon loan may be implemented through changes to the monthly payment, the outstanding principal loan balance, or the loan term. The Board has concluded that it should not restrict by regulation the types of balloon loans that may be issued, but should for the most part leave the development of such instruments to market forces.

Over 70 percent of those commenting on this issue supported the extension of maximum flexibility to associations. The other commenters felt that the ability to issue short-term balloon loans rendered the power to adjust interest rates on balloon loans unnecessary. The comments suggest, however, that both borrowers and lenders may desire a medium-length, adjustable-rate instrument, which may not be issued under the AML regulation because of the requirement that an AML fully amortize over the term of the loan. Thus, specific authority to make adjustable-rate balloon loans was needed.

The final regulation requires associations to comply with all of the AML requirements except the provision requiring adjustment of the payment at least every five years to a level sufficient to amortize the loan fully over its remaining term. Instead, the regulation requires adjustment of the payment at least every five years to a level sufficient to fully amortize a conventional, long-term loan over the period upon which the amortization schedule used to establish the initial monthly payment amount on the balloon loan was based. The initial monthly payment must be sufficient to fully amortize a loan with the same starting principal balance and interest rate as the balloon loan over a period not exceeding forty years. In addition, associations must amend the disclosure required by the AML regulation so that it states clearly that the loan being offered by the association is a balloon loan. As is discussed below, the association must also insert in the disclosure the notice required to be placed in each loan contract.

Finally, the Board has determined to permit interest-rate adjustments only on partially-amortized balloon loans. The Board believes that permitting rate adjustments and negative amortization pursuant to the AML regulation on home loans that require only the payment of interest presents too great a risk to associations and borrowers alike of nonpayment of the balance due at maturity. Unlike the AML and graduated payment adjustable mortgage loan (GPAML), which both are long-term loans, a nonamortized adjustable-rate balloon loan might require payment of the loan balance at a time when the balance exceeds the original loan amount and the property is under-collateralized. Thus, since § 545.6–2(a)(1) prohibits increases in the monthly payment on loans secured by borrower-occupied homes (as defined in 12 CFR 541.11) or combinations of homes and business property (as defined in 12 CFR 541.4), the interest rate on a nonamortized loan secured by such property may be increased only to the extent the increase can be accommodated by extending the maturity of the loan. However, balloon loans not secured by borrower-occupied homes or combinations of homes and business property may provide for interest-rate adjustments in any manner, without reference to the limitations contained in the AML regulation. The Board notes that ony those balloon loans providing for interest-rate adjustment subject to the AML regulation must permit prepayment without penalty. With all other types of balloon loans, associations may offer

loans that impose a prepayment penalty, subject to applicable provisions of 12 CFR 545.8–5(b).

Disclosure

The Board has determined to require the inclusion in each balloon loan application form and loan contract of a notice as proposed, except for three changes. First, the final regulation contains additional language alluding to the possibility that a borrower wishing to refinance the loan at maturity may have to pay additional closing costs.

Second, the regulation provides that the notice need be given only on loans secured by homes or combinations of homes and business property occupied or to be occupied by the borrower, since these are the only loans subject to the prohibition on payment increases contained in § 545.6–2(a)(1). The Board believes such a notice is adequate to inform borrowers of the nature of the loan, since a fixed-rate balloon loan is a relatively simple instrument. It is noted that the more comprehensive AML disclosure, expanded to reflect the balloon feature, would have to be given on adjustable-rate balloon loans secured by borrower-occupied homes. Third, associations also must inform applicants, at the time of loan commitment, of the loan balance that will be due at maturity, if such balance is capable of determination by the association. In effect, this provision requires disclosure of the balance only on a fixed-rate balloon loan, for which it is possible to determine such a figure, but does not require this disclosure for adjustable-rate balloon loans.

The proposed disclosure was supported by 53 percent of those commenting on the issue. Approximately 19 percent felt a more extensive disclosure similar to the AML disclosure should be given. The other 28 percent asserted no disclosure should be required, citing the simplicity of the instrument and borrowers' familiarity with the concept. Almost 80 percent of those commenting on the issue supported the use of mandatory language, as is required by the final regulation.

The final regulation also requires associations to provide a borrower who intends to occupy the security property with notice of the maturity date of a balloon loan at least 45 but not more than 90 days prior to maturity. The notice must also state whether and under what conditions an association will refinance a balloon loan. The concept of a notice of the loan's due date was suggested by several commenters, including the California Savings and Loan League, in response to the Board's request for comments on what provisions, if any, should be inserted regarding refinancing. The Board has concluded that this requirement will be helpful to borrowers.

Home-Improvement Balloon Loans

The Board has determined to extend the balloon loan authority to home improvement loans (12 CFR 545.6–3). This extension was supported unanimously by those commenting on the issue. This new authority should greatly enhance associations' flexibility in structuring home improvement loans to fit the needs of homeowners.

The Board notes that a loan for home improvement made under associations' consumer loan authority (12 CFR 545.7–10) may be structured as a balloon loan without reference to the limitations contained in the balloon loan regulation. Consumer loans are not subject to the Board's regulatory restrictions as to balloon payments or interest-rate adjustments.

Reverse-Annuity Mortgages

The Board has determined to amend its reverse-annuity mortgage (RAM) regulation (12 CFR 545.6–4(c)) substantially as proposed. Thus, the provision requiring submission of each RAM program to the Board for a 60-day review period is deleted. The Board is of the view that the regulation is specific enough as to the structure and required disclosure of RAMs that such review is unnecessary. In addition, the requirement that the interest rate be fixed is removed. The Board believes these changes will greatly improve the marketability of RAM loans, which have not been widely used by federal associations.

Refinancing

As stated in the comment overview, one commenter expressed opposition to deletion of the refinancing requirement, citing the possibility that elderly borrowers, who might find it difficult to refinance elsewhere, would be forced from their homes in the last years of their lives. Other commenters generally supported deletion of the requirement as a means of improving the marketability of RAMs and giving associations total flexibility in structuring RAM programs.

Since this requirement is one of the regulatory provisions that has inhibited broader use of RAMs, the Board believes it should be deleted to improve the utility of such loans. However, the regulation does not prohibit associations from guaranteeing refinancing if they wish to do so.

Adjustment of the Interest Rate

The Board has determined to authorize adjustment of the interest rate on RAM loans as a means of enhancing the viability and attractiveness of such loans. Adjustable-rate RAMs must comply with the provisions of the Board's AML regulation governing implementation of rate changes, permissible indices, and pre-application disclosure. In addition, associations must comply with the AML provision regarding notification of payment adjustments, except that associations also must notify RAM borrowers of interest-rate adjustments. This additional requirement is included because some RAM plans may provide for fixed payments over the life of the loan, with all rate adjustments implemented through changes to the loan balance. In such plans, a requirement that notification of payment adjustments be given would be inadequate to inform the borrower of the current status of the loan. Finally, the regulation provides that interest-rate adjustments may be implemented through changes to the principal loan balance.

Several commenters were unclear as to whether the regulation as proposed would permit lump-sum disbursements at the beginning or during the term of the loan. Although the final regulation permits payments to a borrower to be made in uneven amounts according to whatever schedule an association sets out in the loan contract, the regulation does not permit the distribution of the loan in one or even several lump sums during the term of the loan. The purpose of a RAM loan is to permit homeowners to use their accumulated equity to obtain a steady stream of monthly payments. The title of the loan and the description contained in the regulation reflect this fact. A RAM loan is a "rising-debt" loan. That is, interest is calculated based on the amount of time elapsed since the distribution of each monthly payment to the borrower. The only situation where a lump-sum disbursement would be permissible is where the loan proceeds are used to purchase an annuity for a RAM borrower from an insurance company.

Disclosure

The final regulation imposes standardized disclosure requirements for associations offering RAMs. This approach was supported by the majority of commenters addressing the issue. The regulation does not provide mandatory language because of the variety of ways in which a RAM may be structured.

However, it sets out the specific types of information that must be included in the disclosure. In addition, the final regulation requires that the disclosure materials contain a general description of RAMs and an example of the operation of the type of reverse-annuity mortgage offered to the borrower. These additional disclosures were suggested by several commenters, and the Board feels they will aid borrowers to understand the operation of RAMs.

Federal Preemption

The final regulation contains language expressly preempting any state law that purports to prevent a federal association from making, purchasing, selling or otherwise dealing in residential real estate loans authorized under 12 CFR 545.6–2. The Board notes that the alternative mortgage instruments regulation authorizing the making of RAMs already contains such preemptive language (12 CFR 545.6–4(a)(2)). This language covers the RAM amendments as well.

Commercial and Multifamily Dwelling Loans

By this action, the Board also makes technical amendments to its regulations authorizing the making of multifamily-dwelling (12 CFR 545.6–2(b)) and commercial loans (12 CFR 545.6–6) to clarify that non- and partially-amortized loans secured by such property may be made in amounts not exceeding 90 percent of the value of such property. Currently, the regulations indicate the loan-to-value-ratio limitation is 75 percent for both types of loans (12 CFR 545.6–2(b), 545.6–6(a), *both as amended effective* November 17, 1980; 45 FR 76099 (1980)).

Finally, the Board takes this opportunity to correct an erroneous reference contained in its flexible payment loan regulation (12 CFR 545.6–2(a)(4)(iii)). The regulation currently refers to the prohibition in § 545.6–2(a)(1) against monthly payment increases as being the last sentence of paragraph (a)(1). In fact, the prohibition is contained in the second sentence of paragraph (a)(1).

The Board finds that delay of the effective date of this regulatory action for 30 days after publication pursuant to 5 U.S.C. 553(d) and 12 CFR 508.14 is unnecessary because (1) it relieves restriction, and (2) it is in the public interest since it will increase the availability of mortgage funds and provide lenders with flexibility in structuring mortgage instruments during a time of unstable market conditions.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 545, Subchapter C, Chapter V of Title 12, *Code of Federal Regulations*, as set forth below.

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

1. Amend § 545.6–2 by revising paragraph (a)(4)(i), amending the second sentence of paragraph (a)(4)(iii), revising paragraph (b), and adding new paragraph (j), to read as follows:

§ 545.6–2 Other residential real estate loans.

(a) *Home loans.* * * *

(4) *Loans without full amortization.* (i) *Balloon-payment loans.*

(*a*) Nonamortized loans (loans on which no principal payments are made until the end of the term) shall not exceed 90 percent of value, subject to the limitations of subparagraph (a)(1) of this section, and loans that are partially amortized shall not exceed 95 percent of value, subject to the limitations of subparagraphs (a)(1) and (a)(2) of this section. Interest on balloon-payment loans shall be payable at least semiannually.

(*b*) An association making a balloon-payment loan secured by property occupied or to be occupied by the borrower must include the following notice in each loan application form and in each loan contract:

THIS LOAN IS PAYABLE IN FULL AT THE END OF —— YEARS [AND/OR MONTHS]. YOU MUST REPAY THE ENTIRE PRINCIPAL BALANCE OF THE LOAN AND UNPAID INTEREST THEN DUE. THE LENDER IS UNDER NO OBLIGATION TO REFINANCE THE LOAN AT THAT TIME. YOU WILL THEREFORE BE REQUIRED TO MAKE PAYMENT OUT OF OTHER ASSETS YOU MAY OWN, OR YOU WILL HAVE TO FINE A LENDER WILLING TO LEND YOU THE MONEY AT PREVAILING MARKET RATES, WHICH MAY BE CONSIDERABLY HIGHER OR LOWER THAN THE INTEREST RATE ON THIS LOAN. IF YOU REFINANCE THIS LOAN AT MATURITY, YOU MAY HAVE TO PAY SOME OR ALL CLOSING COSTS NORMALLY ASSOCIATED WITH A NEW LOAN, EVEN IF YOU OBTAIN REFINANCING FROM THE SAME LENDER.

In addition, at the time an association commits itself to make a balloon-payment loan to a loan applicant, the association must inform the applicant of the principal loan balance that will be due at maturity of the loan, if known, assuming timely payments of principal and interest during the loan term.

(*c*) The interest rate on a partially-amortized balloon-payment loan may be adjusted periodically, pursuant to subparagraphs (b)(1), (b)(3), (b)(4) and paragraphs (c), (d), (e), and (f) of § 545.6–4a of this Part, provided that the initial monthly payment is sufficient to amortize a loan with the same principal balance and interest rate over a period not exceeding 40 years. Interest-rate adjustments may be implemented through changes to the principal loan balance only if the monthly payment is adjusted at least every five years to a level that would have been sufficient, based on the amortization schedule used to establish the initial monthly payment, to fully amortize the loan.

(*d*) At least 45 but not more than 90 days prior to maturity of a balloon-payment loan for which the notice set out in subparagraph (*b*) must be given, the association must notify the borrower of the maturity date, the balance due at maturity (assuming all scheduled periodic payments due between the notification and maturity are made), and whether and under what conditions the association will refinance the loan.

* * * * *

(iii) *Flexible payment loans.* * * * The limitation contained in the second sentence of subparagraph (a)(1) pertaining to maximum payment shall apply separately to the initial period and subsequent period of a flexible payment loan, except * * *

(b) *Multifamily dwelling loans.* Loans on the security of other dwelling units, combinations of dwelling units, including homes, and business property involving only minor or incidental business use, shall not exceed 90 percent of the value of the security property and shall be repayable within 30 years, with interest payable at least semi-annually: *Provided*, that loans which are not fully amortized shall be repayable with principal and interest payments sufficient to meet a 30-year amortization schedule, and nonamortized loans shall be repayable within five years.

* * * * *

(j) This regulation is promulgated pursuant to the plenary and exclusive authority of the Board to regulate all aspects of the operations of Federal associations, as set forth in § 5(a) of the Home Owners' Loan Act of 1933, as amended. This exercise of the Board's authority is preemptive of any state law purporting to address the subject of a Federal association's ability or right to make, purchase, or participate in the mortgage loan instruments set forth in this section, or directly or indirectly to restrict such ability or right.

2. Revise the last sentence of § 545.6–3, to read as follows:

§ 545.6-3 Home improvement loans.

* * * Installments shall be substantially equal except to the extent that the loan complies with one of the mortgage plans authorized under §§ 545.6-2(a)(4)(i), 545.6-4 or 545.6-4a of this Part.

3. Revise paragraph (c) of § 545.6-4, to read as follows:

§ 545.6-4 Alternative mortgage instruments.

* * * * *

(c) *Reverse-annuity mortgage.*—(1) *Description.* This instrument provides periodic payments to homeowners based on accumulated equity. The payments are made monthly directly by the lender, or are made through the purchase of an annuity from an insurance company. The loan becomes due on a specified date after disbursement of the entire principal amount of the loan or when a specified event occurs, such as sale of the property or death of the borrower. The interest rate on this instrument may be fixed, or may be adjusted periodically pursuant to subparagraphs (b)(1), (b)(3), (b)(4) and paragraphs (c), (d), (e) and (f) of § 545.6-4a of this Part. Interest-rate adjustments may be implemented through changes to the principal loan balance.

(2) *Requirements.* (i) Loan applicants shall not be bound for seven days after the loan commitment is made.

(ii) Associations shall obtain a statement signed by the borrower acknowledging disclosure of all contractual contingencies which could force a sale of the home.

(iii) If the loan instrument provides that the interest rate will be adjusted more frequently then the payment to the borrower will be adjusted, the payment to the borrower, then, in addition to the notification of payment adjustment required pursuant to paragraph (e) of § 545.6-4a of this Part, the association must also send the borrower a notification of each rate adjustment within the time period and with the disclosure required by paragraph (e) of § 545.6-4a.

(iv) The loan instrument shall provide for prepayment in whole or in part without penalty at any time during the loan term.

(v) If payments are to be made to the borrower through purchase of an annuity, the association shall use an insurance company authorized to engage in such business and supervised by the state in which it is incorporated.

(3) *Disclosure.* Each prospective borrower shall receive written materials explaining the type of mortgage being offered and its specific terms, including:

(i) A general description of reverse-annuity mortgages;

(ii) If refinancing is not guaranteed, a prominent notice indicating that a large payment (and the elements of which it is comprised) will be due at the end of the loan term;

(iii) Schedule and explanation of payments to the borrower and whether property taxes and insurance are to be deducted;

(iv) Schedule of outstanding debt over time;

(v) Repayment date or event (such as sale of home or death of one or more mortgagors) which causes loan to become due;

(vi) Method of repayment and schedule, if any;

(vii) All contractual contingencies including lack of home maintenance and other default provisions, which may result in forced sale of the home;

(viii) Interest rate, annual percentage rate, and total interest payable on the loan;

(ix) Effective interest rate and interest earned or expected to be earned on purchased annuities, based on standard mortality tables;

(x) Name and address of insurance company issuing a purchased annuity;

(xi) Initial loan fees and charges;

(xii) Description of prepayment features and refinancing features, if any;

(xiii) Inclusion of a statement that such mortgages have tax and estate-planning consequences and may affect levels of, or eligibility for, certain government benefits, grants, or pensions, and that applicants are advised to explore these matters with appropriate authorities; and

(xiv) An example of the operation of the type of reverse-annuity mortgage offered to the applicant.

If the loan contract permits periodic adjustment of the loan interest rate, the disclosure provided the prospective borrower must parallel the disclosure required by § 545.6-4a(f) of this Part, and must include such of the information set out above as is available at the time of disclosure.

4. Revise paragraph (a) of § 545.6-6, to read as follows:

§ 545.6-6 Commercial real estate loans.

(a) Loans (including construction loans) secured by first liens on other improved real estate, as defined in § 541.17 (a) and (c) of this Subchapter, shall not exceed 90 percent of the value of the security property, and shall be repayable within 30 years, with interest payable at least semi-annually: *Provided,* that construction loans and nonamortized loans shall be repayable within five years, and partially-amortized loans shall be repayable with principal and interest payments sufficient to meet a 30-year amortization schedule.

* * * * *

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947; 3 CFR, 1943-1948 Comp., p. 1071)

By the Federal Home Loan Bank Board.

J. J. Finn,

Secretary.

[FR Doc. 81-30606 Filed 10-22-81; 8:45 am]

BILLING CODE 6720-01-M

DEPOSITORY INSTITUTIONS DEREGULATION COMMITTEE

12 CFR Part 1204

[Docket No. D-0021]

Ceiling Rates for 26-Week Money Market Certificates

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Amendment of final rule.

SUMMARY: The Depository Institutions Deregulation Committee ("Committee") has amended its rule relating to the establishment of interest rate ceilings for $10,000 minimum denomination 26-week money market certificates ("MMCs") (12 CFR 1204.104). Under the amended rule, the interest rate ceilings on MMCs will be indexed to the higher of (a) the rate for 26-week U.S. Treasury bills established immediately prior to the date of deposit or (b) the average of the rates for 26-week Treasury bills for the four weeks immediately prior to the date of deposit. The Committee believes that the alternative methods of calculating MMC interest ceilings will enable banks and thrift institutions to be more competitive with money market mutual funds ("MMMFs") throughout an interest rate cycle.

EFFECTIVE DATE: November 1, 1981.

FOR FURTHER INFORMATION CONTACT: For recorded information regarding current interest rate ceilings on MMCs, Small Saver Certificates ("SSCs"), and All Saver Certificates ("ASCs"), please call (202/566-3734). For other information, please call: Allan Schott, Attorney-Advisor, Treasury Department (202/566-6798); John Harry Jorgenson, Senior Attorney, Board of Governors of the Federal Reserve System (202/452-3778); F. Douglas Birdzell, Counsel, Federal Deposit Insurance Corporation (202/389-4324); Rebecca Laird, Senior Associate General Counsel, Federal Home Loan Bank Board (202/377-6446); or David Ansell, Attorney, Office of the

Comptroller of the Currency (202/447-1880).

SUPPLEMENTARY INFORMATION: Under the regulations of the Committee in effect prior to this amendment, the maximum interest rate that could be paid on MMCs by Federally insured depository institutions was indexed to the rate (auction average on a discount basis) for 26-week U.S. Treasury bills established immediately prior to the date of the deposit ("Bill rate"). Such bills normally are auctioned on Monday, and the interest rate ceiling based on the Bill rate was effective the following day (12 CFR 1204.104). This ceiling rate is effective through the end of the day on which 26-week U.S. Treasury bills are next auctioned.

Under the Committee's amended rule, depository institutions have the option of offering MMCs with a fixed interest rate ceiling indexed to the higher of either (1) the rate for 26-week U.S. Treasury bills established and announced under the existing procedure ("single bill rate") or (2) a moving average of the rate established for 26-week U.S. Treasury bills at the auctions held during the four weeks immediately prior to the date of deposit (average Bill rate). The average Bill rate for the four week period will be determined weekly by averaging the Bill rates for the past four weeks (including the current single Bill rate). Depository institutions will not have to calculate the average Bill rate since it will be announced simultaneously with the current Bill rate for 26-week U.S. Treasury bills. The ceiling on MMCs will be the higher of these two rates.

On July 9, 1981, the Committee issued for public comment proposed rules that would permit depository institutions to offer MMCs with a fixed interest rate ceiling indexed to the higher of (1) the rate for 26-week U.S. Treasury bills established and announced under the existing procedure or (2) a moving average of the rate established for 26-week U.S. Treasury bills at the auctions held during the eight weeks immediately prior to the date of deposit. The Committee specifically requested comment on the period of time on which to base the average (46 FR 36712 (1981)). The Committee received 553 comments from depository institutions, individuals, trade associations, and nondepository parties on this proposal. Comments in opposition generally criticized the eight-week period as being too long, and commentators stating a preference generally suggested a four week average. Commentators opposing the proposal in any form generally believed that the proposal, if adopted, would increase costs while providing only marginal benefits and would confuse consumers by establishing an additional rate ceiling to be monitored. Many commentators stated that the proposal, if adopted, would assist depository institutions in retaining MMC deposits in periods of declining rates.

After considering all the comments, the Committee decided at its meeting on September 22, 1981, to adopt the proposal but to use a four-week average rather than an eight-week average. The Committee believes that the alternative methods of calculating MMC interest ceilings will enable banks and thrift institutions to be more competitive with money market mutual funds ("MMMFs") throughout an interest rate cycle. The most rapid periods of MMMF growth generally have occurred in declining rate environments when the existing assets in MMMF portfolios allow them to offer yields that are frequently more attractive than contemporary MMC ceiling rates. With the alternative methods of calculating the MMC rate ceiling, however, depository institutions will have the option of basing their MMC rate on an average of past Treasury bill rates, and thus offer yields more competitive with MMMFs during periods of declining rates. In an environment of rising rates, depository institutions generally have an advantage since they are offering current market rates while existing MMMF assets lock them into lower yields for a short period of time. Since commercial banks and thrift institutions will have the option of indexing MMC rate ceilings to the current Treasury bill rate, they would retain this yield advantage during periods of rising rates. Since this amendment is simply a modification of an existing instrument, the Committee expects the shifting of deposits to be minimal.

PART 1204—INTEREST ON DEPOSITS

Pursuant to its authority under the Depository Institutions Deregulation Act (12 U.S.C. 3501, *et seq.*), the Committee revises § 1204.104 (*26 Week Money Market Time Deposits of less than $100,000*) of Part 1204—Interest on Deposits (12 CFR 1204.104) to read as follows:

§ 1204.104 26 Week Money Market Time Deposits of less than $100,000.

Commercial banks, mutual savings banks, and savings and loan associations may pay interest on any nonnegotiable time deposit of $10,000 or more, with a maturity of 26 weeks at a rate not to exceed the higher of either (a) the rates set forth below or (b) the average of the rates below for the four weeks immediately prior to the date of deposit.

Rate [1]	Maximum percent
Commercial Banks	
7.50 percent or below	7.75.
Above 7.50 percent	Bill Rate plus one-quarter of one percent.
Mutual Savings Banks and Savings and Loan Associations	
7.25 percent or below	7.75.
Above 7.25 percent, but below 8.50 percent.	Bill Rate plus one-half of one percent.
8.50 percent, but below 8.75 percent.	9.
8.75 percent or above	Bill Rate plus one-quarter of one percent.

[1] Established and announced (auction average on a discount basis) for U.S. Treasury bills with maturities of 26 weeks at the auction held immediately prior to the date of deposit ("Bill Rate").

By order of the Committee.

Steven L. Skancke,

Executive Secretary.

October 19, 1981.

[FR Doc. 81-30812 Filed 10-22-81; 8:45 am]

BILLING CODE 4810-25-M

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12 CFR Part 1204

[Docket No. D-0008]

Interest Rate Ceilings on Money Market Certificates (MMCs) and Small Savers Certificates (SSCs)

AGENCY: Depository Institutions Deregulation Committee.

ACTION: Retention of certain rules.

SUMMARY: Pursuant to a recently issued Federal District Court order,[1] the Depository Institutions Deregulation Committee ("Committee") has reconsidered certain final rules it adopted on May 28, 1980. These rules concern the ceiling rates of interest payable on the 26-week money market certificate (MMC) and on the 2½ year to 4 year small savers certificate (SSC). Upon reconsideration, the Committee has decided to retain the ceiling rates established in its May 28, 1980 rules, as subsequently amended. Under the rules adopted, the ceiling rate of interest payable on the MMC by all federally insured commercial banks, mutual savings banks, and savings and loan associations was at least one quarter of one per cent above the rate established for 26-week United States Treasury bills and in no event would the ceiling rate drop below 7¾ per cent. The ceiling rate of interest payable by all institutions on the SSC was increased by one-half of

[1] *U.S. League of Sav. Ass'ns v. DIDC*, Civ. Action No. 80-1486 (D.D.C. June 30, 1981).

one per cent and in no event would the ceiling rate drop below 9.25 per cent for commercial banks and 9.50 per cent for mutual savings banks and savings and loan associations. Upon reconsideration, the Committee has decided to retain the ceiling rates established in its May 28, 1980 rules.

EFFECTIVE DATE: September 22, 1981.

FOR FURTHER INFORMATION CONTACT: For recorded information regarding current interest rate ceilings on MMCs, SSCs, and All Savers Certificates (ASCs), please call 202/566–3734. For other information, please contact: Allan Schott, Attorney-Advisor, Department of the Treasury (202/566–6798); Anthony S. Winer, Attorney, Board of Governors of the Federal Reserve System (202/452–2418); Rebecca H. Laird, Senior Associate General Counsel, Federal Home Loan Bank Board (202/377–6446); Holly Malloy, Attorney, Office of the Comptroller of the Currency (202/447–1880); or F. Douglas Birdzell, Counsel, Federal Deposit Insurance Corporation (202/389–4324).

SUPPLEMENTARY INFORMATION: On June 30, 1981, the United States District Court for the District of Columbia ordered the Committee to reconsider certain rules it adopted on May 28, 1980 (45 FR 37803; June 5, 1980), and to provide notice and opportunity for public comment concerning the rules. The Committee had not published the rules for public comment prior to their adoption, and the Court determined that the Committee was required to provide notice and opportunity for public comment in this particular case. Accordingly, the Committee solicited public comment on these rules on August 13, 1981 (46 FR 40892). Upon considering all comments received and the economic basis for the May 28, 1980 rules, the Committee has decided that the ceiling rates of interest issued on that date for MMCs and SSCs should be retained.

One of the rules adopted by the Committee established a new MMC ceiling rate for all institutions that was at least 25 basis points above the rate established (auction average on a discount basis) for 26-week Treasury bills issued on or immediately prior to the date of deposit. The rule also established a minimum ceiling rate of 7¾ per cent which all institutions were authorized to pay regardless of the Treasury bill rate. The rule provided that when the Treasury bill rate is 8¾ per cent or higher, both commercial banks and thrift institutions could pay interest at a ceiling rate of 25 basis points above the bill rate. A differential of up to 25 basis points on the ceiling rate payable by commercial banks and thrift institutions was retained only where the Treasury bill rate was more than 7¼ per cent, but less than 8¾ per cent.

The other rule adopted by the Committee established new SSC ceiling rates for all institutions that generally were 50 basis points higher than the previous ceiling rates. The rules also established minimum ceiling rates of 9¼ per cent for commercial banks and 9½ per cent for thrift institutions, regardless of the average 2½ year Treasury rate.

The Committee has determined that many of the considerations regarding the competitive position of depository institutions that were instrumental in its decision to issue the May 1980 rules are also of significant concern in the current competitive environment. The Committee's May 1980 action to increase the ceiling rates on MMCs and SSCs was taken to improve the competitive position of depository institutions relative to market instruments, primarily money market mutual funds (MMMFs). If the Committee were to revert to the lower level of ceiling rates in effect prior to May 1980, the attractiveness of small time deposits at commercial banks and thrifts could be reduced significantly.

The Treasury bill rate range over which thrifts have a differential on MMCs was narrowed in May 1980, for the purpose of preventing deposit attrition at small commercial banks. Given the declining rate environment that existed at the time, the Committee faced the prospect that a differential would reemerge for a substantial period. If this were to occur, small commercial banks, which had become increasingly dependent upon MMCs as a source of funds, could have faced substantial deposit attrition and subsequent pressure on their ability to extend credit. Thus, the ultimate impact of a sustained differential could have been higher loan rates and reduced credit availability to mortgage borrowers, agriculture, and small businesses, the customers highly dependent on small commercial banks. The Committee believes that the reemergence of a differential for a sustained period could result in deposit attrition and reduced credit availability to the customers of small commercial banks, and that the small corresponding benefit to thrift institutions may not be sufficient to outweigh the detriment to small commercial banks.

The Committee received 14 responses to its request for public comment on this issue: 10 from commercial banks and two each from savings and loan associations and trade associations. Three respondents (all commercial banks) fully supported the Committee's action while the other 11 respondents favored some type of adjustment in the ceiling rate schedules. Among the commercial banks favoring a rate adjustment, six requested that the thrift differential be eliminated and one requested that the minimum ceilings on MMCs and SSCs be eliminated. The two savings and loan associations and the two trade associations commenting on the ceiling rate schedules requested that the Committee restore the thrift differential on MMCs at all interest rate levels and remove the minimum ceilings on both MMCs and SSCs. In addition, one trade association requested that the 12 per cent cap on SSCs at thrifts and the 11¾ per cent cap at commercial banks be reinstated.

In light of the continued importance of the competitive considerations on which the May 28, 1980 rules were grounded, the Committee has decided to retain the MMC and SSC interest rate ceilings issued on that date. Since the Committee's action does not institute a change in the current effect of the rules involved, deferral of the effective date pursuant to 5 U.S.C. 553(d) is not necessary. Furthermore, because of the public nature of the meeting where the rule was adopted, the press release issued following that meeting, and publication in the media of the Committee's action, adequate notice of the action has been given the public. Accordingly, the Committee finds that good cause exists under § 1201.6 of the DIDC's regulations for making the effective date less than 30 days from date of publication in the **Federal Register.**

Pursuant to its authority under Title II of Pub. L. 96–221, 94 Stat. 142 (12 U.S.C. 3501 *et. seq.*), to prescribe rules governing the payment of interest and dividends on deposits of federally insured commercial banks, savings and loan associations, and mutual savings banks, effective September 22, 1981, the Committee confirms the continued application of §§ 1204.104 and 1204.106 of Part 1204—Interest on Deposits (12 CFR 1204.104, 1204.106) so as to reflect the SSC and MMC ceiling rates issued on May 28, 1980, and as subsequently amended.

By order of the Committee.

Steven L. Skancke,

Executive Secretary.

October 19, 1981.

[FR Doc. 81-30813 Filed 10-22-81; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 15a

Testimony by Employees and Production of Documents in Civil Legal Proceedings Not Involving the United States

Correction

In FR Doc. 81–30060 appearing on page 51200 in the issue of Friday, October 16, 1981, make the following correction:

In the first column of page 51201, in the authority citation of Part 15a, "* * * U.S.C. 1501, 1512 * * *" should have read "* * * 15 U.S.C. 1501, 1512 * * *".

BILLING CODE 1505-01-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. 8918]

American Home Products Corp., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: This order requires, among other things, a New York City manufacturer of Anacin, Arthritis Pain Formula (APF), and other non-prescription drug products to cease misrepresenting that Anacin will relieve tension, nervousness and depression; or that it will enable users to cope with ordinary stresses of everday life. Should the company make any comparative efficacy claims for Anacin or APF, it would be required to disclose that the analgesic ingredient in the product is aspirin. The order also prohibits misrepresentations concerning the extent or results of product testing; and bars any unsubstantiated performance claim unless accompanied by a conspicuous disclosure that such claim has not been proven. The company is further precluded from representing that its products contain any unusual or special ingredient, when, in fact, such ingredient is commonly used in similar products. Additionally, the order prohibits the C. T. Clyne Company, Inc., an advertising agency, from knowingly making unsubstantiated "superior performance" or "unusual ingredient" claims for Anacin, APF or for any other non-prescription internal analgesic product.

DATES: Complaint issued February 23, 1973. Final order issued September 9, 1981.[1]

FOR FURTHER INFORMATION CONTACT: FTC/PF, Melvin H. Orlans, Washington, D.C. 20580, (202) 724–1529.

SUPPLEMENTARY INFORMATION: In the Matter of American Home Products Corporation, a corporaton, and Clyne Maxon, Inc., a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleadingly: § 13.10 Advertising falsely or misleadingly; § 13.10–5 Knowingly by advertising agent; § 13.20 Comparative data or merits; § 13.85–70 Tests and investigations; § 13.170 Qualities or properties of product or service; § 13.170–52 Medicinal, therapeutic, healthful, etc.; § 13.190 Results; § 13.205 Scientific or other relevant facts; § 13.210 Scientific tests.

Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; § 13.533–20 Disclosures; § 13.533–35 Employment of independent agencies; § 13.533–45 Maintain records. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1575 Comparative data or merits; § 13.1710 Qualities or properties; § 13.1730 Results; § 13.1740 Scientific or other relevant facts; § 13.1762 Tests, purported. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1863 Limitations of product; § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45)

The Final Order, including further order requiring report of compliance therewith, is as follows:

Final Order

This matter has been heard by the Commission upon the appeal of counsel for respondents and complaint counsel and upon briefs and oral argument in support of and in opposition to the appeals. The Commission, for the reasons stated in the accompanying Opinion, has granted each appeal in part, and denied each in part. Therefore,

It is ordered that the initial decision of the administrative law judge be adopted as the Findings of Fact and Conclusions of Law of the Commission except as is otherwise inconsistent with the attached opinion.

[1] Copies of the Complaint, Initial Decision, Opinion of the Commission, Final Order and Separate Statement of Commissioner Clanton filed with the original documents.

Other Findings of Fact and Conclusions of Law of the Commission are contained in the accompanying Opinion.

It is further ordered, That the following Order to Cease and Desist be entered:

Order

I

It is ordered, That respondent American Home Products Corporation, its successors and assigns and respondent's officers, agents representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of "Anacin," "Arthritis Pain Formula," or any other non-prescription internal analgesic product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Making any representation, directly or by implication that a claim concerning the superior effectiveness or superior freedom from side effects of such product has been established or proven unless such representation has been established by two or more adequate and well-controlled clinical investigations, conducted by independent experts qualified by training and experience to evaluate the comparative effectiveness or comparative freedom from side effects of the drugs involved, on the basis of which it could fairly and responsibly be concluded by such experts (1) that the drug will have the comparative effectiveness or freedom from side effects that it is represented to have, and (2) that such comparative effectiveness or freedom from side effects is demonstrated by methods of statistical analysis, and with levels of confidence, that are generally recognized by such experts. The investigations shall be conducted in accordance with the procedures set forth below: At least one of the adequate and well-controlled clinical investigations to evaluate the comparative effectiveness of the drug shall be conducted on any disease or condition referrred to, directly or by implication; or, if no specific disease or condition is referred to, then the adequate and well-controlled clinical investigations shall be conducted on at least two conditions or diseases for which the drug is effective. The clinical investigations shall be conducted as follows:

1. The subjects must be selected by a method that:

a. Provides adequate assurance that they are suitable for the purposes of the investigation, and diagnostic criteria of the condition to be treated (if any);

b. Assigns the subjects to the test groups in such a way as to minimize bias; and

c. Assures comparability in test and control groups of pertinent variables, such as age, sex, severity or duration of disease or condition (if any), and use of drugs other than the test drugs.

2. The investigations must be conducted double-blind, and methods of double-blinding must be documented. In addition, the investigations shall contain a placebo control to permit comparison of the results of use of the test drugs with an inactive preparation designed to resemble the test drugs as far as possible.

3. The plan or protocol for the investigations and the report of the results shall include the following:

a. A clear statement of the objective of the investigation;

b. An explanation of the methods of observation and recording of results, including the variables measured, quantitation, assessment of any subject's reponse and steps taken to minimize bias on the part of subject and observer;

c. A comparison of the results of treatments or diagnosis with a control in such a fashion as to permit quantitative evaluation. The precise nature of the control must be stated and an explanation given of the methods used to minimize bias on the part of the observers and the analysts of the data;

d. A summary of the methods of analysis and an evaluation of data derived from the study, including any appropriate statistical methods.

B. Making any representation, directly or by implication, of superior effectiveness or freedom from side effects of such product unless:

1. The superior effectiveness or superior freedom from side effects so represented has been established according to the terms set forth in paragraph I.A. of this Order, *or*

2. Each advertisement containing such representation contains a clear and conspicuous disclosure that there is a substantial question about the validity of the comparative efficacy or side effects claim, or that the claim has not been proven. Such a disclosure may consist of a clear and conspicuous statement that the claim is "open to substantial question," or that the claim "has not been proven." If other language is used by respondent to convey the required message, respondent shall maintain, for a period of three (3) years after the dissemination of any advertisement containing such disclosure, records sufficient to demonstrate that the required message is effectively conveyed to the advertisement's intended audience.

II

It is further ordered, That respondent American Home Products Corporation, its successors and assigns and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of "Anacin," "Arthritis Pain Formula," or any other non-prescription drug product, in or affecting commerce, as "commerce" and "drug" are defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Making any representation, directly or by implication, that such product contains any unusual or special ingredient when such ingredient is commonly used in other non-prescription drug products intended for the same use or uses as the product advertised by respondent.

B. Making any false representation that such product has more of an active ingredient than any class of competing products.

C. Misrepresenting in any manner any test, study or survey or any of the results thereof, concerning the comparative effectiveness or freedom from side effects of such product.

D. Making any noncomparative representation, directly or by implication, concerning the effectiveness or freedom from side effects of such product unless, at the time such representation is made, respondent has a reasonable basis for such representation which shall consist of competent and reliable scientific evidence.

III

It is further ordered, That respondent American Home Products Corporation, its successors and assigns and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of "Anacin," "Arthritis Pain Formula," or any products in which "Anacin" or "Arthritis Pain Formula" is used in the name, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from failing to disclose clearly and conspicuously that the analgesic ingredient in such product is aspirin, when such is the case and when the advertisement makes any performance claim for the product.

IV

It is further ordered, That respondent American Home Products Corporation, a corporation, its successors and assigns and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of "Anacin," in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from making any representation, directly or by implication, that Anacin relieves nervousness, tension, anxiety or depression or will enable persons to cope with the ordinary stresses of everyday life.

V

It is further ordered, That respondent the C. T. Clyne Company, Inc., a corporation, its successors and assigns and respondent's officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising of "Arthritis Pain Formula" or any other non-prescription internal analgesic product, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Making any representation, directly or by implication, that such product contains any unusual or special ingredient when respondent knows or has reason to know that such ingredient is commonly used in other non-prescription internal analgesic products for the same use or uses the product advertised by respondent.

B. Making any representation, directly or by implication, of superior freedom from side effects of such product, unless:

1. Respondent knows or has reason to believe that the superior freedom from side effects so represented has been established according to the terms set forth in paragraph I.A. of this Order, *or*

2. Each advertisement containing such representation contains a clear and conspicuous disclosure that there is a substantial question about the validity of the claim, or that the claim has not been proven. Such a disclosure may consist of a clear and conspicuous statement that the claim is "open to substantial question," or that the claim "has not been proven." If other language is used by respondent to convey the required message, respondent shall

maintain, for a period of three (3) years after the dissemination of any advertisement containing such disclosure, records sufficient to demonstrate that the required message is effectively conveyed to the advertisement's intended audience.

VI

It is further ordered, That respondents American Home Products Corporation and the C. T. Clyne Company, Inc. shall notify the Commission at least thirty (30) days prior to any proposed change in their respective corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in their respective corporation which may affect compliance obligations under this Order.

VII

It is further ordered, That the respondents herein shall within sixty (60) days after service of this Order upon them, and at such other times as the Commission may require, file with the Commission a written report setting forth in detail the manner and form in which they have complied or intend to comply with this Order.

Paragraphs Eight A.4, Eight B.2, and Ten B. of the Complaint are hereby dismissed.

By the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 81-30700 Filed 10-22-81; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 178

[Docket No. 81F-0051]

Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers; Poly(Vinyl Acetate/Vinyl "N"-Octadecylcarbamate)

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the use of poly(vinyl acetate/vinyl *N*-octadecylcarbamate) as a release agent for pressure-sensitive adhesive tapes intended to contact food. The 3M Co. petitioned for the amendment.

DATES: Effective October 23, 1981; objections by November 23, 1981.

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

FOR FURTHER INFORMATION CONTACT: Julia L. Ho, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St., SW., Washington, DC 20204; 202-472-5690.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of March 20, 1981 (46 FR 17886), FDA announced that a petition (FAP 1B3539) had been filed by 3M Co., 3M Center, St. Paul, MN 55101, proposing that the food additive regulations be amended in Part 175 (21 CFR Part 175) to provide for the use of poly(vinyl acetate/vinyl *N*-octadecylcarbamate) as a release agent for pressure-sensitive adhesive tapes intended to contact food.

FDA has evaluated data in the petition and other relevant material and concludes that poly(vinyl acetate/vinyl *N*-octadecylcarbamate) is safe for its intended use. However, the agency has concluded that provision for the use of this substance should be included in Part 178 (21 CFR Part 178), as set forth below, rather than in Part 175.

The agency previously considered the potential environmental effects of this rule, as announced in the notice of filing published in the **Federal Register.** No new information or comments have been received that would alter the agency's previous determination that there is no significant impact on the human environment and that an environmental impact statement is not required.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052; May 11, 1981)), Part 178 is amended in § 178.3860 by inserting alphabetically a new item in the list of substances in paragraph (b), to read as follows:

§ 178.3860 Release agents.

* * * * *

(b) * * *

List of substances	Limitations
* * * * *	
Poly(vinyl acetate/vinyl *N*-octadecylcarbamate) (CAS Reg. No. 70892-21-6) produced by the reaction between stoichiometrically equivalent amounts of octadecyl isocyanate and vinyl alcohol/vinyl acetate copolymer; minimum average molecular weight is 500,000.	For use only in application to the backing of pressure-sensitive adhesive tapes at levels not to exceed 0.2 milligram per square centimeter (1.29 milligrams per square inch) of backing.
* * * * *	

Any person who will be adversely affected by the foregoing regulation may at any time on or before November 23, 1981 submit to the Dockets Management Branch (address above), written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this regulation. Received objections may be seen in the office above between 9 a.m. and 4 p.m., Monday throught Friday.

Effective date. This regulation shall become effective October 23, 1981.

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

Dated: October 16, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-30666 Filed 10-22-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 610

[Docket No. 81N-0018]

General Biological Products Standards; Aluminum in Biological Products

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the biologics regulations to increase the permissible level of aluminum in licensed biological products. This amendment will make the biologics regulations consistent with the standards adopted by the World Health Organization (WHO).

EFFECTIVE DATE: October 23, 1981.

FOR FURTHER INFORMATION CONTACT: Richard E. Fisher, Bureau of Biologics (HFB-620), Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20205; 301-443-1306.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 28, 1981 (46 FR 23765), FDA proposed to amend the biologics regulations in § 610.15(a) (21 CFR 610.15(a)) to increase the permissible level of aluminum in licensed biological products to make the regulations consistent with standards adopted by the World Health Organization (WHO). The agency also proposed the amendment to ensure that § 610.15(a) does not prohibit the use of required dosages of hepatitis B vaccine. The amendment would permit the use of up to 1.25 milligrams of aluminum determined by assay, which is consistent with the WHO standard per single human dose of a product, if data demonstrating that the amount of aluminum used is safe and necessary to produce the intended effect are submitted to and approved by the Director, Bureau of Biologics.

Interested persons were given until May 28, 1981, to submit written comments regarding the proposal. No comments were received on this proposal. Accordingly, the agency is adopting the proposed rule as originally published.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 701, 52 Stat. 1050-1051 as amended, 1055-1056 as amended (21 U.S.C. 352, 371)) and the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.10 (formerly 5.1; see 46 FR 26052: May 11, 1981)), Part 610 is amended by revising § 610.15(a), to read as follows:

§ 610.15 Constitutent materials.

(a) *Ingredients, preservatives, diluents, adjuvants.* All ingredients used in a licensed product, and any diluent provided as an aid in the administration of the product, shall meet generally accepted standards of purity and quality. Any preservative use shall be sufficiently nontoxic so that the amount present in the recommended dose of the product will not be toxic to the recipient, and in the combination used it shall not denature the specific substances in the product to result in a decrease below the minimum acceptable potency within the dating period when stored at the recommended temperature. Products in multiple-dose containers shall contain a preservative, except that a preservative need not be added to Yellow Fever Vaccine, Polio Virus Vaccine Live, Oral, or to viral vaccines labeled for use with the jet injector, or to dried vaccines when the accompanying diluent contains a preservative. An adjuvant shall not be introduced into a product unless there is satisfactory evidence that it does not affect adversely the safety or potency of the product. The amount of aluminum in the recommended individual dose of a biological product shall not exceed:

(1) 0.85 milligrams if determined by assay;

(2) 1.14 milligrams if determined by calculation on the basis of the amount of aluminum compound added; or

(3) 1.25 milligrams determined by assay provided that data demonstrating that the amount of aluminum used is safe and necessary to produce the intended effect are submitted to and approved by the Director, Bureau of Biologics.

* * * * *

In accordance with the Regulatory Flexibility Act (Pub. L. 96-354) and Executive Order 12291, the economic effects of this final rule have been assessed, and it has been determined that the regulation does not have a significant impact on a substantial number of small entities and does not involve major economic consequences as defined by Executive Order 12291. The final rule will not place any additional economic burdens on either small or large businesses. A copy of the final regulatory flexibility assessment and the final regulatory impact assessment supporting these determinations are on file with the Dockets Management Branch (formerly the Hearing Clerk's office) (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

Effective date. This final rule becomes effective on October 23, 1981.

(Secs. 502, 701, 52 Stat. 1050-1051 as amended, 1055-1056 as amended (21 U.S.C. 352, 371))

Dated: September 30, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-30665 Filed 10-22-81; 8:45 am]

BILLING CODE 4110-03-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. R-81-922]

Section 8 Housing Assistance Payments Program—Financing Adjustment for Fair Market Rents

AGENCY: Office of Assistant Secretary for Housing—Federal Housing Commissioner.

ACTION: Interim rule.

SUMMARY: Section 8 Fair Market Rents (FMRs) applicable to new construction and substantial rehabilitation for all market areas, in compliance with the requirements of Section 8(c)(1) of the U.S. Housing Act of 1937, are published not less frequently than annually in the **Federal Register.** The current rents became effective October 1, 1980 for Fiscal Year 1981. This interim rule authorizes the establishment of FMRs that vary according to financing type and permits additions to Fiscal Year 1981 FMRs to be established by use of a financing adjustment that reflects the actual cost of permanent financing.

DATES: Effective November 9, 1981. Comment due date: Written comments and suggestions will be accepted on or before November 9, 1981.

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

FOR FURTHER INFORMATION CONTACT: Lynda M. Murphy, Director, Office of State Agency and Bond Financed Programs, 451 7th Street, S.W., Washington, D.C. 20410, (202) 426-7113. This is not a toll-free number.

SUPPLEMENTARY INFORMATION:

Financing and Other Development Costs

Experience has demonstrated that the system of publishing single areawide FMRs on an annual basis, with interim amendments for individual market areas, does not meet the dual problems of the wide range of carrying costs for financing that result from differing financing methods and the volatile fluctuation of such costs. HUD was directed by the 1974 Conference Committee Report on the legislation enacting the Section 8 program to establish "realistic fair market rents" taking into account "prevailing rents and costs in various market areas." In the Conference Committee Report on the Housing and Community Development Amendments of 1980, Congress recommended that HUD

> Take a new look at the way it develops fair market rents and approves exceptions to those rents. Ultimately, the control of program costs lies in assuring that these rent levels are as low as possible within the context of rent comparability and reasonableness in making the project feasible. As it now stands, the FMRs are in large part based upon subjective judgments and increases are often granted without a sound analytic basis.

A regulation implementing a Financing Adjustment Factor published in 45 FR 40111, on June 13, 1980, as a Note to the Fiscal Year 1980 FMRs distinguished between financing costs and other development and operating costs. This interim rule continues that distinction. Development and operating costs of a project ordinarily vary by size, structure type, and location; financing costs are normally a national phenomenon that, within the context of each method of financing, have a uniform impact on projects regardless of size, type or location.

This interim rule reflects the Department's recognition of the fact that current financing costs have been higher for a longer period of time than was anticipated, and, subject to the limitations described below, permits this aspect of prevailing costs to be set by the market at the date of permanent financing of the project. This will assure continued subsidized housing production notwithstanding the current, unexpectedly prolonged, period of high interest rates. The flexibility permitted by this procedure will restrain the extent of increases in the FMR schedules by permitting HUD to take into account the lower costs of certain types of financing in comparison with others.

Amendment to Part 888

This interim rule amends 24 CFR 888.101(b) to authorize expressly the establishment of FMRs that vary by financing type. The FMR schedules in Schedule A to Part 888 may be made subject to an objective financing adjustment calculation to reflect the actual costs of financing Section 8 projects. When HUD determines that a financing adjustment is necessary, a Note will be published in the **Federal Register** in accordance with all requirements for regulations. The Note will be an addition to the annual FMR schedules. It will state the availability of a financing adjustment, establish appropriate conditions on eligibility and use, and describe the method of calculating the adjustment for individual projects.

To take into account current, temporary increases in prevailing interest rates, the interim rule adds a Note to Schedule A of Part 888. The Note provides a financing adjustment for the fiscal year 1981 FMRs. The Department will not issue such a procedure for the 1982 FMRs nor for any subsequent years.

Note Governing Fiscal Year 1981 Financing Adjustment

HUD has determined that the fiscal year 1981 FMRs do not reflect prevailing rents and costs at this time for certain types of projects. Fixed-rate projects are not eligible because current fixed interest costs for these programs are low enough to permit the development of feasible projects within the fiscal year 1981 FMRs without a financing adjustment. However, prevailing interest rates in the conventional and tax-exempt markets are currently too high to permit project feasibility. Therefore, the Department is publishing a Note to permit a financing adjustment to fiscal year 1981 FMRs, subject to stated conditions on eligibility and use and the described method for calculating the adjustment for individual projects. Area-wide FMRs can be increased under this adjustment to reflect the difference between (1) rents based on estimated development and operating costs using an assumed debt service factor corresponding to an interest rate of not less than 8 percent and (2) rents based on the same costs using the debt service factor of the actual permanent financing. However, in no case may the actual permanent financing debt service factor exceed that corresponding to an interest rate of 12 percent.

In order to promote cost containment, the procedure set out in the Note for calculating the amount of the financing adjustment for specific projects is based on the exact increase in contract rents necessary to meet a specified increase in debt service needed to cover actual interest costs. Just as FMRs constitute a ceiling and not a floor for contract rents established in accordance with the base level rents published in Schedule A, contract rents calculated according to the procedure in this Note also will not exceed an FMR ceiling reflecting the actual permanent financing debt service factor.

The owner must request use of the financing adjustment and agree to the conditions imposed by the Note. In all cases the Agreement to Enter into a Housing Assistance Payments Contract (HAP) must be executed, and will include a provision requiring that construction must be in progress prior to June 1, 1982 and that such construction will continue in a normally scheduled sequence. In an effort to eliminate the possibility of cosmetic starts, evidence indicative of construction "in progress" such as the use of heavy equipment on site and/or construction of footings underway will be required.

To assure that contract rents are kept as low as possible, two additional conditions are imposed. For all except nonprofit owners, the owner must agree to establish an escrow to be used to reduce the mortgage and the contract rents upon completion of construction; for nonprofit owners, a determination must be made that development cost per unit does not exceed the average for equivalent profit-motivated projects. All financng documents must permit advance refunding at the request of HUD. The documents must also provide for a call date, established by the Secretary, which will be as early as is feasible for marketing these obligations. In determining marketing feasibility, the Secretary will consider the effect of a shorter call date on the interest rate for the Obligations. Since a significantly adverse impact on the interest rate would occur only if the bonds could not be marketed with the requisite Section 8 financial support, the Secretary will not be precluded from setting an appropriately early call provision solely due to its upward impact on the interest rate. Contract rents will be reduced to reflect any savings.

HUD and project owners will establish contract rents for processing purposes based on estimated development and operating costs and an assumed debt service factor corresponding to an interest rate of not less than 8 percent. The effect on contract rents of the development and operating costs will be fixed at this stage and will be based on the FMR schedules in Schedule A to Part 888. Subsequently, the owner and the financing agency will certify to HUD the

terms of the permanent financing. HUD will then adjust, by an objective calculation, initial contract rents to reflect the difference between the assumed debt service factor and the debt service factor of the actual permanent financing (not to exceed that corresponding to an interest rate of 12 percent). Thus, the adjustment will accommodate permanent financing costs which exceed the assumed debt service factor but not increases that may be experienced in other development costs.

To contain costs, State Agency override is limited to 50 basis points. No financing cost contingency is permitted.

Use of the financing adjustment is subject to the availability of contract and budget authority. Funds currently reserved are not sufficient to cover the increased contract rents necessitated by a financing adjustment. HUD field offices or State Agencies will, therefore, have to determine whether sufficient authority is available before approving the financing adjustment. Contract and budget authority, including recaptured or cancelled authority, that is used for the financing adjustment shall be used in accordance with 24 CFR Part 891 and Section 204(b) of the Housing and Community Development Amendments of 1979. Specifically, compliance with 24 CFR Part 891 and Section 204(b) requires that any reallocation of such authority shall be in accordance with the following geographic priorities: (a) For projects within the same State where the authority was recaptured or cancelled; (b) For projects within the same Field Office; (c) For projects within the same Region. Where a State Agency transfers a portion of its set-aside, the transferred authority shall remain available to that State Agency in accordance with 24 CFR 883.207.

Authority to Exceed 110 Percent of FMRs

Section 203 of the Housing and Community Development Act of 1980 limits HUD's authority to approve contract rents between 110 percent and 120 percent of FMRs to 20 percent of the total contract authority allocated to an area and obligated with respect to 1981 and later fiscal years. For projects using the financing adjustment, compliance with Section 203 will be determined based on rents that result from processing using the assumed debt service factor. Since the financing adjustment determines applicable FMRs, a project initially approved at a given percentage below 110 percent of the annual FMR schedule will not be at any higher percentage after the financing adjustment, and thus will not be in the category of projects subject to Section 203. If a project is subject to Section 203 based on approval of contract rents at initial processing in excess of 110 percent, the entire amount of the adjusted contract rents will be subject to the Section 203 limitations.

There should be few occasions, if any, for use of HUD's authority to approve rents in excess of 110 percent of FMRs for projects using the financing adjustment. It is anticipated that this authority will be confined to situations where special circumstances involving non-financing costs warrant approval of higher rents.

Justification

The Department has determined that the procedure for use of a financing adjustment in calculating Fair Market Rents provided for in this regulation is urgently needed if owners and State and local finance agencies are to continue to process Section 8 projects. There are now pending before the Department a number of highly desirable project proposals in which there has been a substantial investment of private and public funds. Due to current economic conditions, these project proposals cannot be approved without the procedure provided for in this rule.

The Department believes that, by giving recognition to the wide range of carrying costs reflected by differing financing methods, this interim rule will impose a necessary restraint on Section 8 costs, while relieving the pressure to set FMRs at levels necessary for the more costly of these financing methods.

On the basis of these considerations, the Department has determined that this rule is urgently needed and should become effective as soon as possible. Accordingly, the Secretary is providing 15 days for submission of public comments prior to this Interim Rule's effective date. If as a result of comment the Secretary determines that a change in the standards described in this Interim Rule is appropriate, either the effective date of the rule will be deferred by publication in the **Federal Register** or the rule will be withdrawn. In addition, all relevant comments and suggestions will be considered in the development of a final rule on this subject.

Findings

A finding of No Significant Impact has been made in accordance with HUD regulation 24 CFR Part 50, which implements Section 102(2)(C) of the National Environmental Policy Act of 1969. This finding is available for public inspection and copying in the Office of the Rules Docket Clerk at the above address.

This rule does not constitute a "major rule" as that term is defined in Section 1(b) of Executive Order 12291 on Federal Regulations. Analysis of the rule indicates that it does not (1) have an annual effect on the economy of $100 million or more; (2) cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) 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.

Pursuant to Section 605(b) of the Regulatory Flexibility Act, the Undersigned hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities.

The Catalog of Federal Domestic Assistance Program number and title are 14.156, Lower-Income Housing Assistance Program (Section 8).

PART 888—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—FAIR MARKET RENTS AND CONTRACT RENT AUTOMATIC ANNUAL ADJUSTMENT FACTORS

Accordingly, 24 CFR Chapter VIII is amended as follows:

1. Section 888.101(b)(1) is revised to read:

§ 888.101 Fair market rents for new construction and substantial rehabilitation.

* * * * *

(b) Categories. (1) These Fair Market Rents (i) are established by unit size (number of bedrooms), basic structure type (detached, semi-detached/row homes, walk-up and elevator apartments), and occupant group (non-elderly family and elderly family, including handicapped), and (ii) may be established by financing type (for example, conventional loans, loans from the proceeds of tax-exempt obligations, loans secured by mortgages purchased under the Government National Mortgage Association Tandem Program for Section 8 projects, and direct loans under Section 202 of the Housing Act of 1959 and Section 515 of the Housing Act of 1949) by publication of a Note to Schedule A. These Fair Market Rents are based on the levels of rent paid for recently constructed dwelling units of modest design within each market area. They include a trend adjustment to

allow time for processing and construction. These rents are estimates of the rents that prospective tenants who have incomes above 80 percent of median income would be willing and able to pay for newly constructed living units of modest design. They may or may not represent rents needed to support construction and operating costs.

* * * * *

2. Schedule A of Part 888 is amended by adding the following Note after the heading as set forth below:

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation (Including Housing Finance and Development Agencies Program)

NOTE

A. *Establishment of Fair Market Rents by Financing Type.*

The rents published in Schedule A establishing the fiscal year 1981 Fair Market Rents, including the 5 percent adjustment for projects designed for the elderly (base level FMRs), may be increased by use of a financing adjustment to establish Fair Market Rents reflecting the actual costs of permanent financing of Section 8 New Construction and Substantial Rehabilitation projects. This Note provides the method for establishing Fair Market Rents for all financing types, other than loans secured by mortgages purchased under the Government National Mortgage Association Tandem Program for Section 8 projects, and direct loans under Section 202 of the Housing Act of 1959 and Section 515 of the Housing Act of 1949. These financing types are excluded since current fixed interest rates for these programs are low enough to permit the development of feasible projects within the fiscal year 1981 Fair Market Rents without a financing adjustment.

FMRs for 1981 will be determined by adjusting for the difference between (1) rents based on estimated development and operating costs using an assumed debt service factor corresponding to an interest rate of not less than 8 percent and (2) rents based on the same costs using the debt service factor of the actual permanent financing. In no case may the actual permanent financing debt service factor exceed that corresponding to an interest rate of 12 percent. To promote cost containment, the procedure for calculating the amount of the financing adjustment shall be based on the exact increase in contract rents necessary to meet a specified increase in debt service needed to cover actual interest costs. This procedure is used to assure that the increase permitted shall be available only to cover financing costs.

Base level contract rents shall be determined for the project based on an assumed debt service factor corresponding to an interest rate of not less than 8 percent. These base level contract rents plus any utility allowance shall meet the Fair Market Rent limitations of the base level FMRs and the rent reasonableness limitations. The financing adjustment stated in paragraph C shall then be applied to these base level contract rents to determine the actual contract rents. The resulting contract rents shall be no higher than necessary to cover the actual dollar amount of the debt service required by the actual permanent financing.

B. *Project Eligibility.*

1. To obtain the benefits of the financing adjustment for Fair Market Rents, the owner (and the State Agency approved under Part 883 where it finances the projects) must submit a written request dated after the effective date of this Note to HUD and before May 14, 1982. The request shall state that the project will be processed in accordance with this Note.

2. The project must be assisted under 24 CFR Part 880, 881, or 883 and be subject to fiscal year 1981 FMRs and current HUD regulations. Projects reprocessed under this procedure after publication of the 1982 FMRs shall continue to be entitled to use the 1981 FMRs and cannot use the 1982 FMRs. All dwelling units must be Section 8 contract units.

3. The Agreement to Enter Into HAP contract (Agreement) shall include an approved construction schedule and a provision requiring that actual construction shall commence on or before June 1, 1982 and will thereafter continue as set forth in the Agreement.

4. General or limited distribution mortgagors will be required to establish an escrow, funded with cash or by letter of credit, in an amount equal to the difference between the assumed and the actual debt service factors multiplied by replacement cost for new contruction or by the equivalent of replacement cost for substantial rehabilitation. This escrow shall be established when the Agreement is executed. All funds in the escrow shall be used to reduce the amount of the mortgage upon execution of the Housing Assistance Payments Contract (Contract) or, for FHA-insured projects, at final endorsement. Fifty percent of the escrowed funds may be used to offset one-half of any reduction in mortgage amount that otherwise would result from cost savings at cost certification. The contract rents shall be reduced commensurate with the reduction in the mortgage.

5. Where the mortgagor is a nonprofit, the field office shall determine or the State Agency shall certify that the development cost per unit does not exceed the average development cost, excluding any allowance for sponsor's profit, for profit-motivated projects approved by HUD or by the State Agency.

6. The financing documents approved by HUD, or by the State Agency pursuant to § 883.307, shall include a provision providing for advance refunding at the request of HUD, provided such refunding is consistent with applicable Federal, State and local law. The financing documents shall state the circumstances under which such refunding may occur. The financing documents shall also include a call date to permit refinancing. The call date will be as early as the Secretary determines to be feasible for marketing obligations without a significant adverse impact on the interest rate. The owner shall be required to consent to reduction of the contract rents commensurate with the reduced project debt service resulting from such refunding.

C. *Financing Adjustment.*

1. The project will be processed using an assumed debt service factor corresponding to an interest rate of not less than 8 percent. The rents determined in this initial processing (base level contract rents) plus utility allowance must meet the Fair Market Rent limitations of the base level FMRs and the rent reasonableness limitations.

2. The owner and the financing agency shall certify the actual annual debt service factor of the permanent financing. The actual annual debt service factor may not exceed that corresponding to an interest rate of 12 percent. For projects financed by State Agencies, override (as defined in § 883.302 and including any servicing fee), which must be included in the above interest rate ceiling, shall not exceed 50 basis points. There shall be no financing cost contingency (as defined in § 883.302 and described in § 883.308(e)).

3. The HUD field office shall apply a financing adjustment to base level contract rents to determine the contract rents necessary to reflect the difference between the debt service amount required by the assumed debt service factor and the actual annual debt service factor.

4. The contract rents determined by the financing adjustment calculation are not subject to the Fair Market Rent limitations of the base level FMRs or the rent reasonableness limitations.

5. Where the financing adjustment to contract rents is provided from recaptured authority, there must be compliance with outstanding policies for cancellation, recapture and reuse of contract and budget authority. A State Agency may at its option choose to include in the Agreement contract rents based on the maximum feasible financing adjustment and make the actual financing adjustment calculation when the Contract is executed.

D. *Subsequent Amendments.*

Any increase in contract rents that is attributable to an increase in mortgage amount or operating expenses must be justified independently of the financing adjustment. Revised base level contract rents plus utility allowance taking account of the increases must be determined and must meet the Fair Market Rent limitations of the base level FMRs and the rent reasonableness limitations.

* * * * *

(Sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)))

Issued at Washington, D.C., October 19, 1981.

Philip D. Winn,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 81-30686 Filed 10-22-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 5c

[T.D. 7791]

Temporary Income Tax Regulations Under the Economic Recovery Tax Act of 1981; Special Rules for Leases Under the Economic Recovery Tax Act of 1981

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document contains temporary regulations relating to the special rules for leases under the Economic Recovery Tax Act of 1981. These regulations provide guidance to persons executing lease agreements under section 168 (f)(8) of the Internal Revenue Code of 1954.

DATE: The regulations apply with respect to certain property placed in service after December 31, 1980.

FOR FURTHER INFORMATION CONTACT: John A. Tolleris, of the Legislation and Regulations Division, Office of Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., N.W., Washington, D.C. 20224 (202) 566-3294.

SUPPLEMENTARY INFORMATION:

Background

This document contains temporary regulations relating to the special rules for leases under section 168 (f)(8) of the Internal Revenue Code of 1954, as enacted by section 201(a) of the Economic Recovery Tax Act of 1981 (95 Stat. 214). These regulations are included in Part 5c, Temporary Income Tax Regulations Under the Economic Recovery Tax Act of 1981. The temporary regulations provided by this document will remain in effect until superseded by later final regulations with respect to section 168 concerning the accelerated cost recovery system (ACRS). These temporary regulations are expected to be revised and proposed in the forthcoming notice of proposed rulemaking with respect to section 168 concerning ACRS.

Explanation

In addition to normal regulating authority granted to the Secretary by section 7805 of the Code, section 168(f)(8)(G) of the Code provides that the Secretary shall prescribe such regulations as may be necessary to carry out the purposes of section 168(f)(8), including (but not limited to) regulations which limit the lessor to the aggregate amount of (and timing of) deductions and credits in respect of the qualified leased property that would have been allowable to the lessee without regard to section 168(f)(8). These regulations contain certain rules promulgated under the authority of section 168(f)(8)(G). For example, these rules include a requirement that the lease term cannot be shorter than the ACRS life of the property in the hands of the lessee and requirements regarding the reporting of interest under purchase money obligations and rent under the lease agreement.

Section 5c.168(f)(8)-9 reserves the issue of whether section 168(f)(8) leases may be used to transfer only the investment tax credit. The Treasury Department does not imply by such reservation that section 168(f)(8) applies in the case of transactions that transfer only the investment tax credit to a party other than the ultimate user of the property.

Inapplicability of Executive Order 12291

These regulations are not major legislative regulations for purposes of Executive Order 12291 because the economic effect of these regulations flows principally from the statutory provisions upon which these regulations are based.

Drafting Information

The principal author of this regulation is John A. Tolleris of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Adoption of amendments to the regulations.

Accordingly, the following temporary regulations are adopted:

Paragraph 1. Part 5c is amended by adding the title of the part and the following entries to the table of contents:

PART 5c—TEMPORARY INCOME TAX REGULATIONS UNDER THE ECONOMIC RECOVERY TAX ACT OF 1981

Sec.
5c.44F-1 Leases and qualified research expenses.
5c.103-1 Leases and capital expenditures.
* * * * *
5c.168(f)(8)-1 Special rules for leases.
5c.168(f)(8)-2 Election to characterize transaction as a section 168(f)(8) lease.
5c.168(f)(8)-3 Requirements for lessor.
5c.168(f)(8)-4 Minimum investment of lessor.
5c.168(f)(8)-5 Term of lease.
5c.168(f)(8)-6 Qualified leased property.
5c.168(f)(8)-7 Reporting of income and deductions; at risk rules.
5c.168(f)(8)-8 Loss of section 168(f)(8) protection; recapture.
5c.168(f)(8)-9 Pass-through leases—transfer of investment tax credit only.
5c.168(f)(8)-10 Leases between related parties.
5c.168(f)(8)-11 Consolidated returns.

Par. 2. New §§ 5c.44F-1, 5c.103-1, and 5c.168(f)(8)-1 through 5c.168(f)(8)-11 are added. The new sections read as follows:

§ 5c.44F-1 Leases and qualified research expenses.

For purposes of section 44F(b)(2)(A)(iii), the determination of whether any amount is paid or incurred to another person for the right to use personal property in the conduct of qualified research shall be made without regard to the characterization of the transaction as a lease under section 168(f)(8). See § 5c.168(f)(8)-1(b).

§ 5c.103-1 Leases and capital expenditures.

For purposes of section 103(b)(6)(D) and § 1.103-10(b)(2)(iv)(*b*), the determination of whether property is leased and whether property is of a type that is ordinarily subject to a lease shall be made without regard to the characterization of the transaction as a lease under section 168(f)(8).

§ 5c.168(f)(8)-1 Special rules for leases.

(a) *In general.* Section 168(f)(8) of the Internal Revenue Code of 1954 provides special rules for characterizing certain agreements as leases and characterizing the parties to the agreement as lessors and lessees for Federal tax law purposes. These rules apply only with respect to qualified leased property. If all the requirements of section 168(f)(8) and §§ 5c.168(f)(8)-2 through 5c.168(f)(8)-11 are met, then the agreement shall be treated as a lease, and the party characterized as the lessor shall be treated as the owner of the property. In such case, the lessor shall be deemed to have entered into the lease in the course of carrying on a trade or business and shall be allowed accelerated cost recovery system (ACRS) deductions under section 168 and the investment tax credit under section 38 with respect to the leased property.

(b) *Exception for qualified research expenditures.* For purposes of section 44F(b)(2)(A)(iii), the determination of whether any amount is paid or incurred to another person for the right to use personal property in the conduct of qualified research shall be made without

regard to the characterization of the transaction as a lease under section 168(f)(8). Thus, if a lessee would be considered the owner of the property without regard to section 168(f)(8), any amounts paid by the lessee under the lease shall not be considered amounts paid or incurred for the right to use the property.

(c) *Other factors disregarded.* If an agreement meets the requirements of section 168(f)(8) and §§ 5c.168(f)(8)–2 through 5c.168(f)(8)–11, the following factors will not be taken into account in determining whether the transaction is a lease:

(1) Whether the lessor or lessee must take the tax benefits into account in order to determine that a profit is made from the transaction;

(2) The fact that the lessee is the nominal owner of the property for State or local law purposes (*e.g.*, has legal title to the property) and retains the burdens, benefits, and incidents of ownership (such as payment of taxes and maintenance charges with respect to the property);

(3) Whether or not a person other than the lessee may be able to use the property after the lease term;

(4) The fact that the property may (or must) be bought or sold at the end of the lease term at a fixed or determinable price that is more or less than its fair market value at that time;

(5) The fact that the lessee or related party has provided financing or has guaranteed financing for the transaction (other than for the lessor's minimum 10 percent investment); and

(6) The fact that the obligation of any person is subject to any contingency or offset agreement. See, for example, the rent and debt service offset in Example (2) of paragraph (e).

An agreement that meets the requirements of section 168(f)(8) and §§ 5c.168(f)(8)–2 through 5c.168(f)(8)–11 may be treated by the parties as a lease for Federal Tax law purposes only. Similarly, a sale by the lessee of the leased property to the lessor in a transaction where the property is leased back under an agreement that meets the requirements of section 168(f)(8) may be treated by the parties as a sale for Federal tax law purposes only. The agreements need not comply with State law requirements concerning transfer of title, recording, etc.

(d) *Ownership in one of the parties.* Notwithstanding any other section, if neither the lessor nor the lessee would be the owner of the property without regard to section 168(f)(8), or, if any party with an economic interest in the property (other than the lessor or lessee) claims ACRS deductions or an investment tax credit with respect to the leased property, an election under section 168(f)(8) with respect to such property shall be void as of the date of the execution of the lease agreement.

(e) *Examples.* The application of section 168(f)(8) and §§ 5c.168(f)(8)–2 through 5c.168(f)(8)–11 may be illustrated by the following examples:

Example (1). X Corp. wishes to acquire a $1 million piece of equipment which is "qualified leased property" as defined in section 168(f)(8)(D). The equipment has a 10-year economic life and falls within the 5-year ACRS class. Y Corp. is a person meeting the qualifications set forth in section 168(f)(8)(B)(i) and § 5c.168(f)(8)–3 and wishes to be the owner of the property for Federal tax law purposes. Y therefore purchases the equipment from the manufacturer for $1 million, paying $200,000 in cash and borrowing $800,000 from a bank (payable over 9 years and requiring nine equal annual payments of principal and interest of $168,000). Y then leases the equipment to X under an agreement providing for nine annual rental payments of $168,000, and the parties elect in accordance with the provisions of § 5c.168(f)(8)–2 to have the provisions of section 168(f)(8) apply. The timing and amount of the rental payments required to be made by X (the "lessee-user") under the lease will be exactly equal to the timing and amount of the prihcipal and interest payments that Y (the "lessor") will be required to make to the bank under its purchase money note. Under these circumstances, Y is treated as the owner and lessor of the property for Federal tax law purposes; it therefore is entitled to the investment tax credit and the ACRS deductions with respect to the property. Y's basis in the property is $1 million. Y must report the rent as income and will be entitled to deduct the interest on the purchase money note. The aggregate payments required to be made by X under the lease are treated as rent in accordance with § 5c.168(f)(8)–7 and are deductible as such.

Example (2). The facts are the same as in example (1) except that X purchases the equipment for $1 million and wishes to transfer ownership of the property for Federal tax law purposes to Y under a sale and leaseback arrangement. Accordingly, X sells the property to Y for $200,000 in cash (which represents the agreed upon compensation for the tax benefits to be enjoyed by Y as lessor) plus a 9-year, $800,000 note calling for nine $168,000 annual payments of principal and interest. Y then leases the property back to X under an agreement providing for nine annual rental payments of $168,000. The parties elect in accordance with the provisions of § 5c.168(f)(8)–2 to have the provisions of section 168(f)(8) apply. The timing and amount of the rental payments required to be made by X (as the lessee-user) under the lease will be exactly equal to the timing and amount of the principal and interest payments that Y will be required to make to X under Y's purchase money note, so that the only cash transferred between X and Y is the $200,000 down payment. Y's obligation to make debt service payments on the note is contingent on X's obligation to make rental payments under the lease. Under these circumstances, Y is treated as the owner and lessor of the property for Federal tax law purposes; it therefore is entitled to the investment tax credit and ACRS deductions with respect to the property. Y's basis in the property is $1 million. Y must report the rent as income and will be entitled to deduct the interest on the purchase money note. No gain or loss will be recognized by X on the sale of the property since the sale price equals X's basis in the property. X must report as income the interest paid by Y on the note and will be entitled to a deduction for the rental payments it makes under the lease in accordance with § 5c.168(f)(8)–7.

Example (3). Assume that in both examples (1) and (2) X has an option to purchase the equipment at the end of the lease term for $1.00. The fact that the property may (or must) be bought or sold at the end of the lease term at a fixed or determinable price that is more or less than its fair market value is not taken into account in determining the status of the transactions as leases under section 168(f)(8).

§ 5c.168(f)(8)–2 Election to characterize transaction as a section 168(f)(8) lease.

(a) *Election*—(1) *In general.* The election to characterize a transaction as a lease qualifying under section 168(f)(8) shall be made within the time and manner as set forth in this section without regard to section 168(f)(4).

(2) *Lease agreement.* For an agreement to be treated as a lease under section 168(f)(8) and this section, the lease agreement must be executed not later than 3 months after the property was first placed in service, as defined in § 5c.168(f)(8)–6(b)(2)(i) (or prior to November 14, 1981, if the property was first placed in service by the lessee after December 31, 1980, and before August 14, 1981). The agreement must be in writing and must state that all of the parties to the agreement agree to characterize it as a lease for purposes of Federal tax law and elect to have the provisions of section 168(f)(8) apply to the transaction. The agreement must also name the party who will be treated as the lessor and the party who will be treated as the lessee.

(3) *Information return concerning the election.* (i) The lessor and lessee shall file information returns concerning their election under section 168(f)(8) with respect to a particular property (or properties) with their income tax returns by the date set forth in paragraph (a)(3)(ii) of this section. Each information return shall be signed by both the lessor and the lessee. The failure by the lessor to file the information return shall be a disqualifying event which shall cause an

agreement to cease to be treated as a lease under section 168(f)(8). For the Federal income tax consequences of a disqualifying event, see § 5c.168(f)(8)–8. The information return shall include the following items:

(A) The name, address, and taxpayer identifying number of the lessor and the lessee;

(B) The district director's office with which the income tax returns of the lessor and lessee are filed;

(C) A description of each property with respect to which the election is made;

(D) The date on which the lessee places the property in service (determined as defined in § 5c.168(f)(8)–6(b)(2)(i)), the date on which the lease begins and the term of the lease;

(E) The recovery property class of the leased property under section 168(c)(2) (for example, 5 years);

(F) For the lessor only: the unadjusted basis of the property as defined in section 168(d)(1);

(G) For the lessor only: if the lessor is a partnership or a grantor trust, the name, address, and taxpayer identifying number of the partners or the beneficiaries, and the district director's office with which the income tax return of each partner or beneficiary is filed; and

(H) Such other information as required by the return or its instructions.

(ii) The information return described in (a)(3)(i) of this section shall be filed by each party with its income tax return for its taxable year during which the lease term begins. However, for taxable years ending in 1981 with respect to lease agreements executed during calendar year 1981, such statement shall be filed by the later of (A) the due date (taking extensions into account) of the party's 1981 income tax return, or (B) where the filing of an amended income tax return is required, with the amended return within 3 months following the execution of the lease agreement. For the requirement to file an amended return within 3 months and the consequences of the failure to so file, see § 5c.168(f)(8)–6(b)(2)(ii). A taxpayer that is required to file the information return before an information return form is available shall file, in lieu of the required information return, a statement signed by the lessor and the lessee which contains the information set forth in subparagraphs (A) through (G) of paragraph (a)(3)(i) of this section.

(4) *Election is irrevocable.* An agreement made pursuant to paragraph (a)(2) of this section shall be irrevocable as of the later of the date such agreement was executed or November 23, 1981.

(5) *Disposition by lessee.* If the lessee (or any subsequent transferee of the lessee's interest) sells or assigns its interest in the lease or the property, whether voluntarily or involuntarily (such as, for example, in a foreclosure proceeding), the agreement will cease to be characterized as a lease under section 168(f)(8) as of the time of the sale or assignment unless (i) the transferee furnishes to the lessor within 60 days following the transfer the transferee's written consent to take the property subject to the lease, and (ii) the transferee and lessor file a statement with their income tax returns for the taxable year in which the transfer occurs containing the following information:

(A) The name, address, and taxpayer identifying number of the lessor and the transferee;

(B) The district director's office with which the income tax returns of the lessor and transferee are filed;

(C) A description of the property. See § 5c.168(f)(8)–8 for the Federal income tax consequences where an agreement ceases to be characterized as a lease under section 168(f)(8).

(b) *Examples.* The application of the provisions of this section may be illustrated by the following examples:

Example (1). X Corp. maintains its books and records for Federal tax law purposes on a calendar year basis. On February 1, 1981, X acquires certain equipment for use in its business, and the equipment is deemed to be placed in service on that date within the meaning of § 5c.163(f)(8)–6(b)(2)(i). On November 1, 1981, X sells the equipment to Y and leases it back under a lease in which the parties elect to have the provisions of section 168(f)(8) apply. The election is considered timely for purposes of making Y the owner of the property under section 168(f)(8) since the lease agreement was executed before November 14, 1981.

Example (2). The facts are the same as in example (1) except that X Corp.'s taxable year ends on February 28, 1981. X claimed the investment tax credit and depreciation deductions with respect to the property in its return filed April 1, 1981. The lease will qualify for safe harbor treatment under section 168(f)(8) provided X, within 3 months after the lease agreement was executed, files an amended return pursuant to § 5c.168(f)(8)–6(b)(2)(ii) for its taxable year ending February 28, 1981, in which X foregoes its right to claim any investment tax credit or ACRS deductions with respect to the property subject to the lease.

§ 5c.168(f)(8)–3 Requirements for lessor.

(a) *Qualified lessor.* In order for an agreement to be treated as a lease under section 168(f)(8), the party characterized in the agreement as the lessor must be a qualified lessor. The term "qualified lessor" means—

(1) A corporation which is neither an electing small business corporation under section 1371(b) nor a personal holding company under section 542(a), or

(2) A partnership all of whose partners are corporations described in subparagraph (1), or

(3) A grantor trust whose grantor and beneficiaries are all corporations described in paragraph (a)(1) or partnerships described in paragraph (a)(2).

(b) *Effect of disqualification of lessor.* If at any time during the term of the agreement the lessor ceases to be a qualified lessor, the agreement will lose its characterization as a lease under section 168(f)(8) as of the date of the event causing such disqualification. If any partner of a partnership described in paragraph (a)(2) ceases to be a corporation described in paragraph (a)(1), the partnership entity shall cease to be a qualified lessor. Similarly, if any beneficiary of a trust described in paragraph (a)(3) ceases to be a corporation described in paragraph (a)(1), the trust shall cease to be a qualified lessor. See § 5c.168(f)(8)–8 for the Federal income tax consequences of such a disqualification.

(c) *One tax owner per property.* Only one person may be a qualified lessor under section 168(f)(8) with respect to leased property. Thus, property that is subject to a lease under section 168(f)(8) may not be subleased under a lease for which a section 168(f)(8) election is made. In addition, if a lessor sells or assigns in a taxable transaction its interest in a section 168(f)(8) lease or in the underlying property, the lease shall cease to qualify under section 168(f)(8), and no other lease may be executed under section 168(f)(8) with respect to the property. See § 5c.168(f)(8)–8 for the Federal income tax consequences where a lease ceases to qualify under section 168(f)(8). However, lease brokers, agents, etc., may, for example, prepare executory contracts with the lessee whereby the broker's assignee may execute a lease as lessor, and, if the requirements of section 168(f)(8) and §§ 5c.168(f)(8)–1 through 5c.168(f)(8)–11 are met, the lease will qualify under section 168(f)(8).

(d) *Examples.* The application of paragraph (c) may be illustrated by the following examples:

Example (1). X Corp. (as lessee) sells certain new equipment to Y Corp. (as lessor) and leases it back under a section 168(f)(8) lease. Within 3 months after the property was placed in service, Y assigns its interest in the lease to Z. Upon the transfer to Z, the lease will no longer qualify for treatment under

section 168(f)(8). The property may not thereafter be the subject of a section 168(f)(8) lease.

Example (2). X Corp. wishes to acquire certain equipment for use in its business and also wishes to transfer ownership of the property for Federal tax law purposes. LB, a lease broker, purchases the equipment and enters into a contract with X under which X agrees to execute a section 168(f)(8) lease (as lessee) with a third party assignee of LB's interest in the property. LB assigns the equipment and contract to T Corp. (which wishes to secure Federal tax law ownership), and at a later date (but within the prescribed 3-month period) X and T execute a lease agreement in accordance with § 5c.168(f)(8)–2. The lease will qualify for treatment under section 168(f)(8).

§ 5c.168(f)(8)–4 Minimum investment of lessor.

(a) *Minimum investment.* Under section 168(f)(8)(B)(ii), an agreement will not be characterized as a lease for purposes of section 168(f)(8) unless the qualified lessor has a minimum at risk investment which, at the time the property is placed in service under the lease and at all times during the term of the lease, is not less than 10 percent of the adjusted basis of the leased property. As the adjusted basis of the leased property is reduced by capital cost recovery deductions, the minimum investment required will also be reduced to 10 percent of the revised adjusted basis, until the adjusted basis has been completely recovered, at which time no minimum investment will be required. Financing provided by the lessee or a party related to the lessee, such as a recourse note given by the lessor to the lessee, will not be taken into account in determining the lessor's minimum investment.

(b) *At risk amount.* The minimum investment which the lessor has at risk with respect to the leased property for purposes of paragraph (a) of this section includes only consideration paid and recourse indebtedness incurred by the lessor to purchase the property. The lessor must have sufficient net worth (without regard to the value of any leases which qualify under section 168(f)(8)) to satisfy any personal liability incurred. Any tax benefits which the lessor derives from the leased property shall not be taken into account to reduce the amount the lessor has at risk. An agreement between the lessor and the lessee requiring either or both parties to purchase or sell the qualified leased property at some price (whether or not fixed in the agreement) at the end of the lease term shall not affect the amount the lessor has at risk with respect to the property. However, an option held by the lessor to sell the property that is exercisable before the end of the period prescribed under section 168(c)(2) for the recovery property class of the leased property (taking into account any election by the lessor or lessee under section 168(b)(3)) shall reduce the amount the lessor is considered to have at risk by the amount of the option price at the time the option becomes exercisable.

§ 5c.168(f)(8)–5 Term of lease.

(a) *Term of lease*—(1) *Basic rules.* To qualify as a lease under section 168(f)(8) and § 5c.168 (f)(8)–1 (a), the lease agreement must provide for a term that does not exceed the maximum term described in paragraph (b) of this section; such term must also at least equal the minimum term described in paragraph (c).

(b) *Maximum term.* For purposes of section 168(f)(8)(B)(iii) and this section, the term of the lease may not exceed the greater of—

(1) 90 percent of the useful life of the property under section 167, or

(2) 150 percent of the asset depreciation range (ADR) present class life ("midpoint") of such property, applicable as of January 1, 1981 (without regard to section 167(m)(4)), published in Rev. Proc. 77–10, 1977–1 C. B. 548, and revisions thereto.

Solely for purposes of this paragraph (b), "useful life" means the period when the leased asset can reasonably be expected to be economically useful in anyone's trade or business; such term does not mean the period during which the lessor expects to lease the property. Any option to extend the term of the lease, whether or not at fair market value rent, must be included in the term of the lease for purposes of this paragraph. If several different pieces of property are the subject of a single lease, the maximum allowable term for such lease will be measured with respect to the property with the shortest life. In no case, however, will the lease term qualify under this section if such term with respect to any piece of property is less than the minimum term described in paragraph (c).

(c) *Minimum term.* For purposes of this section, the term of the lease must at least equal the period prescribed under section 168(c)(2) for the recovery property class of the leased property. For example, if a piece of leased equipment is in the 5-year recovery property class, the lease agreement must have a minimum term of 5 years. In general, the determination of whether property is 3-year recovery property, 5-year recovery property, etc., in the hands of the lessor will be based on the characterization of the property in the hands of the owner as determined without regard to the section 168(f)(8) lease. Thus, for example, property which is public utility property or RRB replacement property absent the section 168(f)(8) lease will be characterized as such in the hands of the lessor for purposes of section 168(f)(8). However, with respect to RRB replacement property, the transitional rule of section 168(f)(3) shall be inapplicable to the lessor. In addition, any election under section 168(b)(3) by the lessor with respect to the class of recovery property to which the qualified leased property is assigned shall apply to the leased property in determining the term of the lease. A lease term that does not exceed the term required to satisfy the minimum lease term of this paragraph will be deemed to comply with the maximum lease term described in paragraph (b) if such minimum lease term exceeds such maximum lease term.

(d) *Examples.* The application of this section may be illustrated by the following examples:

Example (1). X Corp. (as lessee) and Y Corp. (as lessor) enter into a lease which they elect to be treated under section 168(f)(8) with respect to a chemical manufacturing facility that will also generate steam for use in the production of electricity. The assets comprising the chemical plant are described in ADR guideline class 28.0 (midpoint life of 9.5 years), and the assets comprising the steam plant are described in ADR class 00.4 (midpoint life of 22 years). To satisfy the maximum lease term requirement of section 168(f)(8)(B)(iii)(II) and § 5c.168 (f)(8)–5(b), the lease term may not exceed 14.25 years (150 percent of the 9.5 year midpoint life of the chemical plant).

Example (2). The facts are the same as in example (1) except that the chemical plant and the steam plant are the subject of separate leases. For purposes of section 168(f)(8)(B)(iii)(II) and § 5c.168(f)(8)–5 (b), the maximum term of the lease with respect to the chemical plant is 14.25 years (150 percent of 9.5 years) and the maximum term of the lease with respect to the steam plant is 33 years (150 percent of 22 years).

§ 5c.168(f)(8)–6 Qualified leased property.

(a) *Basic rules* (1) *In general.* An agreement shall be treated as a section 168(f)(8) lease only if the property which is leased is qualified leased property. Qualified leased property is recovery property as defined in section 168(c) and is either—

(i) Except as provided in subparagraph (2), new section 38 property of the lessor which is leased no later than 3 months after the date the property was placed in service (or prior to November 14, 1981, if the property was placed in service after December 31, 1980, and before August 14, 1981) and which, if acquired by the lessee, would

have been new section 38 property of the lessee, or

(ii) Property which is a qualified mass commuting vehicle (as defined in section 103(b)(9)) and which is financed in whole or in part by proceeds from an issue of obligations the interest on which is excludable from income under section 103(a).

(2) *Sale and leaseback arrangement.* (i) Where the leased property is purchased, directly or indirectly, by the lessor from the lessee (or a party related to the lessee), the property will not be qualified leased property unless the property was (or would have been) new section 38 property of the lessee and was purchased and leased no later than 3 months after the date the property was placed in service by the lessee (or prior to November 14, 1981, if the property was placed in service by the lessee after December 31, 1980 and before August 14, 1981) and with respect to which the lessor's adjusted basis does not exceed the adjusted basis of the lessee (or a party related to the lessee) at the time of the lease. If the lessor's adjusted basis in the property exceeds the seller's adjusted basis with respect to the property at the beginning of the lease, the property will not be qualified leased property.

(ii) For purposes of this paragraph (a)(2), transactional costs with respect to a sale and leaseback arrangement that are not currently deductible shall be allocated to the lease agreement (and not included in the lessor's adjusted basis with respect to the property) and amortized over the term of the lease. These costs include legal and investment banking fees and printing costs.

(iii) The application of this paragraph (a)(2) may be illustrated by the following examples:

Example (1). X, an airline, contracts to have an airplane constructed for a fixed price of $10 million. Prior to completion of construction of the airplane, the value of the airplane increases to $11 million. X buys the airplane at the contract price of $10 million and, before it is placed in service, sells the airplane at its fair market value of $11 million to Y and then leases it back. The lease will not qualify for safe harbor protection under section 168(f)(8) because the lessor's adjusted basis in the airplane exceeds the lessee's adjusted basis. This result obtains even though the airplane qualifies as new section 38 property of X airline.

Example (2). Assume the same facts as in example (1) except that, prior to completion of the construction of the airplane, X assigns its contract to Y for $1 million, and Y thereafter buys the airplane at the contract price of $10 million. The acquisiton by Y is treated as an indirect purchase from the lessee. Because Y's adjusted basis in the airplane would exceed the lessee's adjusted basis, the lease will not qualify under section 168(f)(8).

(b) *Special rules*—(1) *New section 38 property.* (i) new section 38 property is section 38 property described in subsection (b) of section 48 and the regulations thereunder other than a qualified rehabilitated building (within the meaning of section 48(g)(1)). Qualified leased property must be new section 38 property at the beginning of the lease and must continue to be section 38 property in the hands of the lessor and the lessee throughout the lease term. The fact that the lessee used the property within the 3-month period prior to the lease will not disqualify the property as new section 38 property of the lessee.

(ii) The application of this paragraph (b)(1) may be illustrated by the following examples:

Example (1). N is a hospital exempt from Federal income tax and wishes to purchase certain equipment for use in furtherance of its exempt functions (*i.e.*, other than for use in an unrelated trade or business). O, a qualified lessor as defined in § 5c.168(f)(8)–3(a), acquires the property and leases it to N. Since the equipment would not be new section 38 property of N if N had acquired it by virtue of section 48(a)(4) (relating to exception from difinition of section 38 property for certain property used by certain tax-exempt organizations), the equipment is not qualified leased property and the lease does not qualify under section 168(f)(8). Whether O is considered the owner of the property for Federal tax law purposes will be determined without regard to the provisions of section 168(f)(8).

Example (2). P Corp. is constructing progress expenditure property as defined in section 46(d)(2) for R Corp. Progress expenditure property is property which it is reasonable to believe will be section 38 property in the hands of the taxpayer when it is placed in service. Before the date that the property is placed in service (as defined in § 5c.168(f)(8)–6(b)(2)(i)), the property is not new section 38 property. Accordingly, progress expenditure property cannot be qualified leased property.

Example (3). R Corp., a foreign railroad, acquires new rolling stock and enters into a sale and leaseback transaction with B Corp., a domestic corporation. R uses the rolling stock within and without the United States, but predominantly outside the United States within the meaning of section 48(a)(2)(A). Section 48(a)(2)(B)(ii) is inapplicable to R because R is neither a domestic railroad corporation nor a United States person; therefore, the rolling stock cannot be section 38 property to R. The property is not qualified leased property.

(2) *Placed in service.* (i) Property shall be considered as placed in service at the time the property is placed in a condition or state of readiness and availability for a specifically assigned function. If an entire facility is leased under one lease, property which is part of the facility will not be considered placed in service under this rule until the entire facility is placed in service. If the lessee claims any investment tax credit or ACRS deductions with respect to any component which is part of an entire facility that is subsequently leased, the lessee must file an amended return within the time prescribed in paragraph (b)(2)(ii) of this section in which it foregoes its claim to the investment tax credit and ACRS deductions. If such amended return may not be filed because the time for filing a claim for refund with respect to any component under section 6511 has expired, each component of the facility will be considered as placed in service at the time the individual component is placed in a condition or state of readiness and availability for a specifically assigned function and not when the entire facility is placed in service.

(ii) For purposes other than determining whether property is qualified leased property, property subject to a lease under section 168(f)(8) will be deemed to have been placed in service not earlier than the date such property is used under the lease. If the lessee claims any investment tax credit or ACRS deductions with respect to property placed in service under a lease, the lessee must file an amended return within 3 months following the execution of the lease agreement in which the lessee foregoes its claim to the investment tax credit and ACRS deductions with respect to the leased property or the election under section 168(f)(8) will be void.

(iii) The application of this paragraph (b)(2) may be illustrated by the following examples:

Example (1). X Corp. acquires equipment on December 31, 1982, and places the equipment in service. X's taxable year ends December 31. On March 20, 1983, X sells the equipment to Y Corp. and leases it back in a transaction that qualifies under section 168(f)(8). The property is considered to be new section 38 property to X under paragraph (b)(1). X is not allowed any investment tax credit or ACRS deductions with respect to the property in 1982 because the property is not considered to have been placed in service for purposes other than determining whether it is qualified leased property until it is used under the lease under subdivision (ii) of this subparagraph (2). If X has claimed credits or deductions on its 1982 return, it must file an amended return for 1982 within 3 months following the execution of the lease agreement or the election will be void.

Example (2). In March 1985, K Corp. completes reconditioning of a machine, which it constructed and placed in service in 1982 and which has an adjusted basis in 1985 of

$10,000. The cost of reconditioning amounts to an additional $20,000. K would be entitled to a basis of $20,000 in computing its qualified investment in new section 38 property for 1985. In May 1985, K enters into a sale and leaseback transaction with L Corp. with respect to the reconditioned parts of the machine that are new section 38 property to K. K and L elect to have section 168(f)(8) apply. Assuming that the adjusted basis of the leased property is the same to L as it is to K, the property qualifies as qualified leased property under section 168(f)(8)(D)(ii) and L is considered the tax owner of the property. Since, for purposes other than determining whether property is qualified leased property, the property is deemed originally placed in service not earlier than the date the property is used under the lease, the property is new section 38 property to L and L may claim the investment tax credit (and ACRS deductions) with respect to the leased property.

(3) *Qualified mass commuting vehicle.* [Reserved].

(4) *Foreign lessees.* In addition to the other provisions of this section, property which is leased to a foreign person shall not be qualified leased property unless the gross income attributable to the property from all sources (determined without regard to sections 872(a) or 882(b)) is effectively connected with a trade or business within the United States, and the taxable income, if any, attributable to the property is subject to tax under section 871(b)(1) or 882(a)(1). For this purpose, if income attributable to the property is not included in gross income of a foreign lessee, and is exempt from taxation, under sections 872 or 883, or if the income is otherwise exempt from taxation under any income tax convention to which the United States is a party, then the property shall not be qualified leased property.

(5) *Other rules.* (i) Qualified leased property may include undivided interests in property or property regardless of whether or not it is considered separate property under State or local law. If property subject to a section 168(f)(8) lease is later determined not to be qualified leased property, disqualification of the lease under section 168(f)(8) will apply only as to that property.

(ii) The application of this paragraph (b)(5) may be illustrated by the following examples:

Example (1). On July 1, 1981, X Corp. contracts to have a manufacturing facility constructed for use in its business. Construction of the facility is completed on July 1, 1982, and the facility is deemed to be placed in service as of that date under § 5c.168(f)(8)-6(b)(2)(i). The facility is comprised of a mixture of new section 38 property and buildings that do not qualify as section 38 property. On August 1, 1982, X sells the new section 38 property in the facility to Y and leases it back under an agreement in which the parties elect to be treated as a lease described in section 168(f)(8). Assuming that the other requirements of this paragraph are met, the new section 38 property contained in the facility will be qualified leased property. If it is later determined that property subject to the section 168(f)(8) lease is not new section 38 property (and thus not qualified leased property), the safe harbor protection will be lost only as to that property.

Example (2). X Corp. acquires a certain piece of equipment (which is new section 38 property) for use in its business. Within 3 months, X sells a 70 percent undivided interest in the property to lessor A and a 10 percent undivided interest in the property to lessor B and leases both portions back under separate section 168(f)(8) leases. The investment tax credit and ACRS deductions associated with the property will be divided among X, lessor A, and lessor B, on a basis of 20 percent, 70 percent, and 10 percent, respectively.

§ 5c.168(f)(8)-7 Reporting of income, deductions and investment tax credit; at risk rules.

(a) *In general.* The fact that the lessor's payments of interest and principal and the lessee's rental payments under the lease are not equal in amount will not prevent the lease from qualifying under section 168(f)(8). However, see paragraph (b) for special requirements in sale and leaseback transactions. In determining the parties' income, deductions, and investment tax credit under the lease, the rules in paragraphs (c) through (g) of this section shall apply regardless of the overall method of accounting otherwise used by the parties.

(b) *Requirements for sale and leaseback transaction.* If the property leased is financed by the lessee (or a related party of the lessee) in a sale and leaseback transaction, the lease will not qualify under section 168(f)(8) unless (1) the term of the lessor's purchase money obligation is coterminous with the term of the lease, and (2) the lessor's obligation bears a reasonable rate of interest within the meaning of § 1.385-6(e) or an arm's-length rate of interest as defined in § 1.482-2.

(c) *Interest deductions and income*—(1) *Deductibility from income.* In determining the amount of interest that a lessor may deduct in a taxable year with respect to its purchase money obligation given to the lessee or to a third party creditor, the lessor may not claim a deduction that would be—

(i) Greater than a deduction that would be allowed under a level-payment mortgage, amortized over a period equal to the term of the lessor's obligation, or

(ii) Less than a deduction that would be allowed to an accrual basis taxpayer under a straight line amortization of the principal over the term of the lessor's obligation.

In cases in which the property is not financed by the lessee or a party related to the lessee, the computation of the interest deduction may take into account fluctuations in the interest rate which are dependent on adjustments in the prime rate or events outside the control of the lessor and the third party creditor.

(2) *Includibility in income.* The lessee shall include interest on the lessor's purchase money obligation in income at the same time and in the same amount as the lessor's interest deductions, as determined under paragraph (c)(1).

(d) *Rental income and deductions*—(1) *Deductibility from income.* The amount of the lessee's annual rent deduction with respect to the rent under a section 168(f)(8) lease shall be a pro rata portion of the aggregate amount required to be paid by the lessee to the lessor under the terms of the lease agreement. If the lessee is required to purchase the leased property at the end of the lease term, or if the lessor has an option to sell the property to the lessee, rent shall not include the lesser of—

(i) The amount of the lessee's purchase obligation, whether fixed by the terms of the lease agreement or conditioned on the exercise of the lessor's option to sell the property to the lessee, or

(ii) The fair market value of the property at the end of the lease term determined at the beginning of the lease term.

For this purpose, fair market value shall be determined without taking into account any increase or decrease for inflation or deflation during the lease term. Rent deductions may be adjusted pursuant to the terms of the lease agreement to account for fluctuations which are dependent on events outside the control of the lessor and lessee, such as a change in the interest rate charged by a third party creditor of the lessor on the debt incurred to finance the purchase of the leased property.

(2) *Includibility in income.* The lessor shall include rent in income as follows:

(i) In the case of prepayments of rent, the earlier of when such rent is paid by the lessee or accrued under the lease, and

(ii) In the case of other rent, at the same time and in the same amount as the lessee's rent deductions, as determined under paragraph (d)(1).

(e) *ACRS deductions.* The deductions that the lessor is allowed under section 168(a) with respect to property subject to a section 168(f)(8) lease shall be

determined without regard to the limitation in section 168(f)(10)(B)(iii). The recovery class of qualified leased property in the hands of the lessor shall be determined by the character of the property in the hands of the owner of the property without regard to section 168(f)(8). Any elections under section 168(b)(3) by the lessor with respect to the class of recovery property to which the qualified leased property is assigned shall apply to the leased property. However, with respect to RRB replacement property, the transitional rule of section 168(f)(3) shall be inapplicable to the lessor.

(f) *At risk requirements.* The amount of the investment credit and ACRS deductions that a lessor shall be allowed with respect to the leased property shall be limited to the extent the at risk rules under the investment tax credit provisions and section 465 apply to the lessee or to the lessor. In determining the amount the lessee would be at risk, the at risk rules will be applied as if the lessee had not elected to have section 168(f)(8) apply. Thus, for example, if, without regard to section 168(f)(8), an individual lessee would be treated as the owner of the leased property for Federal tax law purposes, the lessor under a section 168(f)(8) lease would be allowed ACRS deductions or investment tax credits with respect to the property only to the extent that the lessee may have claimed them had the parties not elected treatment under section 168(f)(8). In addition, the ACRS deductions and investment tax credits that a lessor is allowed with respect to the property are further limited to the extent that the at risk rules apply to the lessor as owner of the property under the section 168(f)(8) lease. If the lessor and the lessee are subject to the at risk rules, the lessor is allowed only the lesser of the ACRS deductions and investment tax credits allowable to the lessor and the lessee.

(g) *Limitation on section 48(d) amount.* If in a sale and leaseback transaction the lessor elects pursuant to section 48(d) to treat the lessee (which is the user of the property) as having acquired the property for purposes of claiming the investment tax credit, the lessee shall be treated as acquiring the property for an amount equal to the basis of the property to the lessor (and not for an amount equal to its fair market value). The investment tax credit allowable to the lessee is further limited to the extent the at risk rules apply to either the lessor or to the lessee. See paragraph (f) of this section.

(h) *Examples.* The application of the provisions of this section may be illustrated by the following examples.

Example (1). Y, a qualified lessor, acquires a piece of equipment which is qualified leased property for $1 million and leases it to X under a lease which the parties properly elect to have characterized as a lease described in section 168(f)(8). The equipment has a 10-year economic life and falls within the 5-year ACRS class. Under the terms of the lease, X, the lessee-user, is obligated to pay Y nine annual payments of $10,000 and, at the end of the lease term, Y has the option to sell the property to X for $2,160,000. Under § 5c.168(f)(8)–7(d), the aggregate payments required to be made by X under the lease are $2,250,000 ($90,000 rent plus $2,160,000 option price) and are treated as rent to Y (less a reasonable estimate for the residual value of the property) and taxable as such. Assuming a reasonable estimate of the residual value is zero, the full $2,250,000 will be treated as rent, and under § 5c.168(f)(8)–7(d), such amount is deductible by X and includible in Y's income ratably over the term of the lease, *i.e.*, at a rate of $250,000 per year ($2,250,000 divided by 9).

Example (2). The facts are the same as in example (1) except that under the terms of the lease X is obligated to make rental payments of $100,000 for each of the first 5 years of the lease and $300,000 for each of the 4 remaining years under the lease. Further, X has an option to purchase the equipment for $1.00 at the end of the lease term. Pursuant to § 5c.168(f)(8)–7(d), X's aggregate rental payments are deductible by X and are includible in Y's income ratably over the term of the lease. Thus, the annual rental payments are deemed to be $188,000 per year ($1,700,000 divided by 9).

§ 5c.168(f)(8)–8 Loss of section 168(f)(8) protection; recapture.

(a) *In general.* Upon the occurrence of an event that causes an agreement to cease to be characterized as a lease under section 168(f)(8), the characterization of the lessor and lessee shall be determined without regard to section 168(f)(8).

(b) *Events which cause an agreement to cease to be characterized as a lease.* A disqualifying event shall cause an agreement to cease to be treated as a lease under section 168(f)(8) as of the date of the disqualifying event. A disqualifying event shall include the following:

(1) The lessor sells or assigns its interest in the lease or in the qualified leased property in a taxable transaction.

(2) The failure by the lessor to file the required information return described in § 5c.168(f)(8)–2(a)(3).

(3) The lessee (or any subsequent transferee of the lessee's interest) sells or assigns its interest in the lease or in the qualified leased property, whether voluntarily or involuntarily (such as, for example, in a foreclosure proceeding), and the transferee fails to execute, within the prescribed time, the consent described in § 5c.168(f)(8)–2(a)(5).

(4) The property ceases to be section 38 property as defined in § 1.48–1 in the hands of the lessor or lessee, for example, due to its conversion to personal use or to use predominantly outside the United States, or to use by a lessee exempt from Federal income taxation.

(5) The lessor ceases to be a qualified lessor by becoming an electing small business corporation or a personal holding company (within the meaning of section 542(a)).

(6) The minimum investment of the lessor becomes less than 10 percent of the adjusted basis of the qualified leased property as described in section 168(f)(8)(B)(ii) and § 5c.168(f)(8)–4.

(7) The lease terminates.

(8) The property becomes subject to more than one lease for which an election is made under section 168(f)(8).

(9) Retirements and casualties. [Reserved]

(c) *Recapture.* The required amount of recapture of the investment tax credit and of accelerated cost recovery deductions after a disqualifying event shall be determined under sections 47 and 1245, respectively.

(d) *Consequences of loss of safe harbor protection.* The tax consequences of a disqualifying event depend upon the characterization of the parties without regard to section 168(f)(8). If the lessee would be the owner of the property without regard to section 168(f)(8), the disqualifying event will be deemed to be a sale of the qualified leased property by the lessor to the lessee. The amount realized by the lessor on the sale will include the outstanding amount (if any) of the lessor's debt on the property plus the sum of any other consideration received by the lessor.

(e) *Examples.* The application of the provisions of this section may be illustrated by the following examples:

Example (1). M Corp. and N Corp. enter into a sale and leaseback transaction in which the leaseback agreement is characterized as a lease under section 168(f)(8) and M is treated as the lessor. In the second year of the lease, M becomes an electing small business corporation under subchapter S. The agreement ceases to be treated as a lease under section 168(f)(8) as of the date of the subchapter S election. Without respect to section 168(f)(8), N would be considered the owner of the property. The disqualification of M will be treated as a sale of the qualified leased property from M to N for the amount of the purchase money debt on the property then outstanding. M will realize gain or loss, depending upon its basis,

with applicable investment tax credit and section 1245 recapture. N will acquire the property with a basis equal to the amount of the outstanding obligation. The property will not be used section 38 property to N under § 1.48-3(a)(2).

Example (2). Q Corp. (as lessor) and P Corp. (as lessee) enter into a lease that is characterized as a lease under section 168(f)(8). The lease has a 6-year term. P has no option to renew the lease or to purchase the property. At the end of 6 years, if P would be considered the owner of the property without regard to section 168(f)(8), upon the termination of the lease the property will be deemed to be sold by Q to P for the amount of the purchase money debt outstanding with respect to the property.

§ 5c.168(f)(8)-9 Pass-through leases—transfer of only the investment tax credit to a party other than the ultimate user of the property [Reserved]

§ 5c.168(f)(8)-10 Leases between related parties [Reserved]

§ 5c.168(f)(8)-11 Consolidated returns [Reserved]

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

(Sec. 168(f)(8)(G) and 7805 of the Internal Revenue Code of 1954 (95 Stat. 216; 26 U.S.C. 168(f)(8)(G), and 68A Stat. 916; 26 U.S.C. 7805))

Roscoe L. Egger, Jr.,

Commissioner of Internal Revenue.

Approved: September 20, 1981.

John E. Chapoton,

Assistant Secretary of the Treasury.

[FR Doc. 81-30738 Filed 10-20-81; 4:42 pm]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-1-FRL 1951-5]

Approval and Promulgation of Implementation Plans; Revision to the Connecticut State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Connecticut Department of Environmental Protection (DEP) which constitutes a three-year variance from Connecticut Regulation 19-508-19(a)(2)(i) concerning fuel sulfur content. The revision will allow an alternative emission reduction option for control of sulfur dioxide in accordance with EPA's controlled trading policy (44 FR 71780, December 11, 1979), commonly referred to as the "Bubble Policy". Specifically, this revision will allow Uniroyal Chemical, Division of Uniroyal, Inc., to burn 1.0 percent sulfur fuel oil in one boiler of its manufacturing facility in Naugatuck, when it also burns natural gas to obtain a fuel mixture containing no more than 50 percent (by heat value) of the higher sulfur oil. The variance will also allow the sale and delivery of fuel oil containing up to 1.0 percent sulfur by weight to this facility. No comments were received on the proposed rulemaking.

EFFECTIVE DATE: October 23, 1981.

FOR FURTHER INFORMATION CONTACT: Miriam Fastag, Air Branch, EPA Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203, (617) 223-5609.

ADDRESSES: Copies of the Connecticut document which is incorporated by reference are available for public inspection during regular business hours at the Environmental Protection Agency, Region I, Room 1903, JFK Federal Building, Boston, Massachusetts 02203; Public Information Reference Unit, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460; Office of the Federal Register, 1100 L Street, N.W., Room 8401, Washington, D.C. and the Connecticut Department of Environmental Protection, Air Compliance Unit, State Office Building, Hartford, Connecticut 06115.

SUPPLEMENTARY INFORMATION: On July 27, 1981, EPA proposed approval in the Federal Register (46 FR 38383) of a revision to the Connecticut State Implementation Plan (SIP), submitted by the Commissioner of the Connecticut Department of Environmental Protection on June 23, 1981, which would vary the provisions of Regulation 19-508-19(a)(2)(i) for three years for Uniroyal Chemical, Division of Uniroyal, Inc. (Uniroyal) in Naugatuck, Connecticut. Under Regulation 19-508-19(a)(2)(i), residual oil burning sources are limited to use of fuel containing no more than 0.5 percent sulfur by weight. The SIP revision, which EPA is approving today, allows an alternative emission reduction option in accordance with the EPA controlled trading policy commonly referred to as the "Bubble Policy" (44 FR 71780). Specifically, this revision allows Uniroyal to burn oil with a sulfur content of 1.0 percent in combination with natural gas at one boiler of its Naugatuck facility in amounts that will result in no increase in sulfur dioxide emissions over those which would result if conforming fuel oil containing 0.5 percent sulfur were burned. Fuel merchants similarly are granted a variance from the provisions of this regulation for the purpose of selling, storing, and delivering for use to the facility fuel oil containing sulfur in excess of 0.5 percent by weight but not more than 1.0 percent. This variance is effective for a three-year period, commencing upon publication of this Notice.

A thorough discussion of the SIP revision and EPA's reasons for approving it were presented in the Notice of Proposed Rulemaking, cited above, and will not be repeated here. No comments have been received and EPA is now taking final action to approve the revision.

After evaluation of the state's submittal, the Administrator has determined that the Connecticut revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Connecticut State Implementation Plan.

Pursuant to the provisions of 5 U.S.C. 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant economic impact on a substantial number of small entities, (46 FR 8709, January 27, 1981). The attached rule constitutes a SIP approval under Section 110 within the terms of the January 27 certification. This action only approves state actions. It imposes no new requirements, and provides for greater flexibility and the use of more cost-effective measures in meeting state requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "Major" and therefore subject to the requirements of a Regulatory Impact Analysis. This regulation is not Major because it only approves a state action enabling a source to implement a cost-effective control strategy, and adds no new requirements.

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

The Agency finds that good cause exists for making this action effective immediately since this implementation plan revision is already in effect under state law and EPA approval imposes no additional regulatory burden.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available *only* by the filing of a petition for review in the United States Court of

Appeals for the Appropriate circuit within 60 days of 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.

(Sec. 110(a) of the Clean Air Act, as amended, 42 U.S.C. 7410 and 7601)

Dated: October 16, 1981.

Anne M. Gorsuch,

Administrator.

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

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart H—Connecticut

1. Section 52-370, paragraph (c) is amended by adding subparagraph (17) as follows:

§ 52.370 Identification of Plan.

* * * * *

(c) The plan revisions listed below were submitted on the dates specified.

* * * * *

(17) A revision to Regulation 19-508-19(a)(2)(i), submitted by the Commissioner of the Connecticut Department of Environmental Protection on June 23, 1981, granting a temporary variance to Uniroyal Chemical, Division of Uniroyal, Inc.

[FR Doc. 81-30727 Filed 10-22-81; 8:45 am]

BILLING CODE 6560-26-M

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40 CFR Part 81

[A-5-FRL 1951-4]

Designation of Areas for Air Quality Planning Purposes Attainment Status Designations: Ohio

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: EPA is revising the sulfur dioxide (SO_2), designation for Stark County, Ohio from nonattainment to attainment. This revision is based on a request from the State of Ohio to redesignate Stark County as attainment for SO_2. Under the Clean Air Act, designations can be changed if sufficient data are available to warrant such change.

EFFECTIVE DATE: November 23, 1981.

ADDRESSES: Copies of the redesignation request, technical support documents, and the supporting air quality data are available for copying and inspection during normal business hours at the Region V address and at the Public Information Reference Unit. A telephone call to Region V is recommended prior to your visit. A reasonable fee will be charged for copying. Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20480.

Copies of the supporting material submitted by Ohio are also available at: Ohio Environmental Protection Agency, Office of Air Pollution Control, 361 E. Broad Street, Columbus, Ohio 43216.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, Air Programs Branch, U.S. Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6088.

SUPPLEMENTARY INFORMATION: On August 18, 1981 (46 FR 41818) EPA proposed to revise the nonattainment area in Stark County to attainment thus making all of Stark County attainment for SO_2. This revision was based on certification of compliance for the sources in Stark County and all available SO_2 monitoring data collected in and around the nonattainment area. A detailed discussion of the basis of EPA's action can be found in the notice of proposed rulemaking.

During the public comment period, one comment in support of this revision was received by EPA. No other public comments were received. Therefore, EPA takes final action revising the Stark County nonattainment area for sulfur dioxide to attainment, thus making all of Stark County, Ohio, attainment for sulfur dioxide.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that the attached rule will not have a significant economic impact on a substantial number of small entities. This action only changes the air quality designation of an area.

Under Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. Today's action does not constitute a major regulation because it only changes air quality designations and it does not impose any additional regulatory requirements. This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this action is available only by the filing of a petition for review in the United States Court of Appeals for the appropriate circuit within 60 days of 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.

This Notice of Final Rulemaking is issued under the authority of Section 107 of the Clean Air Act, as amended.

Dated: October 16, 1981.

Anne M. Gorsuch,

Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

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

Subpart C—Section 107 Attainment Status Designations

§ 81.336 [Amended]

1. Section 81.336 is amended in the table entitled "Ohio-Sulfur Dioxide" by removing the entry for Stark County.

[FR Doc. 81-30714 Filed 10-22-81; 8:45 am]

BILLING CODE 6560-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

41 CFR Parts 7-1, 7-7, 7-12, and 7-15

[AIDPR Notice 82-1]

Miscellaneous Revisions to the AID Procurement Regulations

AGENCY: Agency for International Development (AID).

ACTION: Final rule.

SUMMARY: The AID Procurement Regulations (AIDPR) are being amended to accommodate AID's new policy on nationality of contractor employees. AID had required, as a general rule, that contractor employees be U.S. citizens. This policy has been revised to allow contractor employees to be citizens of any free world country. Many of the benefits and restrictions applicable to contract employees (such as post differential, conflict of interest, etc.) were based on the benefits and restrictions applicable to direct hire U.S. Government employees. One of our primary assumptions was that contractor employees would be U.S. citizens. Now that contractor employees may be citizens of any free world country, it is necessary that clauses

relating to employee benefits or restrictions be revised to clarify their application, taking citizenship into account. AID policy on non-U.S. citizen contractor employees is summarized in the new Subpart 7-12.1, § 7-12.101-1.50, contained in this Notice.

EFFECTIVE DATE: This AIDPR is effective October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. J. M. Kelly, CM/SD/POL, Room 713, International Development Cooperation Agency, AID, Washington, D.C. 20523, Telephone (703) 235-9107.

SUPPLEMENTARY INFORMATION: This AIDPR Notice is a procurement regulation, and has been exempted from the requirements of Executive Order 12291 of February 17, 1981, pursuant to Sec. 8(b) of the Order, by a Memorandum dated April 8, 1981 from the Director, OMB.

The determination required by paragraph 4a of OFPP Policy letter 80-5, and the certification required by the Regulatory Flexibility Act, have been made and are included in the body of this AIDPR Notice.

PART 7-1—GENERAL

Subpart 7-1.2—Definition of Terms

1. Subpart 7-1.2 is amended by adding the following new definitions (§§ 7-1.260—7-1.262):

§ 7-1.260 Third country national (TCN).

Third country national (TCN) means an individual who is neither a cooperating country national nor a U.S. national, but is a citizen of a Free World Country (i.e., Geographic Code 935).

§ 7-1.261 Cooperating country national (CCN).

Cooperating country national (CCN) means an individual who is a cooperating country citizen or a non-cooperating country citizen lawfully admitted for permanent residence in the cooperating country.

§ 7-1.262 U.S. National (USN).

U.S. national (USN) means an individual who is a U.S. citizen or a non-U.S. citizen lawfully admitted for permanent residence in the United States.

PART 7-7—CONTRACT CLAUSES

Subpart 7-7.50—Clauses for Cost Reimbursement Contracts

§ 7-7.5002-1 [Amended]

2. Section 7-7.5002-1, *Definitions*, is amended as follows:

a. Change the clause date from September 1974 to September 1981;

b. Paragraphs (a) (3) and (4) are amended by inserting the phrase "(including TCN employees)" immediately following the word "employee" wherever it appears;

c. Add the following new paragraphs (g) and (h):

* * * * *

(g) "Third country national (TCN) employee" means an individual who meets the citizenship requirements of AIDPR 7-1.260 and is hired while residing outside the United States for work in a cooperating country.

(h) "Cooperating country national (CCN) employee" means an individual who meets the citizenship requirements of AIDPR 7-1.261 and is hired while residing outside the United States for work in a cooperating country.

3. Section 7-7.5002-2, *Leave and holidays*, is revised as follows:

§ 7-7.5002-2 Leave and holidays. [Amended]

Insert the clause set forth in AIDPR 7-7.5502-6 (41 CFR 7-7.5502-6), delete the term "* * * on campus * * *" in paragraphs (a) and (b), and add the following paragraphs (e) and (f):

* * * * *

(e) *Military leave.* Military leave of not more than 15 calendar days in any calendar year may be granted in accordance with the Contractor's usual practice to each regular employee whose appointment is not limited to 1 year or less and who is a reservist of the United States Armed Forces, provided that such military leave has been approved in advance by the cognizant Mission Director or Assistant Administrator. A copy of any such approval shall be provided to the Contracting Officer.

(f) *Leave records.* Contractor shall maintain leave records for all regular employees and short term employees including TCN and CCN employees, and the Contractor shall make semi-annual statements to the Contracting Officer of leave taken.

§ 7-7.5002-3 [Amended]

4. Section 7-7.5002-3, *Travel expenses*, is amended as follows:

a. Change the clause date from December 1976 to September 1981.

b. Paragraph (f), *Limitation on travel by dependents*, is amended by deleting the words "* * * in the United States * * *" in the first sentence.

c. Paragraph (i), *Emergency and irregular travel and transportation*, is amended by deleting the phrase "* * * to the United States * * *" as it appears in paragraphs (i) (1), (2), and (4), and inserting in its place the phrase "* * * to the employee's permanent, legal place of residence at the time he or she was employed for work under this contract * * *".

d. Paragraph (j), *Home leave travel*, is amended by adding the following new first sentence:

* * * * *

(j) * * * TCN and CCN employees are not eligible for home leave unless authorized in advance by the cognizant Mission Director, and consequently are not eligible for home leave travel unless authorized in advance by the cognizant Mission Director. A copy of any such authorization shall be provided to the Contracting Officer. * * *

* * * * *

5. Section 7-7.5002-6, *Personnel*, is revised as follows:

§ 7-7.5002-6 Personnel.

Insert the clause set forth in AIDPR 7-7.5502-3 (41 CFR 7-7.5502-3).

§ 7-7.5002-7 [Amended]

6. Section 7-7.5002-7, *Differentials and allowances*, is amended by changing the clause date from January 1975 to September 1981, and by inserting the following introductory statement to the clause:

* * * * *

This clause *does not* apply to TCN or CCN employees. TCN and CCN employees are not eligible for differentials and allowances, unless specifically authorized by the cognizant Assistant Administrator or Mission Director. A copy of any such authorization shall be provided to the Contracting Officer.

* * * * *

7. Section 7-7.5002-13 is revised to read as follows:

§ 7-7.5002-13 Contractor-Mission relationships.

Insert the clause set forth in AIDPR 7-7.5502-2 (41 CFR 7-7.5502-2), deleting paragraph (c), and redesignating paragraphs (d), (e), and (f) as paragraphs (c), (d), and (e), respectively.

Subpart 7-7.54—Clauses for Fixed Price Contracts for Technical Services

§ 7-7.5402-2 [Amended]

8. Section 7-7.5402-2, Personnel, is amended by changing the clause date from December 1970 to September 1981, and by adding the following final sentence to paragraphs (e), *Sale of personal property or automobiles* and (f), *Conflict of interest*:

"* * * This provision does not apply to employees or consultants who are citizens or legal residents of the cooperating country."

Subpart 7-7.55—Clauses for Cost Reimbursement Contracts with Educational Institutions

§ 7-7.5502-1 [Amended]

9. Section 7-7.5502-1, *Definitions*, is amended as follows:

a. The clause date is changed from June 1973 to September 1981.

b. New paragraphs (p) and (q) are added as follows:

* * * * *

(p) "Third-country national (TCN) employee" means an individual who meets the citizenship requirements of AIDPR 7-1.260 and is hired while residing outside the United States for work in a cooperating country.

(q) "Cooperating-country national (CCN) employee" means an individual who meets the citizenship requirements of AIDPR 7-1.261 and is hired while residing outside the United States for work in a cooperating country.

§ 7-7.5502-6 [Amended]

10. Section 7-7.5502-6, *Leave and holidays*, is amended as follows:

a. The clause date is changed from July 1974 to September 1981.

b. Paragraph (c)(7) is amended by deleting the words "* * * third country nationals" and inserting the words "* * * TCN or CCN employees."

11. Section 7-7.5502-7 is amended by changing the clause date from September 1974 to September 1981, and by revising paragraph (a) to read as follows:

§ 7-7.5502-7 Post privileges.

(a) Health room services of the same type that are normally provided to A.I.D. direct-hire U.S. citizen employees are generally available only for U.S. citizen contractor or subcontractor employees and their authorized dependents (regardless of citizenship) at the post of duty. These services do not include hospitalization, or predeparture or end of tour medical examinations. The services do include such medications as may be available; immunizations and preventive health measures; diagnostic examinations and advice; emergency treatment; and home visits as medically indicated.

* * * * *

PART 7-12—LABOR

Subpart 7-12.1—Basic Labor Policies

12. Section 7-12.101-1.50 is revised to read as follows:

§ 7-12.101-1.50 Employment of third country nationals (TCN's) and cooperating country nationals (CCN's).

(a) *General.* It is AID policy that cooperating country nationals (CCN's) and third country nationals (TCN's), who are hired abroad for work in a cooperating country under AID-direct contracts, generally be extended the same benefits, and be subject to the same restrictions as TCN's and CCN's employed as direct hires by the AID Mission. Exceptions to this policy may be granted either by the Mission Director or the Assistant Administrator having program responsibility for the project. (TCN's and CCN's who are hired to work in the United States shall be extended benefits and subject to restrictions on the same basis as U.S. citizens who work in the United States.)

(b) *Compensation.* Compensation, including merit or promotion increases paid to TCN's and CCN's may not, without the approval of the Mission Director or the Assistant Administrator having program responsibility for the project, exceed the prevailing compensation paid to personnel performing comparable work in the cooperating country as determined by the AID Mission. Unless otherwise authorized by the Mission Director or the Assistant Administrator having program responsibility for the project, the compensation of such TCN and CCN employees shall be paid in the currency of the cooperating country.

(c) *Allowances and differentials.* TCN's and CCN's, hired abroad for work in a cooperating country, are not eligible for allowances or differentials under AID-direct contracts, unless authorized by the Mission Director or the Assistant Administrator having program responsibility for the project.

(d) *Country and security clearances.* The Contractor shall insure that the necessary clearances, including security clearances, if required, have been obtained for TCN and CCN employees in accordance with any such requirements set forth in the contract or required by the AID Mission, prior to the TCN or CCN starting work under the contract.

(e) *Physical fitness.* Contractors are required to insure that prospective TCN and CCN employees are examined prior to employment to determine whether the prospective employee meets the minimum physical requirements of the position and is free from any contagious disease.

(f) *Workweek, holidays, and leave.* The workweek, holidays, and leave for TCN and CCN employees shall be the same as for all other employees of the contractor, under the terms of the contract; however, TCN and CCN employees are not eligible for home leave or military leave unless authorized by the Mission Director or the Assistant Administrator having program responsibility for the project.

(g) *Travel and transportation for TCN's and CCN's.* Travel and transportation shall be provided TCN and CCN employees on the same basis as for all other employees of the contractor, under the terms of the contract.

(h) *Household effects and motor vehicles.* AID will not provide household effects to TCN and CCN employees; such employees may ship their household effects and motor vehicles to their place of employment on the same basis as for all other employees of the contractor, under the terms of the contract unless they are residents of the cooperating country.

PART 7-15—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 7-15.2—Contracts With Commercial Organizations

13. Section 7-15.205-6, is amended by adding a new paragraph (b)(3) to read as follows:

§ 7-15.205-6 Compensation for personal services.

* * * * *

(b) * * *

(3) For policies on compensation of third country national or cooperating country national contractor employees, see AIDPR 7-12.101-1.50(b).

* * * * *

Subpart 7-15.3—Contracts With Educational Institutions

14. Section 7-15.303-51 is amended by designating the existing paragraph as paragraph (a), and by adding a new paragraph (b) to read as follows:

§ 7-15.303-5 Compensation for personal services.

* * * * *

(b) For policies on compensation of third country national or cooperating country national contractor employees, see AIDPR 7-12.101-1.50(b).

Subpart 7-15.6—Contracts With Nonprofit Organizations

15. Section 7-15.603-2.50 is amended by designating the existing paragraph as paragraph (a), and by adding a new paragraph (b) to read as follows:

§ 7-15.603-2.50 Compensation for personal services.

* * * * *

(b) For policies on compensation of third country national or cooperating country national contractor employees, see AIDPR 7-12.101-1.50(b).

Determination

As required by paragraph 4a of OFPP Policy Letter 80-5, I hereby determine that this AIDPR notice has been reviewed against the policies set forth in paragraphs (1) through (8) of Section 2 of the Office of Federal Procurement Policy Act (Pub. L. 93-400 as amended by Pub. L. 96-83, hereinafter referred to as the Act), and policy directives issued by OFPP under Section 6(h) of the Act. Based on this review, I hereby determine that this AIDPR Notice is not inconsistent with the policies set forth in paragraphs (1) through (8) of Section 2 of the Act, and policy directives issued by OFPP under Section 6(h) of the Act.

Certification

Pursuant to the Regulatory Flexibility Act, I hereby certify as head of the Agency, under AIDPR 7-1.204, that this regulation will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units and small governmental jurisdictions.

Authority: This AIDPR Notice is issued pursuant to 41 CFR 7-1.104-4.

Dated: October 1, 1981.

John F. Owens,

Acting Assistant Administrator, Bureau for Program and Management Services.

[FR Doc. 81-30458 Filed 10-22-81; 8:45 am]

BILLING CODE 4710-02-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 32

Continuing Treatment for Hansen's Disease Patients After Closure or Transfer of PHS Facilities

AGENCY: Public Health Service, HHS.

ACTION: Final rule.

SUMMARY: This final rule amends Part 32 of 42 CFR to provide for continuity of care at PHS expense for Hansen's disease patients being treated at PHS hospitals and clinics which will be closed or transferred pursuant to section 987 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97-35).

EFFECTIVE DATE: October 23, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Walter Ward, Acting Chief, Policy Coordination Branch, Bureau of Medical Services, Room 1127, 6525 Belcrest Road, W. Hyattsville, Maryland 20782, Telephone: (301) 436-6261.

SUPPLEMENTARY INFORMATION:

Need for the Regulation

The Public Health Service currently provides treatment for persons afflicted with Hansen's disease at the National Center for Hansen's Disease (Carville, Louisiana), as well as at PHS facilities in Boston, Miami, New Orleans, San Diego, San Francisco, San Pedro, Seattle and Staten Island. In implementing section 987 of the Reconciliation Act, all PHS hospitals and clinics except the National Center for Hansen's Disease in Carville will either be closed or transferred to public or private entities for operation as general health care facilities. The purpose of this amendment to the regulations is to provide for continuity of treatment for Hansen's disease at PHS expense after closure or transfer of PHS facilities.

The amendment provides that subject to available appropriations, Hansen's disease patients being treated on either an inpatient or outpatient basis at a PHS facility other than Carville may, at the sole discretion of the Secretary, be provided treatment for Hansen's disease at PHS expense upon closure or transfer of the PHS facility where they are currently being treated. Payment will only be made for care arranged for by a PHS authorizing official.

Publication of a Final Rule

Rulemaking procedures under the Administrative Procedure Act (5 U.S.C. 553) generally involve publication of a notice of proposed rulemaking, affording interested persons the opportunity to comment, and publication of the final rule after consideration of the comments received. However, the statute allows the agency to dispense with notice and comment procedures:

(B) When the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

There is an urgent need for this regulation because the Reconciliation Act provides for closure of certain PHS facilities as early as October 31, 1981. We are thus dispensing with notice and comment procedures as both impracticable and contrary to the public interest. We also think that there is good cause for making the rule effective immediately on publication, given the urgent need for the rule in question as a means of providing for continuity of care under section 320(b) of the Public Health Service Act (42 U.S.C. 247e(b)).

Determination Concerning Impact of the Rule

The Secretary certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, that this regulation will not have a significant economic impact on a substantial number of small entities. The reason for the Secretary's certification is that this regulation will affect only a small number of people and contract providers.

The Secretary has also determined, in accordance with Executive Order 12291 of February 17, 1981, entitled "Federal Regulation" that the proposed rule does not constitute a "major rule" because it will not: have an annual effect on the economy of $100 million or more; result in a major increase in costs or prices for consumers, any industries, any governmental agencies or any geographic regions; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Dated: October 13, 1981.

Edward N. Brandt, Jr.,

Acting Assistant Secretary for Health.

Approved: October 19, 1981.

Richard S. Schweiker,

Secretary.

PART 32—MEDICAL CARE FOR SEAMEN AND CERTAIN OTHER PERSONS

42 CFR Part 32 is amended as follows:

1. The authority citation for Part 32 is revised to read as follows:

Authority: Sec. 2, 321, 322, 58 Stat. 682, 695, 696 as amended (42 U.S.C. 2, 248, 249); Sec. 320(b), 58 Stat. 698, as amended (42 U.S.C. 247e(b)).

2. A new § 32.91 is added as follows:

§ 32.91 Purchase of Services for Hansen's Disease Patients.

Hansen's disease patients being treated on either an inpatient or outpatient basis at a hospital or clinic

facility of the Service, other than the National Center for Hansen's Disease (Carville, Louisiana), may, at the sole discretion of the Secretary and subject to available appropriations, be provided care for the treatment of Hansen's disease at the expense of the Service upon closure or transfer of such hospital or clinic pursuant to section 987 of the Omnibus Budget Reconciliation Act of 1981 (Pub. L. 97–35). Payment will only be made for care arranged for by an authorizing official of the Service as defined in § 32.1(f) of this Part.

[FR Doc. 81-30810 Filed 10-22-81; 8:45 am]
BILLING CODE 4110-84-M

Proposed Rules

Federal Register
Vol. 46, No. 205
Friday, October 23, 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.

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg. Z; Docket No. R-0368]

Definition of Arranger of Credit

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board is publishing for comment a proposal to amend the definition of "arranger of credit" in revised Regulation Z. The amendment would revise the definition to describe more clearly an arranger of credit. If adopted, the proposed definition would cover many real estate brokers who arrange seller-financed transactions.

DATE: Comments must be received on or before December 7, 1981.

ADDRESS: Comments should refer to Docket No. R-0368 and should be mailed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or delivered to Room B-2223, 20th and Constitution Avenue, N.W., Washington, D.C., between 8:45 a.m. and 5:15 p.m. Comments may be inspected weekdays in Room B-1122 between 8:45 a.m. and 5:15 p.m.

FOR FURTHER INFORMATION CONTACT: Regarding the regulation: Susan Werthan or Steven Zeisel, Staff Attorneys, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202) 452-3867. Regarding the regulatory analysis: Fred B. Ruckdeschel, Economist, Regulatory Improvement Project, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 (202) 452-2579.

SUPPLEMENTARY INFORMATION:

(1) Introduction

Effective April 1, 1981, the Board substantially revised Regulation Z, which implements the Truth in Lending Act (46 FR 20848, April 7, 1981). The revisions reflected amendments made by the Truth in Lending Simplification and Reform Act (Title VI of the Depository Institutions Deregulation and Monetary Control Act of 1980, Pub. L. 96-221). Creditors may begin complying with the revised regulation immediately, but compliance does not become mandatory until April 1, 1982. The Board is now publishing for comment a proposed amendment to the definition of arranger of credit in the revised regulation; unless otherwise indicated, all references to Regulation Z are to the revised regulation.

The Truth in Lending Act requires that "creditors" give Truth in Lending disclosures to consumers. A creditor is defined as a person who regularly extends consumer credit, or a person who is an "arranger of credit."

Under the *previous* Truth in Lending Act, an arranger of credit was considered a creditor only if the person actually extending the credit was also a creditor (one who in the ordinary course of business regularly extends consumer credit). The Truth in Lending Simplification and Reform Act changed the definition of "creditor" to cover instead those arrangers who regularly arrange for credit to be extended by persons who do *not* meet the creditor definition. This change eliminated coverage of those who arrange credit on behalf of creditors, but for the first time covered those who arrange credit for non-creditors. The simplification act does not make clear, however, what activities constitute arranging credit, and Regulation Z does not significantly expand the statutory definition.

The Board believes that more specificity is needed to make the definition easier to apply to individual cases and to assist persons, such as real estate brokers, to determine whether they must comply with Regulation Z. Therefore, the proposed definition attempts to describe more precisely what actions constitute arranging for credit.

Regulation Z presently defines an arranger of credit as follows:

> "*Arranger of credit*" means a person who regularly arranges for the extension of consumer credit [3] by another person if:
>
> (i) A finance charge may be imposed for that credit, or the credit is payable by written agreement in more than four installments (not including a downpayment); and
>
> (ii) The person extending the credit is not a creditor.

The footnote explains that a person regularly arranges for the extension of consumer credit only if it arranged credit more than 25 times (or more than 5 times for transactions secured by a dwelling) in the preceding calendar year.

The proposal would retain the substance of the present definition but it would add 2 factors to clarify the meaning of the word "arrange." To fall within the proposed definition, a person must be involved in (1) developing or negotiating credit terms and (2) helping to complete the credit documents (the sale contract would be a credit document for this purpose if it spells out terms upon which the seller agrees to provide financing for the buyer). The definition would cover most mortgage loan brokers, as well as real estate brokers arranging seller-financed transactions.

The mortgage loan broker typically advertises the availability of loans and is approached by a potential borrower. The borrower completes an application, and a mortgage or deed of trust is drafted based on the terms offered by the broker and the particular needs of the borrower. The broker then obtains a lender—often a private individual who desires to invest funds in the mortgage market. Since the mortgage loan broker typically develops the credit terms and assists in completing the relevant credit documents, the broker would be an arranger of credit under the proposed definition (assuming the arranger definition is met in other respects).

The proposed definition would also cover most real estate brokers who arrange sales involving seller financing. In this increasingly common situation, the buyer often assumes an existing mortgage and the seller finances a second mortgage loan for the difference between the sale price and the existing mortgage (less any downpayment). Alternatively, the owner may take back a first mortgage for the entire sale price (less any downpayment). The real estate broker or salesperson typically acts as an intermediary, suggesting or proposing the terms that the owner may be willing to accept and the terms that the buyer is willing to offer. The terms are usually drafted on purchase agreement form supplied by the broker and prepared with the broker's aid. In such a situation, the broker would be an arranger of credit (if the proposed definition is

otherwise met) since the broker negotiates the credit terms and assists in completing credit documents.

If the real estate broker or salesperson does no more than suggest that the seller supply a portion of the financing, the broker would not be an arranger of credit. Likewise, if the broker assists in completing the contract documents, but does not develop or negotiate the terms, the broker would not be an arranger.

While the Board believes that the proposed language sufficiently describes what it means to arrange credit, various interpretations of the proposed language are possible. The Board solicits comment on the following points:

- What activities should constitute developing or negotiating the credit terms?
- Should "credit documents" refer only to those documents that contractually obligate the consumer?
- How should real estate brokers be counted for purposes of the numerical test of coverage—by salesperson, broker or brokerage firm?

An entirely different definition than the proposal may be preferred. Some alternative ways of describing what it means to arrange credit are contained in the following list. They could be added to the proposed definition, or they could substitute for it. They all assume that the "arranger" regularly arranges consumer credit to be extended by a person who is not a creditor and that the credit involves a finance charge or is payable by written agreement in more than 4 installments.

Arranging credit might include:

- Transmitting or conveying the terms of the offer.
- Bringing together the parties in regard to the financing.
- Advising the credit extender or consumer regarding the financing terms.
- Procuring or soliciting an extender of credit.
- Acting as an intermediary between the credit extender and the consumer.

The Board solicits comment on the usefulness of any or all of the characteristics listed as possible additions or alternatives to the definition.

Furthermore, an arranger of credit may or may not receive a fee for the service. The Board solicits comment on whether receipt of a fee should be part of the definition of an arranger of credit. Real estate brokers, who obtain a commission for selling but not an explicit fee for obtaining financing, would be excluded from Truth in Lending requirements by such a test.

Finally, the Board solicits comment on the question of whether real estate brokers who assist in seller financing should be considered arrangers of credit, and thereby have responsibilities for making Truth in Lending disclosures.

The Board is allowing less than the usual 60 days for comment because it believes that prompt resolution of the matter is in the public interest in view of the impending date for mandatory compliance with the revised regulation.

(2) *Initial Regulatory Flexibility Analysis.* The Board requests comment on a proposed clarification of the word "arrange," as in "arrange credit," which is undefined in the Truth in Lending Simplification and Reform Act and is employed in the Board's revised Regulation Z, which implements the act.

The clarification is necessary to implement the act as it applies to persons who arrange a credit transaction between a borrowing consumer and a nonprofessional extender of credit, who does not conform to the definition of "creditor" in Regulation Z and is thus not subject to the disclosure requirements of the Truth in Lending Act.

Anyone who, by the regulatory definition, regularly aranges credit would be required to provide a consumer with the standard disclosures required for the type of credit being provided.[1]

Objective of the proposed definition. The purposes of the Truth in Lending Act and Regulation Z are to assure a meaningful disclosure of credit terms so that the consumers will be able to (1) compare more readily the various credit terms available to them and (2) avoid the uninformed use of credit. The primary objective of the proposed definition is to assure that all meaningful terms of credit are disclosed to buyers of dwellings when a real estate salesperson or broker arranges financing from a nonprofessional creditor, most notably individuals selling their homes.[2]

Small entities to which the rule would apply. Although data on the number of firms, brokers, and salespersons in real-estate brokerage are scanty, the proposed definition would directly or indirectly apply to a large number of small entities, including individuals. Salespersons, who are often technically independent contractors associated with a broker, would present the disclosures to buyers and in many cases calculate the required figures. They number in the hundreds of thousands and perhaps considerably more than one million. Brokers, who would be liable under Regulation Z if a disclosure was not made or was erroneous, number in the tens of thousands. There is also a large number of brokerage firms that would in most cases be classed as small businesses. There are, however, some real estate brokerage firms that could be considered large by standards of that industry.[3]

Under the proposed definition of arranging, real estate brokers who "regularly" arranged credit would be required through their salespersons to provide Truth-in-Lending disclosures when consumers financed the purchase of a dwelling with funds secured by the dwelling and obtained from a lender who was not required to provide the disclosures. The lender could thus be either the seller of the dwelling, a relative of the seller or other person brought in by the seller, or an outside third-party brought in by the broker or salesperson. Regulation Z, as revised, defines "regularly" as meaning arranging credit more than five times in a calendar year when the credit is secured by a dwelling.

Requirements for compliance. Regulation Z requires, among other things, disclosure of (1) the annual percentage rate; (2) the finance charge (total interest payments); (3) the amount financed (the loan); (4) total payments (interest and principal); (5) the total sale price, which includes the amount financed, the finance charge, and the downpayment; and (6) the payment schedule, which shows the monthly payments and any unpaid balance at maturity.

Necessary professional skills. The Board believes that the skills required for calculating figures to be disclosed in simple cases of seller financing are comparable to those needed for calculations provided by many agents when assisting buyers understand the implications of financing through financial institutions. In complex cases of seller financing the selling agent may need to rely on a person more experienced in real estate financing, such as the salesperson's supervising broker.

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[1] An extender or arranger of credit is not required to provide disclosures if he or she extends credit no more than 5 times during the preceding or current calendar year when transactions are secured by a dwelling or more than 25 times in other instances.

[2] The Board believes that consumers very rarely obtain credit from nonprofessional creditors through the services of an arranger of credit unless the credit is secured by a dwelling. Moreover, under the regulation an arranger is required to provide disclosures only when he or she arranges credit from nonprofessional lenders more than 25 times per year. The Board seeks information on whether *nonprofessional* lenders provide, through arrangers, any significant volume of credit that is not secured by a dwelling.

[3] Locally-owned franchises of a nationwide system are considered here to be individual entities and not to be integral parts of a single large entity.

Significant economic impacts on small entities. The Board recognizes that costs are incurred when Truth-in-Lending disclosures are required. They include the costs of training of salespersons and brokers to make necessary calculations or the outlays for training, equipment, and communications when a centralized service provides an agent with the required figures. Costs of disclosure will likely be accentuated because of brokers' efforts to avoid the potential liability of erroneous disclosure statements. It also recognizes that there will be costs that are not directly monetary such as the agent's time and effort and the increased complications during the negotiating process.

Another impact of the proposal would be an increase in the risk, incurred by a broker, of a sales agent providing a disclosure that is incorrect in any of its terms. Although brokers would not be liable for errors if they could show "by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adopted to avoid any such error," they could incur the legal and other expenses necessary to contest actions of buyers. The statute normally would provide a buyer 1 year in which to bring an action against a broker for an erroneous disclosure. The Board seeks information whether a broker would also be at risk beyond the one-year period if a buyer later raised a Truth-in-Lending violation as a defense in a collection action brought against the buyer by the seller.

The Board likewise seeks information on the extent to which sellers might also be at risk. Buyers might assert, for example, a violation of the act as a defense for not meeting the terms of debt instruments. Accordingly, a defaulting debtor could, at minimum, increase the potential or actual legal expenses of a seller in a default action and conceivably could cause the seller a more extensive loss owing to an error by a salesperson or broker.[4] The buyer might use the threat of a legal action to extract from the seller a renegotiated or refinanced loan on terms more favorable than he could obtain without the threat. Is there any evidence suggesting that buyers might be able (1) to use violations by a real estate broker to avoid their full obligations to sellers or (2) to unfairly abuse good-faith sellers?

Significant alternatives to the proposed rule. Since the proposal may be regarded as having a significant economic impact on a substantial number of small entities, the Board invites comment on significant alternatives, such as the following:

(1) *Application of the numerical tests:* The Board believes that if the numerical test of 5 transactions involving financing secured by a dwelling is applied to the broker in each real estate office, a large proportion of sales with seller financing would require Regulation Z disclosures. Alternatively, a smaller proportion of transactions would require disclosures if the definition of arranger is applied individually to the broker and each associate broker in an office; and many fewer would require disclosures if the definition is applied individually to salespersons and to brokers when they are selling.

(2) *Exemption of real estate brokers from coverage under Regulation Z:* Brokers could be exempt on 2 grounds from providing disclosures for seller financing.

(a) *Temporary nature of seller financing.* The recent increase in and continued use of seller financing is predicated on the economic and financial conditions in the United States during the past 12–24 months. Accordingly, the present cyclically high volume of seller financing is likely to diminish. For this reason, seller financing might be excluded from the definition of arranging at the present time because the current prominence of seller financing may be deemed temporary.

(b) *Reliance on standard documents for conveying information.* Standard documents used in seller financing (such as the sales agreement, the note, and the deed of trust) typically show the interest rate, the amount financed, the monthly payment, and the maturity, all of which the required Truth-in-Lending disclosures would duplicate. The documents also typically indicate the fact on an unpaid balance at maturity. They typically do not show the finance charge, the total payments, "total sale price," and notably, the *amount* of any unpaid balance at maturity, the ballon payment.

Of the 4 disclosure elements not typically shown in the standard documents, the amount of the balloon payments, which is a prominent element in seller financing, is potentially most important to the decision of purchasing a home. Accordingly, requiring disclosure of the balloon payment, in particular, in seller financing would allow for a more informed use of credit if the buyer would not otherwise have learned the amount of unpaid balance and considered that amount in his decision whether to purchase a dwelling.

Stating the amount of an unpaid balance to be paid or refinanced at maturity, however, provides no direct warning of the perceived primary problem in short-term seller financing. Specifically, it does not warn the buyer that economic and financial conditions at maturity could prevent refinancing or could increase its cost above that of the original seller financing to such an extent that the buyer could not afford the monthly payments owed on refinancing. The Board is seeking evidence to indicate whether requiring disclosure of the amount of the balloon payment will be an effective method of alerting a consumer to the kind of financial risk inherent in a balloon payment. For example, is there evidence that Truth-in-Lending disclosures provided by financial institutions have effectively alerted buyers in the past to the current problems with balloon payments?

(3) *Establishment of different disclosure requirements:* In view of the difficulties faced by small entities, only those disclosures considered vitally important might be required of real estate brokers rather than making coverage under Regulation Z an all or nothing proposition for brokers. On the other hand, the primary burdens may arise from the requirement to disclose at all rather than from the number of items that must be disclosed.

(4) *Provision for a different effective date:* The requirements of the act could be delayed from April 1, 1982, until October 1, 1982, for real estate brokerage firms. Most of the firms are small and would be subject to the disclosure requirements of Regulation Z for the first time. The delay might allow the real estate industry time to fully investigate and resolve potential problems associated with the "arranger" issue. Moreover, a delay might allow the industry to adjust more easily to the regulatory burden while the difficult conditions in the real estate market persist. On the other hand, a different effective date would delay full implementation of the simplification act more than 2 years after its passage.

PART 226—TRUTH IN LENDING

In consideration of the foregoing and pursuant to the authority granted in section 105 of the Truth in Lending Act (15 U.S.C. 1604, as amended), the Board proposes to amend Regulation Z, 46 FR 20848, by revising § 226.2(a)(3) and footnote 2 to read as follows:

[4] Subsequent recovery by the seller from the broker might not be easy, especially for a seller who subsequently moved or retired to another state.

§ 226.2 Definitions and rules of construction.

(a) *Definitions.* * * *

(3) *"Arranger of credit"* means a person who regularly [5]

(i) Develops or negotiates the credit terms, and

(ii) Assists in completing credit documents containing the binding credit terms, such as the contract of sale or note.

The credit involved must be extended by person who is not a creditor; and it must be subject to a finance charge or payable by written agreement in more than four installments (not including a downpayment).

* * * * *

Board of Governors of the Federal Reserve System, October 19, 1981.

Williams W. Wiles,

Secretary of the Board.

[FR Doc. 81-30603 Filed 10-22-81; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 145

[Docket No. 81N-0271]

Canned Tropical Fruit Salad; Advance Notice of Proposed Rulemaking on Possible Establishment of a Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) offers to interested persons an opportunity to review the Recommended International Standard for Canned Tropical Fruit Salad (Codex standard) developed by the Codex Alimentarius Commission and to comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, FDA will not propose a standard.

DATE: Comments by December 22, 1981.

ADDRESS: Written comments, data, or other information to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

[5] Regularly means more than 25 times (or more than 5 times for transactions secured by a dwelling) in the preceding calendar year. If a person did not meet these numerical standards in the preceding calendar year, the numerical standards shall be applied to the current calendar year.

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

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for canned tropical fruit salad.

As a member of the Codex Alimentarius Commission, the United States is obligated to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: Full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country that concludes that it will not accept a Codex standard is requested to inform the Codex Alimentarius Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act applies, it is necessary either to establish a standard under the authority of section 401 of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 341) or to revise an existing standard appropriately to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for canned tropical fruit salad.

Under the procedure prescribed in 21 CFR 130.6(b)(3), FDA is providing an opportunity for review and informal comment (1) on the need for, and desirability of, a standard for this food, (2) on the specific provisions of the Codex standard and additional or different requirements that should be included in a U.S. standard, if established, and (3) on any other pertinent points.

FDA advises that, in keeping with the current policy to limit the number of new regulations, if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, the Codex Alimentarius Commission will be informed that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country providing it compiles with applicable U.S. laws and regulations.

Owing to the large number of countries, often with diverse food regulations, which are associated with Codex, certain provisions found in Codex standards may not be in keeping with aspects of U.S. policy and regulations. Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act; rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

In addition, the Codex standard for canned tropical fruit salad specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, FDA uses the methods published in the latest edition of Official Methods of Analysis of the Association of Official Analytical Chemists, when these are available, in preference to other methods. FDA will adhere to this policy in any U.S. standard proposed under this notice.

Under 21 CFR 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments, and to include a statement of any meetings or discussions that have been held with other groups.

The Codex standard under consideration is as follows:

CAC/RS 99-1978—RECOMMENDED INTERNATIONAL STANDARD FOR CANNED TROPICAL FRUIT SALAD

1. *DESCRIPTION*

1.1 *Product Definition*

Canned Tropical Fruit Salad is the product (a) *prepared* from a mixture of basic fruits as specified in Section 1.2(a) to which may be added one or more optional fruits as specified in Section 1.2(b); (b) such fruits may be fresh, frozen or canned; (c) the fruit mixture is

packed with water or other suitable liquid packing medium and may be packed with nutritive sweeteners and *processed* by heat in an appropriate manner before or after being sealed in a container so as to prevent spoilage.

1.2 *Kinds and Styles of Fruits*

The fruit ingredient shall consist of each of the three fruit groups listed under *Basic Fruits* to which may be added any one or more of the fruits listed under *Optional Fruits*. The fruit shall be peeled, cored, trimmed, deseeded or pitted as may be applicable for the respective fruit in normal culinary preparation.

(a) *Basic Fruits*

Pineapple (*Ananas comosus* (L.) Merrill)—tidbits, pieces, dices, chips or crisp cut.

Papaya (*Carica papaya* L.) or *Mango* (*Mangifera indica* L.)—singly or in combination—slices, dices or sections.

Banana (cultivated edible species of *Musa*)—slices or dices.

(b) *Optional Fruits*

Litchi (*Litchi chinensis* SONN.)—whole or broken segments.

Cashew (*Anacardium occidentale* L.)—as flesh.

Guava (*Guayaba*)—(*Psidum guajava* L.)—quarters, slices, dices or puree.

Longan (*Euphoria longan* (LOUR.) STEUD.)—whole or broken segments.

Oranges (*Citrus sinensis* (L.) OSBECK and *Citrus reticulata* BLANCO) (including *Mandarin*)—whole segments.

Grapefruit (*Citrus paradisi* MACFAD)—whole or half segments.

Grapes (Cultivated edible species of *Vitis*)—whole grapes of any seedless variety

Maraschino Cherries (Prepared from fruit conforming with the characteristics of *Prunus avium* L.)—whole or halves (and pitted).

Passion Fruit (Cultivated edible species of *Passiflora*)—pulp (flesh) with or without seeds.

Jack Fruit (*Artocarpus integrifolia* L.)—slices.

Melon (*Cucumis melo* L.)—slices, dices or balls.

Rambutan (*Nephelium* L.)—whole or broken segments.

Peach (*Prunus persica* (L.) BATSCH)—pieces, dices or slices.

Pears (*Pyrus cammunis* L.)—pieces, dices or slices.

2. *ESSENTIAL COMPOSITION AND QUALITY FACTORS*

2.1 *Proportion of Fruits* (basic ingredients)

2.1.1. Fruits shall be in the following proportions, based on the individual drained fruit weights in relation to the drained weights of all the fruits:

	Minimum (percent)	Maximum (percent)
Basic fruits:		
Pineapple	45	65
Papaya or Mango (singly or in combination)	25	50
Banana	5	20
Optional fruits:		
Litchi	5	20
Melon	5	20
Longan	5	20
Guava (Guayaba) (except puree, as specified in 2.1.2)	5	20

2.1.2 The following optional fruits are not considered in the determination of proportions of fruit, as their consistency after processing prevents an accurate determination of their drained weight. However, it is recommended that they make up following percentages of the fruit ingredients present:

	Minimum (percent)	Maximum (percent)
Guava puree (see 2.1.1)	5	20
Cashew	2	5
Passion Fruit	1	5
Jack Fruit	5	20
Grape	3	15
Rambutan	5	20
Oranges (including Mandarin)	3	15
Maraschino Cherries	1	4
Peach	5	20
Grapefruit	3	15
Pears	5	20

2.1.3 *Acceptance*

A lot will be considered as meeting the requirements for Proportions of Fruits when:

A(a) The average of the individual fruit proportions (except those in 2.1.2 above) from all containers in the sample is within the range required for the individual fruits; and

(b) The number of individual containers, which are not within the range for any or one or more fruits, does not exceed the acceptance number, (c) of the appropriate sampling plan (AQL-6.5) in the Sampling Plans for Prepackaged Foods (CAC/RM 42-1969).

2.2 *Packing Media*

2.2.1 Canned Tropical Fruit Salad may be packed in any one of the following packing media:

(a) *Water*—in which water is the sole packing medium;

(b) *Water and Fruit juice*—in which water and fruit juice(s) from the specified fruits, is the sole liquid packing medium;

(c) *Fruit Juice*—in which one or more fruit juice(s) from the specified fruits, which may be strained or filtered, is the sole liquid packing medium;

(d) *With Sugar(s)*—any of the foregoing packing media (a) through (c), may have one or more of the following sugars added: Sucrose, invert sugar syrup, dextrose, dried glucose syrup, glucose syrup, fructose and fructose syrup.

2.2.2 *Classification of packing media when sugars are added*

(a) When sugars are added to fruit juice(s), the liquid media shall be not less than 14° Brix, and they are classified on the basis of the cut-out strength as follows:

Lightly sweetened: (Name of fruit).
Juice—Not less than 14° Brix.
Heavily sweetened: (Name of fruit).
Juice—Not less than 18° Brix.

(b) When sugars are added to water or water and one or more fruit juices the liquid media shall be classified on the basis of the cut-out strength as follows:

Basic Syrup Strengths

Light Syrup—Not less than 14° Brix.
Heavy Syrup—Not less than 18° Brix.

Optional Packing Media

When not prohibited in the country of sale, the following packing media may be used:

Slightly Sweetened Water Water Slightly Sweetened Extra Light Syrup	Not less than 10° Brix but less than 14° Brix.
Extra Heavy Syrup	Not less than 22° Brix.

2.2.3 *Compliance with packing media classification*

Cut-out strength of sweetened juice or syrup shall be determined on sample average, but no container may have a Brix value lower than that of the minimum of the next category below, if such there be.

2.3 *Quality Criteria*

2.3.1 Colour

Canned Tropical Fruit Salad shall have a colour characteristic of the mixed processed fruit, except that a slight bleaching of colour from the coloured cherries is acceptable.

2.3.2 *Flavour*

Canned Tropical Fruit Salad shall have a normal flavour and odour characteristic for the particular blend of fruit.

2.3.3 *Texture*

The texture of the fruit ingredient shall be appropriate for the respective fruit.

2.3.4 *Defects and Allowances*

Canned Tropical Fruit Salad shall be substantially free from defects within the following prescribed limits when examined in accordance with the Sampling Plan specified in 8.1.2:

Defect	Maximum limits
(a) *Blemished fruit pieces* (consisting of pieces of fruit with dark surface areas, spots penetrating the fruit, and other abnormalities).	2 pieces/100 g of drained fruit.
(b) *Peel* (based on averages) (considered a defect only when occurring on, or from those fruits which are peeled).	6.5 cm^2/kg g of total contents.

Defect	Maximum limits
(c) *Seeds (other than Passion Fruit seeds), Seed Material and Extraneous Vegetable Matter.*	2 g/500 g of total contents.

2.3.5 *Classification of "defectives"*

A container shall be considered a "defective" that fails to meet one or more of the applicable quality requirements in 2.3.1 through 2.3.4.

2.3.6 *Lot Acceptance*

A lot will be considered as meeting the applicable quality and other requirements referred to in 2.3.5 when:

(a) For those requirements which are not based on average—the number of "defectives", as defined in sub-section 2.3.5, does not exceed the acceptance number (c) of the appropriate sampling plan (AQL–6.5) in the Sampling Plans for Prepackaged Foods (Ref. No. CAC/RM 42–1969); and

(b) The requirements which are based on sample averages are complied with.

3. *Food Additives*

Additives	Maximum level in the end product
3.1 Colouring Matter:	
Erythrosine CI 45430 (1956) (To colour cherries).	Limited by good manufacturing practice.
3.2 Flavours:	
3.2.1 Cherry Laurel Oil (to flavour artificially coloured cherries only).	10 mg/kg in the total product
3.2.2 Bitter Almond Oil (to flavour artificially coloured cherries only).	40 mg/kg in the total product
3.2.3 Natural flavours and nature-identical flavours as defined in the Codex Alimentarius, (see CAC/FAL 5–1979).	Limited by good manufacturing practice.[1]
3.3 Anti-Oxidant:	
L-Ascorbic acid	700 mg/kg
3.4 *Acidifying Agent*	
Citric acid	Limited by good manufacturing practice.
3.5 Firming Agents:	
3.5.1 Calcium chloride	350 mg/kg singly or in combination, calculated as Ca.
3.5.2 Calcium lactate	
3.5.3 Calcium gluconate	
4. *Contaminants*	
Tin	250 mg/kg, calculated as Sn[1]

[1] Temporarily endorsed.

5. *Hygiene*

5.1 It is recommended that the product covered by the provisions of this Standard be prepared in accordance with the Recommended International Code of Hygienic Practice for Canned Fruit and Vegetable Products (Ref. No. CAC/RCP 2–1969).

5.2 To the extent possible in good manufacturing practice, the product shall be free from objectionable matter.

5.3 When tested by appropriate methods of sampling and examination, the product:

(a) Shall be free from microorganisms capable of development under normal conditions of storage; and

(b) Shall not contain any substances originating from microorganisms in amounts which may represent a hazard to health.

6. *Weights and Measures*

6.1 *Fill of Container*

6.1.1 *Minimum Fill*

The container shall be well filled with fruit and the product (including packing medium) shall occupy not less than 90% of the water capacity of the container. The water capacity of the container is the volume of distilled water at 20°C which the sealed container will hold when completely filled.

6.1.2 *Classification of "defective"*

A container that fails to meet the requirement for minimum fill (90 percent container capacity) of 6.1.1 shall be considered a "defective".

6.1.3 *Lot Acceptance*

A lot will be considered as meeting the requirement of 6.1.1 when the number of "defectives" as defined in sub-section 6.1.2 does not exceed the acceptance number (c) of the appropriate sampling plan (AQL–6.5) in the Sampling Plans for Prepackaged Foods, CAC/RM 42–1969.

6.2 *Minimum Drained Weight*

6.2.1 The drained weight of the product shall not be less than 50% of the weight of distilled water at 20°C which the sealed container will hold when completely filled.

6.2.2 The requirements for minimum drained weight shall be deemed to have been complied with when the average drained weight of all containers examined is not less than the minimum required: *Provided*, That there is no unreasonable shortage in individual containers.

7. *Labelling*

In addition to Sections 1, 2, 4 and 6 of the Recommended International General Standard for the Labelling of Prepackaged Foods (Ref. No. CAC/RS 1–1969), the following specific provisions apply:

7.1 *The name of the food*

7.1.1 The name of the product shall be "Tropical Fruit Salad".

7.1.2 When the packing medium is composed of water, or water and one or more fruit juices in which water predominates, the packing medium shall be declared as part of the name or in close proximity thereto, as:

"In water" or "Packed in water".

7.1.3 When the packing medium is composed solely of a single fruit juice, the packing medium shall be declared as part of the name or in close proximity thereto, as:

"In (*name of fruit*) juice"

7.1.4 When the packing medium is composed of two or more fruit juices, it shall be declared as part of the name or in close proximity thereto:

"In (*name of fruits*) juice"

or

"Ins fruit juices"

or

"In mixed fruit juices"

7.1.5 When sugars are added to one or more fruit juices, the packing medium shall be declared as may be appropriate:

"Lightly sweetened (*name of fruit*) juice"

or

"Heavily sweetened (*name of fruits*) juice(s)"

or

"Lightly sweetened fruit juices"

or

"Heavily sweetened mixed fruit juice(s)"

7.1.6 When sugars are added to water, or water and one or more fruit juices, the packing medium shall be declared as may be appropriate:

"Light syrup" or "Heavy syrup"

or

"Water slightly sweetened" or "slightly sweetened water"

or

"Extra light syrup" or "Extra heavy syrup"

7.1.7 When the packing medium contains water and one or more fruit juice(s), in which the fruit juice comprises 50% or more by volume of the packing medium, the packing medium shall be designated to indicate the preponderance of such fruit juice, as, for example:

"(*name of fruits*) juice(s) and water"

7.2 *List of Ingredients*

7.2.1 A complete list of ingredients shall be declared on the label in descending order to proportion in accordance with sub-section 3.2(c) of the Recommended International General Standard for the Labelling of Prepackaged Foods, (Ref. No. CAC/RS 1–1969), except as provided in 7.2.2 and 7.2.3.

7.2.2 The declaration of Maraschino Cherries shall be:

"Cherries artifically coloured and flavoured"

7.2.3 If L-ascorbic acid is added to preserve colour, its presence shall be declared in the list of ingredients in the following manner:

"L-ascorbic acid added as an antioxidant"

7.3 *Net Contents*

The net contents shall be declared by weight in either the metric ("Systeme International" units) or avoirdupois or both systems of measurement as required by the country in which the product is sold.

7.4 *Name and Address*

The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

7.5 *Country of Origin*

7.5.1 The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

7.5.2 When the product undergoes processing in a second country which changes its nature, the country in which the processing is performed shall be considered to be the country of origin for the purposes of labelling.

7.6 *Lot Identification*

Each container shall be embossed or otherwise permanently marked in code or in clear to identify the producing factory and the lot.

8. *Methods of sampling, analysis and examination*

The methods of analysis and sampling described or referred to hereunder are international referee methods.[1]

8.1 *Sampling*

8.1.1 Sampling shall be in accordance with the FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods (Ref. No. CAC/RM 42–1969).

8.1.2 *Size of Sample Unit*

8.1.2.1. For ascertaining *proportions of fruits* and *fill of container* (including drained weight) the entire container shall be the sample unit.

8.1.2.2 For ascertaining compliance with percentage requirements for *Sizes and Shapes* of fruits and *Defects*, the sample unit shall be:

(a) Entire container when it holds 1 litre or less; or

(b) 500 g of drained fruit (of a representative mixture) when the container holds more than 1 litre.

8.2 *Ascertaining Proportions of Fruit*

8.2.1 *Procedure*

(a) Determine drained weight and keep liquid and fruit separate;

(b) Separate individual fruit ingredients, removing those fruits present in lesser amounts (such as cherries, grapes);

(c) Weigh the individual fruit ingredients to the nearest gramme;

(d) Record the weight of each fruit and add all of these weights.

8.2.2 *Calculation and Expression of Results*

Calculate the percentage of fruit proportions:

$$\frac{\text{The weight of each fruit} \times 100}{\text{Sum of all fruit weights}^{1}} = \%\ \text{of the weight of each fruit.}$$

[1] Do not use the original drained weight of the product before separation of the fruits.

[1] See last paragraph of the section of this publication entitled "Introduction".

8.3 *Determination of Drained Weight*

According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Codex Alimentarius Methods of Analysis for Processed Fruits and Vegetables, CAC/PM 36–1970, *Determination of Drained Weight* Method I). Results are expressed as % m/m calculated on the basis of the mass of distilled water at 20°C which the sealed container will hold when completely filled.

8.4 *Syrup Measurement (Refractometric Method)*

According to the AOAC (1975) method (Official Methods of Analysis of the AOAC, 1975, 31.011: (Solids) by Means of Refractometer (4) and note in 22.024, and 52.015 and 52.012). Results are expressed as % m/m sucrose ("degrees Brix") without connection for insoluble solids acidity or invert sugar, but with connection for temperature to the equivalent at 20°C.

8.5 *Method for determination of water capacity of containers*

According to the FAO/WHO Codex Alimentarius Method (FAO/WHO Codex Alimentarius Methods of Analysis for Processed Fruits and Vegetables, 2nd Series, *Determination of Water Capacity of Containers*—CAC/RM 46–1972). Results are expressed as volume of distilled water that the container holds.

Interested persons may, on or before December 22, 1981, submit to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably two copies, except that individuals may submit one copy) regarding this notice. Each comment should identify the title of the Codex standard and the Docket number found in brackets in the heading of this document. Received comments may be seen in the above office between 9 a.m. and 4 p.m., Monday through Friday.

Executive Order 12291 does not apply to regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557). Food standards promulgated under 21 U.S.C. 341 and 371(e) fall under this exemption. However, any comments submitted in support of establishing a U.S. standard for this food should be supported by appropriate information and data regarding impact on small business consistent with the requirements of the Regulatory Flexibility Act (Pub. L. 96–354).

Dated: October 14, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-30460 Filed 10-22-81; 8:45 am]

BILLING CODE 4110-03-M

21 CFR Part 148

[Docket No. 81N-0272]

Quick Frozen Blueberries; Advance Notice of Proposed Rulemaking on Possible Establishment of a Standard

AGENCY: Food and Drug Administration.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Food and Drug Administration (FDA) offers to interested persons an opportunity to review the Recommended International Standard for Quick Frozen Blueberries (Codex standard) developed by the Codex Alimentarius Commission to the comment on the desirability and need for a U.S. standard for this food. The Codex standard was submitted to the United States for consideration for acceptance. If the comments received do not support the need for a U.S. standard for the food, FDA will not propose a standard.

DATE: Comments by December 22, 1981.

ADDRESS: Written comments, data, or other information to the Dockets Management Branch (HFA–305), Food and Drug Administration, Rm. 4–62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: F. Leo Kauffman, Bureau of Foods (HFF–214), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–245–1164.

SUPPLEMENTARY INFORMATION: The Food and Agriculture Organization (FAO) and the World Health Organization (WHO) jointly sponsor the Codex Alimentarius Commission, which conducts a program for developing worldwide food standards. The program has developed a large number of Codex standards, among which is that for quick frozen blueberries.

As a member of the Codex Alimentarius Commission, the United States is under treaty obligation to consider all Codex standards for acceptance. The rules of procedure of the Codex Alimentarius Commission state that a Codex standard may be accepted by a participating country in one of three ways: Full acceptance, target acceptance, or acceptance with specified deviations. A commitment to accept at a designated future date constitutes target acceptance. A

country's acceptance of a Codex standard signifies that, except as provided for by specified deviations, a product that complies with the Codex standard may be distributed freely within the accepting country. A participating country that concludes that it will not accept a Codex standard is requested to inform the Codex Alimentarius Commission of this fact and the reasons therefor, the manner in which similar foods marketed in the country differ from the Codex standard, and whether the country will permit products complying with the Codex standard to move freely in that country's commerce.

For the United States to accept some or all of the provisions of a Codex standard for any food to which the Federal Food, Drug, and Cosmetic Act applies, it is necessary either to establish a standard under the authority of section 401 of the act (21 U.S.C. 341) or to revise an existing standard appropriately to incorporate the provisions within the U.S. standard. At present, there is no U.S. standard for quick frozen blueberries.

Under the procedure prescribed in 21 CFR 130.6(b)(3), FDA is providing an opportunity for review and informal comment (1) on the need for, and desirability of, a standard for this food, (2) on the specific provisions of the Codex standard and additional or different requirements that should be included in a U.S. standard, if established, and (3) on any other pertinent points.

FDA advises that, in keeping with the current policy to limit the number of new regulations, if the comments received do not support the need for a U.S. standard for this food, no U.S. standard will be proposed. If this decision is reached, the Codex Alimentarius Commission will be informed that an imported food which complies with the requirements of the Codex standard may move freely in interstate commerce in this country providing it complies with applicable U.S. laws and regulations.

Owing to the large number of countries, often with diverse food regulations, which are associated with Codex, certain provisions found in Codex standards may not be in keeping with aspects of U.S. policy and regulations. Codex standards customarily include hygiene requirements, limits on contaminants, certain basic labeling requirements, and other factors. These factors are not considered a part of food standards under section 401 of the act; rather, they are dealt with under other sections of the act and are not included in a proposed U.S. standard.

In addition, the Codex standard for quick frozen blueberries specifies analytical methods by which compliance with certain provisions is to be determined. As stated in 21 CFR 2.19, FDA uses the methods published in the latest edition of Official Methods of Analysis of the Association of Official Analytical Chemists, when these are available, in preference to other methods. FDA will adhere to this policy in any U.S. standard proposed under this notice.

Under 21 CFR 130.6(c), all persons who wish to submit comments are encouraged and requested to consult with different interested groups (consumers, industry, the academic community, professional organizations, and others) in formulating their comments and to include a statement of any meetings or discussions that have been held with other groups.

The Codex standard under consideration is as follows:

Recommended International Standard for Quick Frozen Blueberries

1. *Scope.*

This standard shall apply to quick frozen blueberries of the species *Vaccinium corymbosum* L.[1 2], *Vaccinium angustifolium* AIT.[3] and *Vaccinium ashei* READE,[4], as defined below and offered for direct consumption without further processing, except for repacking, if required. It does not apply to the product when indicated as intended for further processing or for other industrial purposes, nor to the bilberries [5] as covered by the Recommended International Standard for Quick Frozen Bilberries (Ref. No. CAC/RS 76–1976).

2. *Description.*

2.1 *Product Definition*

Quick frozen blueberries are the product prepared from fresh, clean, sound, ripe and stemmed blueberries of firm texture, conforming to the characteristics of *Vaccinium corymbosum* L.[1 2] *Vaccinium angustifolium* AIT. and *Vaccinium ashei* READE, and which are packed with or without a dry sugar or a sugar syrup and frozen in an appropriate manner.

2.2 *Process Definition.*

Quick frozen blueberries are the product subjected to a freezing process in appropriate equipment and complying with the conditions laid down hereafter. This freezing operation shall be carried out in such a way that the range of temperature of maximum crystallization is passed quickly. The quick freezing process shall not be regarded as complete unless and until the product temperature has reached −18°C (0°F) at the thermal centre after thermal stabilization. The recognized practice of repacking quick frozen products under controlled conditions is permitted.

2.3 *Handling Practice.*

The product shall be handled under such conditions as will maintain the quality during transportation, storage and distribution up to and including the time of final sale. It is recommended that during storage, transportation, distribution and retail, the product be handled in accordance with the provisions in the Recommended International *Code of Practice for the Processing and Handling of Quick Frozen Foods* (Ref. No. CAC/RCP 8–1976).

2.4 *Presentation.*

2.41 *Style.*

Quick frozen blueberries may be presented as free-flowing (i.e. as individual berries not adhering to one another) or non free-flowing (i.e. as a solid block).

3. *Essential Composition and Quality Factors.*

3.1 *Optional Ingredients.*

Sugars (sucrose invert sugar, invert sugar syrup, dextrose, fructose, glucose syrup, dried glucose syrup).

3.2 *Composition.*

3.2.1 Blueberries prepared with dry sugars.

The total soluble solids content of the liquid extracted from the thawed, comminuted sample shall be not more than 35% m/m nor less than 18% m/m, expressed as sucrose, as determined by refractometer at 20°C.

3.2.2 Blueberries prepared with syrup.

The amount of syrup used shall be no more than that required to cover the berries and fill the spaces between them. The total soluble solids content of the liquid extracted from the thawed, comminuted sample shall be not more than 25% m/m nor less than 15% m/m expressed as sucrose, as determined by refractometer at 20°C.

3.2.3 *Definition of "Defective" for Composition.*

Any sample unit that falls outside the limits for the soluble solids range specified in 3.2.1 and 3.2.2 shall be regarded as a "defective".

[1] There appear to be many natural hybrids of *Vaccinium corymbosum* L. and other (wild) species of the genus *Vaccinium* rendering the taxonomy very difficult.

[2] Common name: Highbush blueberry.

[3] Common name: Lowbush blueberry.

[4] Common name: Rabbiteye blueberry.

[5] *Vaccinium myrtillus* L.

3.2.4 *Lot Acceptance for Composition.*

A lot is considered acceptable for Compositional Criteria when the number of "defectives", as defined in 3.2.3 does not exceed the acceptance number (c) for the appropriate sample size of the *FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods* (AQL-6.5) (Ref. No. CAC/RM 42-1969).

3.3 *Quality Factors.*

3.3.1 General Requirements.

The product shall be—

(a) Of similar varietal characteristics;

(b) Of good colour;

(c) Free from foreign flavour and odour;

(d) Clean, sound and practically free from mould and other harmless foreign matter; and with respect to visual defects or other defects subject to a tolerance, shall be:—

(e) Practically free from sand and grit;

(f) When presented as free-flowing, practically free from berries adhering one to another and which cannot be easily separated by hand without damage when in the frozen state;

(g) Practically free from extraneous vegetable material (EVM);

(h) Reasonably free from cap stems (stalks);

(i) Practically free from unripe berries;

(j) Practically free from dissimilar varieties of edible berries other than blueberries;

(k) Reasonably free from blemished berries;

(l) Reasonably free from undeveloped or mummified berries.

3.3.2 *Analytical Requirements.*

Mineral impurities such as sand, grit, and silt shall be not more than 0.04% m/m on the whole product (berries and packing medium, if any).

3.3.3 *Free-flowing Characteristics.*

When presented as "free-flowing" a tolerance of 10% m/m shall be allowed for berries which are stuck together and not easily separated in the frozen state. The sample unit for free "flowing" is the entire contents of the container or as large a quantity as practicable.

3.3.4 *Definitions and tolerances for Visual Defects.*

3.3.4.1 *Definitions.*

(a) *Extraneous Vegetable Material* (EVM) means leaves or portions of the blueberry plant, or other similar vegetable material which is harmless;

(b) *Cap Stems* (Stalks)—means the immediate stem that attaches the blueberry to the plant, whether or not attached to the berry, and which is 2 mm, or greater in length;

(c) *Unripe Berries*—means completely green berries or berries that have a green cast that predominates over the normal reddish purple colour of blueberries;

(d) *Dissimilar Varieties*—means other edible berries that are distinctly different in colour or shape, which have definitely different internal characteristics than blueberries;

(e) *Blemished*—means blueberries which show visible signs of damage by insects or by pathological or mechanical injury;

(f) *Undeveloped or Mummified*—means berries that are badly shrivelled, dried or hard.

3.3.4.2 *Standard Sample Size.*

The sample size for evaluating visual defects, including application of tolerances is *300* grammes of drained berries as described in section 8.3.2.

3.3.4.3 *Tolerances for Visual Defects.*

For *tolerances* based on the standard sample sizes indicated in section 3.3.4.2, visual defects shall be assigned points in accordance with the Table I in this section. The maximum number of defects permitted in the Total Allowable Points rating indicated for the respective categories Minor and Major or the Combined Total of the foregoing categories.

TABLE I

[Sample Size 300 Grammes]

Defect	Unit of measurement	Defect categories		
		Minor	Major	Total
(a) EVM:				
Each piece 1 cm^2		1		
Each piece 1 cm^2 and larger			2	
(b) Cap stems	Each stem	1		
(c) Unripe berries	Each berry		2	
(d) Dissimilar varieties	Each berry		2	
(e) Blemished:				
Slightly	Each berry	1		
Materially	Each berry		2	
(f) Undeveloped or mummified	Each berry		2	
Total allowable points		15	8	15

Disintegrated, badly crushed or smashed—10% m/m

3.4 *Lot Acceptance for Quality Factors.*

3.4.1 *Definition of "defective" for Quality Factors.*

Any sample unit taken in accordance with the *FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods* (AQL-6.5) (Ref. No. CAC/RM 42-1969) shall be regarded as a "defective" for the respective characteristics, as follows:

(a) That exceeds the tolerance for mineral impurities in section 3.3.2;

(b) That exceeds the tolerance for "free-flowing" in section 3.3.3;

(c) That exceeds the "maximum total allowable points for visual defects" in any one or more of the categories in Table I (3.3.4.3); or that exceeds the tolerance for disintegrated, badly crushed, or smashed in Table I (3.3.4.3).

3.4.2 *Lot Acceptance for Quality Factors.*

A lot will be considered acceptable with respect to quality factors when the number of "defectives" as defined in paragraph 3.4.1 does not exceed the acceptance number (c) for the appropriate sample size as specified in the Sampling Plans for Prepackaged Foods (AQL-6.5) (Ref. No. CAC/RM 42-1969). In applying the acceptence procedure each "defective" (as defined in 3.4.1 sub-paragraphs (a) or (b) or (c)) is treated individually for the respective characteristics.

4. *Food Additives.*

None permitted.

5. *Hygiene.*

It is recommended that the product covered by the provisions of this standard be prepared in accordance with the *International Code of Practice—General Principles of Food Hygiene* (Ref. No. CAC/RCP 1-1969) recommended by the Codex Alimentarius Commission.

6. *Labelling.*

In addition to sections 1, 2, 4 and 6 of the *Recommended International General Standard for the Labelling of Prepackaged Foods* (Ref. No. CAC/RS 1-1969) the following specific provisions apply:

6.1 *The Name of the Food.*

6.1.1 The name of the food as declared on the label shall include "blueberries".

6.1.2 There shall appear on the label in conjunction with or in close proximity to the word "blueberries" the packing medium: "with (name of sweetener and whether as such or as the syrup)".

6.1.3 In addition, there shall appear on the label the words "quick frozen" except that the term "frozen"[6] may be

[6] "Frozen": This term is used as an alternative to "quick frozen" in some English speaking countries.

applied in countries where this term is customarily used for describing the product processed in accordance with sub-section 2.2 of this standard.

6.2 *List of Ingredients.*

A complete list of ingredients shall be declared in descending order of proportion in accordance with sub-section 3.2(c) of the General Standard for the Labelling of Prepackaged Foods (CAC/RS 1-1969).

6.3 *Net Contents.*

The net contents shall be declared by weight in either the metric system ("Système International" units) or avoirdupois or both systems of measurement as required by the country in which the food is sold.

6.4 *Name and Address.*

The name and address of the manufacturer, packer, distributor, importer, exporter or vendor of the product shall be declared.

6.5 *Country of Origin.*

The country of origin of the product shall be declared if its omission would mislead or deceive the consumer.

6.6 *Lot Identification.*

Each container shall be embossed or otherwise permanently marked, in code or in clear, to identify the producing factory and the lot.

6.7 *Additional Requirements.*

Information for keeping and thawing of the product shall be given on retail packs.

6.8 *Bulk Packs.*

In the case of quick frozen blueberries in bulk, the information required in 6.1 to 6.6 shall either be placed on the container or be given in accompanying ducuments, except that the name of the food accompanied by the words "quick frozen" (the term "frozen" may be used in accordance with subsection 6.1.3 of this standard) and the name and address of the manufacturer or packer shall appear on the container.

7. *Packaging.*

Packaging used for quick frozen blueberries shall:

(a) Protect the organoleptic and other quality characteristics of the product;

(b) Protect the product against microbiological and other contamination;

(c) Protect the product from dehydration and, where appropriate, leakage as far as technologically practicable;

(d) Not pass on to the product any odour, taste, colour or other foreign characteristics throughout the processing (where applicable) and distribution of the product up to the time of final sale.

8. *Methods of Examination, Analysis and Sampling.*

The methods of examination, analysis and sampling described or referred to hereunder are international referee methods.[7]

8.1 *Sampling.*

Sampling shall be carried out in accordance with the *FAO/WHO Codex Alimentarius Sampling Plans for Prepackaged Foods* (AQL-6.5) (Ref. No. CAC/RM 42-1969).[8]

8.2 *Thawing Procedure.*

According to the *FAO/WHO Codex Alimentarius Standard Procedure for Thawing of Quick Frozen Fruits and Vegetables* (Ref. No. CAC/RM 32-1970).

8.3 *Test Procedures.*

8.3.1 *Net Weight—FAO/WHO Codex Alimentarius Standard Procedure for Net Weight Determination of Quick Frozen Fruits and Vegetables,* also contained in *Recommended International Standard for Quick Frozen Peas* (Section 8.3, CAC/RS 41-1970): (Ref. No. CAC/RM 34-1970).

8.3.2 *Drained Berries.*

"Drained berries" is determined by thawing the product until it is practically free from ice crystals and then draining on a screen 3 mesh/cm (8 mesh/inch)—for two minutes. The weight of product retained by the screen is "drained berries". When dry sugar(s) is added to the berries it shall be removed with a gentle spray of water before draining.

8.4 *Analysis.*

8.4.1 *Total Soluble Solids—FAO/WHO Codex Alimentarius Method—Determination of Total Soluble Solids Content in Frozen Fruits* (Ref. No. CAC/RM 43-1971).

8.4.2 *Mineral Impurities—FAO/WHO Codex Alimentarius Standard Procedure for "Determination of Mineral Impurities in Quick Frozen Fruits and Vegetables"* (Ref. No. CAC/RM 54-1974).

Interested persons may, on or before December 22, 1981, submit to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857, written comments (preferably two copies) regarding this notice. Each comment should identify the title of the Codex standard and 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.

Executive Order 12291 does not apply to regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557). Food standards promulgated under 21 U.S.C. 341 and 371(e) fall under this exemption. However, any comments submitted in support of establishing a U.S. standard for this food should be supported by appropriate information and data regarding impact on small business consistent with the requirements of the Regulatory Flexibility Act (Pub. L. 96-354).

Dated: October 14, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-30470 Filed 10-22-81; 8:45 am]

BILLING CODE 4110-03-M

[7] See last paragraph of the section of this publication, entitled "Introduction".

[8] Pending endorsement by the Codex Committee on Methods of Analysis and Sampling.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 19, 211, 213 and 251

[Notice No. 389]

Distribution and Use of Denatured Alcohol and Rum and Distribution and Use of Tax-Free Alcohol

AGENCY: Bureau of Alcohol, Tobacco and Firearms, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes amendment and recodification of the regulations regarding distribution and use of denatured alcohol and rum, and tax-free alcohol. In an effort to modernize the regulations to be more responsive to the regulated industry, ATF proposes to amend the industrial use and withdrawal permit procedures for dealers and users of denatured spirits and users of tax-free alcohol. In addition, it is proposed that the penal sum of bonds be restructured to a tiered bonding system. Further, this notice proposes the elimination of numerous government forms and recordkeeping requirements.

DATE: Comments must be received on or before January 21, 1981.

ADDRESS: Send comments to Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044, Notice No. 389.

FOR FURTHER INFORMATION CONTACT: Norman Blake or John Linthicum, Regulations and Procedures Division, 202-566-7626.

SUPPLEMENTARY INFORMATION:

I. Background Information—Summary of Current Regulations

This notice proposes to amend and recodify 27 CFR Parts 211 and 213 into 27 CFR Parts 20 and 22 respectively. These regulatory parts contain regulations for the acquisition,

disposition and use of denatured and tax-free spirits. Denatured spirits are used in the manufacture of many industrial products, while tax-free spirits are normally limited to medical and scientific use. Both denatured and tax-free spirits are acquired without payment of the excise tax imposed on alcohol for beverage use. Persons wishing to deal in or use specially denatured alcohol or rum, and use tax-free alcohol must make application for and receive a permit. In addition, these same industry members are also required to apply for and obtain a withdrawal permit which sets forth the maximum authorized amount of spirits to be on-hand, in transit or unaccounted for at any one time. This authorized amount is based on the estimated quantity of spirits required for one month. In most cases a user may withdraw, during a given month, up to twice the quantity shown on the withdrawal permit; however, the total quantity withdrawn in any one year cannot exceed a quantity equal to twelve times the amount shown on the withdrawal permit. All users and dealers are required to file a bond except States, any political subdivision thereof, the District of Columbia, the United States or any of its governmental agencies, and small users withdrawing 120 gallons or less of denatured spirits or 240 proof gallons or less of tax-free spirits annually. The penal sum of the bond is based on the tax liability necessary to cover the excise tax due on all spirits on-hand, in transit or unaccounted for at one time.

Historically, users of tax-free alcohol or denatured spirits have not posed a jeopardy to the revenue. Therefore, the Bureau believes that liberalization of the regulatory requirements imposed on these industries is justified, to the extent that the revenue and the public safety are not jeopardized.

II. Proposed Changes to Part 211—Distribution and use of Denatured Alcohol and Rum

The Bureau proposes the following changes to 27 CFR Part 211:

(a) *Redesignation of regulations.* Redesignate 27 CFR Part 211 as 27 CFR Part 20 as a part of a general plan to recodify all regulations administered under Title 27 of the Code of Federal Regulations.

(b) *Permit applications.* Change the current two permit system (industrial use and annual withdrawal) to a single continuing permit system. This proposal would apply to both dealers and users of specially denatured spirits. These requirements are currently prescribed in Subparts D, I, and J of Part 211 and involve eight separate forms: ATF Forms: 1474 (5150.30)—Application for Permit to Deal in Specially Denatured Spirits; 1476 (5150.16)—Permit to Deal in Specially Denatured Alcohol or Rum; 1477 (5150.15)—Application and Withdrawal Permit of Bonded Dealers to Procure Specially Denatured Spirits; 1479 (5150.23)—Application for Permit to Use Specially Denatured Alcohol; 1481 (5150.17)—Permit to Use Specially Denatured Alcohol or Rum; 1485 (5150.12)—Application and Withdrawal Permit of Users to Procure Specially Denatured Spirits; 4326 (5150.21)—Application or Limited Industrial Use and Withdrawal Permit; and 4327 (5150.11)—Limited Withdrawal Permit to Procure Specially Denatured Spirits or Tax-Free Alcohol.

Other changes to application an permit procedures are proposed, as follows:

(1) Delete the provisions for limited industrial use permits. Proposed liberalized bonding requirements and proposed continuing permits to withdraw specially denatured spirits would make the limited users permit unnecessary.

(2) Eliminate the requirements for an annual withdrawal permit and provide a continuing withdrawal authorization for dealers and users to procure specially denatured spirits, such as now exists for limited users. This proposed change would eliminate the need to renew the withdrawal permit each year, and relieve a substantial paperwork burden on both industry and Government.

(3) Change the method for computing the maximum withdrawal allowance from a monthly to an annual basis. A user is now restricted by the penal sum of the bond, as to the maximum amount of spirits authorized to be on-hand, in transit, and unaccounted for. The current bonding system tends to place an undue financial burden on users by forcing them to either obtain larger bonds or buy spirits in smaller quantities. The Bureau has received complaints from industry that the withdrawal limitations create high unit prices for spirits and transportation costs. Further, users often find themselves in situations of being short or out of spirits and unable to withdraw any spirits because the withdrawal would exceed the maximum authorization of their bond. This proposal would allow users to withdraw their total annual authorization at one time with no restriction on on-hand quantity, provided that adequate storage facilities for the increased quantity of spirits are available

(c) *Bonding.* The current regulations require users and dealers of denatured spirits to file bonds. The penal sum of the bond is computed at the rate of $21.00 per gallon, multiplied by the maximum quantity of specially denatured spirits authorized to be on-hand, in transit, and unaccounted for at any time. The maximum penal sum is $100,000 and the minimum penal sum is $10,000 for dealers and $500 for users. The current regulations provide for an exemption from the bond requirement for governmental agencies and for users whose annual withdrawal do not exceed 120 gallons and who are authorized to have a maximum of 12 gallons on-hand, in transit, and unaccounted for at any time. This exemption encompasses 43 percent of all users.

ATF proposes to change the method for computing the penal sum of bonds to a tiered scale which would ease the financial burden on small users. The penal sum would be computed solely on the basis of estimated total annual withdrawals. The current method places an undue burden on users by limiting, based upon the size of the bond, the amount of specially denatured spirits on hand, in transit, or unaccounted for at any one time. A tiered bonding scale is provided for proprietors of alcohol fuel plants by regulations which implemented the Crude Oil Windfall Profit Tax Act of 1980 (Pub. L. 96-223). ATF proposes that users and dealers who annually withdraw 5,000 gallons or less as well as governmental agencies not be required to file a bond. The proposed penal sum would be computed as follows:

Maximum annual withdrawal	Bond penal sum
5,000 gallons	No bond required.
Over 5,000 but not over 500,000 gallons.	$2,000 plus $1,000 for each additional 5,000 gallons of withdrawals.
Over 500,000 gallons	$100,000.

Under the proposed bonding revision, approximately 75 percent of all users would have annual withdrawals small enough to be relieved of the requirement to file a bond.

Current bonding forms, ATF Form 1475 (5150.22) (dealers) and ATF Form 1480 (5150.20) (users) would be consolidated into one form. Bonds previously filed on either of these forms would remain valid. However, existing bonds which are sufficient to cover the proposed new bonding requirements could remain in effect or the permittee could reduce the bond.

The proposed changes regarding revised penal sums and methods of computing these penal sums of a bond, would not relieve a permittee of tax

liability, as established by law, if any specially denatured alcohol is misused.

(d) *ATF Form 1467 (5110.15).* Eliminate the requirement for bonded dealers to prepare ATF Form 1467 (5110.15), Details of Packages Filled With Denatured Spirits, contained in Subpart I of Part 211. Implementing regulations for the Distilled Sprits Tax Revision Act of 1979 (Part 19 of 27 CFR) eliminated the need for proprietors of DSP's to prepare this form by authorizing the use of commercial records.

(e) *ATF Form 1473 (5110.16).* Eliminate the requirement for distilled spirits plant (DSP) proprietors and bonded dealers of specially denatured spirits to prepare, and users to complete, ATF Form 1473 (5110.16), Shipment and Receipt of Specially Denatured, Tax-Free, or Recovered Spirits. Currently, each shipment of denatuired spirits, recovered spirits, or tax-free alcohol must be accompanied by an ATF Form 1473 (5110.16). In addition, DSP's and bonded dealers normally prepare and forward a commercial invoice or shipping memo which duplicates most of the information on ATF Form 1473 (5110.16). ATF regional offices receive and maintain a copy of each ATF Form 1473 (5110.16). a random check of the ATF file copies has not uncovered any major problem. In an effort to liberalize and reduce industry and government recordkeeping and preparation costs, ATF proposes to eliminate the requirement to prepare ATF Form 1473 (5110.16). This proposed change would not pose a jeopardy to the revenue.

In lieu of preparing ATF Form 1473 (5110.16), DSP's and bonded dealers would use their commercial invoices or other shipping/receipt records. These commercial records would contain sufficient information for ATF personnel to identify and trace the quantity and kind of spirits removed, received, reconsigned or returned. The commericial invoice would identify the formula and kind of spirit, proof, size and number of containers, total wine gallons, name, address and permit number of consignee. The consignor would prepare the commercial record in sufficient copies to retain one copy and forward one copy to the consignee for retention. Subparts I, K, L, M, N and P of Part 211 contain the requirements and procedures for preparation and submission of ATF Form 1473 (5110.16). Similar changes for ATF Form 1473 (5110.16) are proposed for Parts 19, 22 (213), and 251.

(f) *Formulas for articles.* ATF proposes to modernize Subparts G and J of Part 211 which govern the use of specially denatured spirits and formula approval for articles made with specially denatured spirits.

Current regulations require formula approval for all articles made with specially denatured spirits. This requirement dates from the prohibition era and was oriented to the prevention of illicit deversion of denatured spirits to beverage use.

In regulating the denatured spirits industry, ATF has a continuing legal obligation to protect the revenue and a commitment to protect the public safety. Experience has failed to indicate any significant effort to divert spirits to avoid tax payment.

Some types of articles are more likely to be suitable for conversion to beverage use. These articles include perfume, cologne, after shave lotion, other body type lotions, mouthwash, some types of hair tonic, and similar articles. These articles would continue to require formula approval by ATF.

Most other articles are less likely to be identified as containing alcohol suitable for conversion to beverage use. These articles include ink, shampoo, and some types of soaps, detergents and cleaning solvents. We propose to modernize the regulations to provide for exemptions from requirements to file formulas for these articles, when the Director determines the public safety and or the revenue is not in jeopardy.

As a means of exempting users from filing formulas for certain articles, ATF proposes to establish a series of general-use formulas which would include broad categories of articles. An article made in accordance with a general-use formula would contain sufficient denaturing materials to be fully denatured beyond easy recovery of beverage alcohol. Those articles made with approved general-use formulas would be exempt from the requirement to file a formula for approval with ATF. An example of a general-use formula, which would combine all the special industrial solvent formulations in the current regulations, is as follows:

Any article made with SDA formulas 1 or 3A containing, for every 100 parts (by volume) of alcohol:

No less than 1 part (by volume) of one or any combination of the following—methyl isobutyl ketone; methyl *n*-butyl ketone; nitropropane (mixed isomers).

And, no less than 3 parts (by volume) of one or any combination of the following—ethyl acetate; isopropyl alcohol; methyl alcohol.

General-use formulas will be established based on comments received in response to this notice and based on an analysis of currently approved formulas. The Director would be authorized to approve new general-use formulations.

We are considering additional amendments which would describe when a change of process or ingredients would not require submission of a revised formula. We are also considering a reduction in the size of samples of articles and ingredients required to be submitted with a formula for approval.

(g) *Labels for articles.* Title 26, U.S.C. 5273, makes it unlawful to manufacture, sell, or offer for sale any article containing denatured spirits which is intended for internal human use. ATF's main emphasis for requiring label approval for articles has been to ensure that the labels did not imply that the article was suitable for internal human use. Our review of labels for articles has disclosed so few labels in noncompliance that retaining the requirement is no longer deemed necessary. ATF further believes that industry members are concerned enough about their product integrity and compliance with legal requirements that they would not make an overt attempt to imply that their article was suitable for beverage purposes.

We therefore propose to eliminate the requirement currently contained in Subpart J of Part 211, that manufactures of articles file and obtain label approval from ATF. However, manufacturers of articles could voluntarily submit labels to ATF, to ensure that the label complies with the requirements of the law.

(h) *Rebottlers and reprocessors.* Currently, Subpart J of Part 211 requires rebottlers and reprocessors of articles to obtain written permission from ATF in order to receive bulk shipments of articles, to file formulas for reprocessing, to file labels for approval, and to maintain records available for ATF inspection.

Reprocessors and rebottlers are working with an article which has already been produced in accordance with an approved formula by the initial manufacturer. Therefore, except where it is determined that an article poses a threat to the revenue or the public safety, ATF proposes to eliminate the requirements noted above on all reprocessors and rebottlers of articles. Industry members could voluntarily submit article labels for ATF approval.

This proposal would eliminate a large paperwork burden on both industry and government. ATF Form 2622, (5150.26) Applications to Procure, Reprocess, Bottle, Repackage, or Resell Products Containing Specially Denatured Alcohol, would be eliminated in favor of a letter application when it is

determined that the articles being reprocessed pose a threat to the revenue or the public safety.

(i) *Form 1482 (5150.18).* Amend the requirement to file ATF Form 1482 (5150.18), Users Report of Denatured Alcohol or Rum, from a monthly to an annual basis.

ATF proposes to require permittees to file Form 1482 (5150.18) annually for the period, July 1 through June 30. This proposed change would not jeopardize the revenue and would maintain the annual statistical data supplied by this form.

(j) *Miscellaneous.* Other editorial and implementing changes would be accomplished by the proposed recodification of Part 211 into Part 20.

III. Proposed Changes to Part 213—Distribution and Use of Tax-Free Alcohol

The Bureau proposes the following changes to 27 CFR Part 213:

(a) *Redesignation of regulations.* Redesignate 27 CFR Part 213 as 27 CFR Part 22. This change is a part of a general plan to reorganize all regulations administered under Title 27 of the Code of Federal Regulations.

(b) *Permit applications.* Change the current two permit system for using and withdrawing tax-free alcohol to a single continuing permit procedure. Current requirements and procedures are prescribed in Subparts D and G of Part 213 and involve five separate forms: ATF Forms: 1447 (5150.9)—Permit to Use Alcohol Free of Tax; 1450 (5150.13)—Application and Withdrawal Permit to Procure Spirits Free of Tax; 2600 (5150.22)—Application for Permit to Use Alcohol Free of Tax; 4326 (5150.21)—Application for Limited Industrial Use and Withdrawal Permits (also proposed for elimination under Part 20); and 4327 (5159.11)—Limited Withdrawal Permit to Procure Specially Denatured Spirits or Tax-Free Alcohol (also proposed for elimination under Part 20).

Other changes to the application and permit procedures are proposed, as follows:

(1) Delete the provisions which apply to limited industrial use and withdrawal permits. Proposed liberalized bonding requirements and proposed continuing permits to withdraw tax-free alcohol would make the limited users permit unnecessary.

(2) Eliminate the requirement for an annual withdrawal permit and instead provide a continuing withdrawal authorization for users to procure spirits free of tax, such as now exists for limited tax-free users. This proposed change would eliminate the need to renew the withdrawal permit each year, and substantially relieve a paperwork burden on industry and Government.

(3) Change the method for computing the maximum withdrawal allowance from a maximum on-hand allowance to an annual withdrawal allowance basis. A user is now restricted by the penal sum of the bond, as to the maximum tax-free alcohol authorized to be on-hand, in transit, and unaccounted for at any one time. The same industry objections and problems that are explained under proposed Part 20 for users of denatured spirits, also apply to users of tax-free alcohol. ATF proposes to provide a withdrawal authorization which would allow users of tax-free alcohol to withdraw their entire annual authorization at one time with no restriction on on-hand quantity, provided that adequate storage facilities for the increased quantity of spirits are available.

(c) *Bonding.* Liberalize the bonding requirement procedure currently prescribed in Subpart E of Part 213. ATF proposes a new bonding system which would be based upon a maximum annual withdrawal limitation rather than the current on-hand allowance. It is further proposed that the penal sum of bonds be revised along with the method of computing them, as follows:

Instead of a penal sum calculated at $10.50 a proof gallon of tax-free alcohol on-hand, ATF proposes a tiered bonding scale which would ease the financial burden on small users. The proposed minimum proof gallon limit for requiring a bond would be revised upwards from the current 240 proof gallons annually to "1,500 proof gallons." This proposal would relieve approximately 75 percent of the tax-free users (excluding current limited users) from the requirement to file a bond. Currently, 36 percent of the tax-free users are not required to file a bond.

With the exception of governmental agencies which are exempted by law, ATF proposes that all users of tax-free alcohol with an annual withdrawal allowance above 1,500 proof gallons, be required to file a bond with a penal sum computed as follows:

Maximum annual withdrawal	Bond penal sum
1,500 proof gallons	No bond required.
Over 1,500 proof gallons but not over 3,000 proof gallons.	$2,000 plus $100 for each additional 100 proof gallons up to a maximum of $3,000 (2,500 proof gallons).
Over 3,000 proof gallons but not over 6,000 proof gallons.	$3,000 plus $200 for each additional 100 proof gallons up to a maximum of $7,500 (5,250 proof gallons).
Over 6,000 proof gallons	$7,500 plus $250 for each additional up to a maximum penal sum of $15,000 (9,000 proof gallons).

A comparison of the penal sums of current (estimated at three times monthly usage) and proposed (annual users) bonds is as follows:

Proof gallons (p.g)	Current penal sum	Proposed penal sum
241	[1] $500	[2]
1,501	3,937	[1] $2,000
3,001	7,875	3,000
6,001	15,750	7,500
9,001	23,625	[3] 15,000
38,125	[3] 100,000	15,000

[1] Minimum.
[2] None.
[3] Maximum.

The Bureau believes that the proposed bonding penal sums are sufficient to deter any authorized use of tax-free alcohol. The proposed 9,000 proof gallons maximum cut-off point is large enough so that only four percent of the tax-free users would have withdrawal exceeding the cut-off point. The proposed penal sums would allow many permittees to terminate their bond entirely or to reduce the penal sum of their bond by an estimated 50 to 85 percent.

The proposed changes regarding revised penal sums and methods of computing these penal sums of a bond, would not relieve a permittee of the tax liability, as established by law, if any tax-free alcohol is misused.

(d) *ATF Form 1473 (5110.16).* Eliminate the requirement for users of tax-free alcohol to complete ATF Form 1473 (5110.16), Shipment and Receipt of Specially Denatured, Tax-Free, or Recovered Spirits, upon receipt of each shipment or to prepare the same for return or reconsignment of tax-free alcohol and recovered alcohol. Commercial invoices or records would be used by consignees/consignors and would contain sufficient information for ATF personnel to trace and identify the quantity and kind of alcohol removed, received, or reconsigned. The commercial invoice would identify the proof and kind of spirit, size and number of containers, total proof gallons, name, address and permit number of the consignee. The consignor would prepare the commercial record in sufficient copies to retain one copy and forward one copy to the consignee for retention. Subparts, G, H, I, J and K of Part 213 currently contain the procedures and requirements for handling ATF Form 1473 (5110.16). Similar changes for Form 1473 (5110.16) are proposed for Parts 19, 20 (211) and 251.

(e) *ATF Form 1451 (5150.28).* Eliminate the requirement for tax-free users to file ATF Form 1451 (5150.28), Report of Tax-Free Alcohol Users. Subpart L of Part

213 requires tax-free users to file this form annually. ATF proposes to eliminate the requirement to file this form, since it would have limited use to ATF regional offices if ATF Form 1473 (5150.16) is also eliminated. These two forms are jointly used to verify that all receipts of tax-free alcohol are accounted for, that the annual withdrawal allowance has not been exceeded, and that the bond (if required) has not been exceeded. Tax-free would still be required to take monthly inventories and post to commercial records. Statistical information regarding the quantity of alcohol withdrawal free of tax is obtained from reports submitted by distilled spirits plants.

(f) *Miscellaneous.* Other editorial and implementing changes would be accomplished by the proposed recodification of Part 213 into Part 22.

IV. Proposed Changes to Parts 19—Distilled Spirits Plants and 251—Importation of Distilled Spirits, Wines, and Beer

The Bureau proposes conforming changes to Subpart O of Part 19 and Subpart M of Part 251 to eliminate the requirement for preparation and transmittal of ATF Form 1473 (5110.16), and to provide for the use of commercial documental in lieu thereof. It is proposed that commercial records contain sufficient information for ATF personnel to identify and trace the flow of spirits from consignor to consignee. The Commercial record would identify the kind of spirits, proof, size and number of containers, total wine or proof gallons, name, address and permit number of consignee. Additional information may be required in order to protect the revenue.

Executive Order 12291

It has been determined that this proposed rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of $100 million or more, it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: have significant secondary or incidental effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the report, recordkeeping, or other compliance burdens on a substantial number of small entities.

Accordingly, it is hereby certified under the provision of section 3 of Regulatory Flexibility Act (5 U.S.C. 605(b)), that the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities.

Public Participation

ATF requests comment from all interested persons on the proposals presented in this notice. We further solicit comments on other changes to Parts 211 and 213 which have not been discussed in this notice. Of particular interest are comments which specifically address combining applications for industrial use permits, liberalizing bonding requirements, penal sum of bonds, and liberalizing procedures for reprocessors and rebottlers of articles produced from specially denatured spirits. In addition, comments and suggestions for additional general-use formulas are requested.

ATF is also interested in comments which propose alternatives to the graduated scale of bonding penal sums proposed in this notice, including any comments with data or other material which propose eliminating all bonding requirements for users and dealers of specially denatured spirits and users of tax-free alcohol.

All comments received before the closing date will be carefully considered. Comments received after the closing date, and too late for consideration will be treated as possible suggestions for future ATF action.

After consideration of all comments and suggestions, ATF may issue a Treasury decision. The proposals discussed in this notice may be modified due to comments and suggestions received.

Disclosure of Comments

All written comments will be available for public inspection under authority of 27 CFR 71.41(b) during normal business hours at the following location: ATF Reading Room, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C.

ATF will not recognize any designation of material in comments as confidential or not to be disclosed. Any material the respondent considers to be confidential or inappropriate for disclosure to the public should not be included in the comments. The name of any person submitting comments is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on the proposals contained herein should submit a request, in writing, to the Director within the 90-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing should be held.

Drafting Information

The principal authors of this document are numerous individuals from the Regulations and Procedures Division of the Bureau of Alcohol, Tobacco and Firearms. Other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

Authority and Issuance

The Director is issuing this notice of proposed rulemaking under the authority contained in 26 U.S.C. 7805 (68A Stat. 917).

Signed: August 4, 1981.

G. R. Dickerson,

Director.

Approved: September 24, 1981.

John M. Walker, Jr.,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-30379 Filed 10-22-81; 8:45 am]

BILLING CODE 4810-31-M

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

29 CFR Part 2200

Simplified Proceedings

AGENCY: Occupational Safety and Health Review Commission.

ACTION: Request for comments.

SUMMARY: On December 5, 1979, the Occupational Safety and Health Review Commission (Review Commission) added a new subpart to its rules of procedure, Subpart M, entitled "Simplified Proceedings," 44 FR 70106–70113 (Dec. 5, 1979) (codified at 29 CFR 2200.200–2200.211). The subpart became

effective on March 1, 1980, and has been applied in Review Commission proceedings on an experimental basis since that time. The effective period of Subpart M will expire on December 31, 1981. 46 FR 43137 (Aug. 27, 1981). The Review Commission is considering whether to adopt the rules for simplified proceedings, contained in Subpart M, as final rules. Therefore, the Review Commission now is requesting public comments concerning the simplified proceedings rules.

DATE: Comments must be received on or before November 23, 1981.

ADDRESS: Submit comments to: Earl R. Ohman, Jr., Acting General Counsel, Occupational Safety and Health Review Commission, 1825 K Street, N.W., Suite 400, Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Edward G. Hoban, Attorney-Advisor, Occupational Safety and Health Review Commission, 1825 K Street, N.W., Suite 400, Washington, D.C. 20006; telephone (202) 634–7965.

SUPPLEMENTARY INFORMATION: Prior to adopting the rules for simplified proceedings on an experimental basis, the Review Commission solicited public comments on proposed simplified proceedings rules. 43 FR 36854–36858 (Aug. 18, 1978). The rules for simplified proceedings as adopted reflected modifications made in light of these comments. A summary of the comments and the modifications made to the proposed rules appears at 44 FR 70108–70110 (Dec. 5, 1979).

The Review Commission is soliciting further comments on the actual operation of these rules. The views of parties who have taken part in cases under the simplified proceedings rules are specifically sought. However, views of others are also welcome. Comments should refer to the specific section of the rules on which the comments are made. The Review Commission is particularly interested in comments on the following issues:

1. Section 2200.202 of Subpart M provides that a case is eligible for simplified proceedings unless it concerns an alleged violation of section 5(a)(1) of the Act (29 U.S.C. 654(a)(1)), or an alleged failure to comply with one of the standards listed in table A of § 2200.202.

(a) Should § 2200.202 be amended so that cases involving violation of section 5(a)(1) or the standards listed in table A would be eligible for simplified proceedings?

(b) Should table A be enlarged to include standards other than those presently listed?

2. Section 2200.203(b)(4) provides that one party's objection to a request for simplified proceedings precludes the institution of simplified proceedings.

(a) Should § 2200.203(b)(4) be amended to eliminate a party's right to object to simplified proceedings, so that once a request for simplified proceedings has been filed, the case will be litigated under the rules for simplified proceedings?

(b) Should § 2200.203 be amended to include a provision permitting the requesting party to withdraw the original request for simplified proceedings and return to conventional proceedings?

3. Section 2200.204(b) provides that motions should be eliminated as much as possible in simplified proceedings and encourages parties to discuss the subject of a prospective motion before the motion is formally make.

(a) Has § 2200.204(b) been effective in reducing the number of motions? What modifications would be appropriate to better achieve this purpose?

(b) Should § 2200.204 be amended to include a specific provision on amendments to the Secretary's citation?

4. Section 2200.208 provides that discovery shall not be allowed except by order of the judge. Should § 2200.208 be amended to allow requests for admissions or production of documents or both without obtaining leave from the judge?

5. What has been the overall effect of simplified proceedings in terms of time saved, costs avoided and ease in trying cases?

The rules for simplified proceedings, contained in Subpart M, 29 CFR Part 2200, are added as follows:

PART 2200—RULES OF PROCEDURE

Subpart M—Simplified Proceedings

Sec.

2200.200 Purpose.
2200.201 Application.
2200.202 Eligibility for simplified proceedings.
2200.203 Commencing simplified proceedings.
2200.204 Filing of pleadings.
2200.205 Discussion among parties.
2200.206 Conference/Hearing.
2200.207 Reporter present; transcripts.
2200.208 Decision of the Judge.
2200.209 Discovery.
2200.210 Interlocutory appeals not permitted.
2200.211 Applicability of Subparts A through G.

Subpart M—Simplified Proceedings

§ 2200.200 Purpose.

(a) The purpose of this subpart is to provide simplified procedures for resolving contests under the Occupational Safety and Health Act of 1970, so that parties before the Commission may save time and expense while preserving fundamental procedural fairness. The rules shall be construed and applied to accomplish these ends.

(b) Procedures under this subpart are simplified in a number of ways. The major differences between these procedures and those provided in subparts A through G of the Commission's rules of procedure are the following: (1) Pleadings generally are not permitted or required. Early discussions among the parties will inform the parties of the legal and factual matters in dispute and narrow the issues to the extent possible. (2) Discovery is generally not permitted. (3) The Federal Rules of Evidence do not apply. (4) Interlocutory appeals are not permitted.

§ 2200.201 Application.

The rules in this subpart shall govern proceedings before an Administrative Law Judge when (a) the case is eligible for simplified proceedings under § 2200.202, (b) any party requests simplified proceedings, and (c) no party files an objection to the request.

§ 2200.202 Eligibility for simplified proceedings.

A case is eligible for simplified proceedings unless it concerns an alleged violation of section 5(a)(1) of the Act (29 U.S.C. 654(a)(1)) or an alleged failure to comply with a standard listed in table A.

Table A

All standards listed are found in Title 29 of the Code of Federal Regulations.

§ 1910.94	§ 1910.96
§ 1910.95	§ 1910.97

§§ 1910.1000 to 1910.1045, and any occupational health standard that may be added to subpart Z of part 1910.

§ 1926.52	§ 1926.55
§ 1926.53	§ 1926.57
§ 1926.54	§ 1926.800(c)

§ 2200.203 Commencing simplified proceedings.

(a) *Requesting simplified proceedings.* (1) *Who may request.* Any party may request simplified proceedings.

(2) *When to request.* After the Commission receives an employer's or employee's notice of contest or petition for modification of abatement, the Executive Secretary shall issue a notice indicating that the case has been docketed. A request for simplified proceedings, if any, shall be filed within 10 days after the notice of docketing is received, unless the notice of docketing states otherwise.

(3) *How to request.* A simple statement is all that is necessary. For example, "I request simplified proceedings" will suffice. The request shall be filed with the Executive Secretary and served in the manner prescribed for notices of contest in § 2200.7.

(4) *Effect of the request.* For those cases eligible under § 2200.202, simplified proceedings are in effect when any party requests simplified proceedings and no party files a timely objection to the request.

(b) *Objecting to simplified proceedings.* (1) *Who may object.* Any party may object to a request for simplified proceedings.

(2) *When to object.* An objection shall be filed within 15 days after the request for simplified proceedings is served.

(3) *How to object.* A simple statement is all that is necessary. For example, "I object to simplified proceedings" will suffice. An objection shall be filed with the Executive Secretary and served in the manner prescribed for notices of contest in § 2200.7.

(4) *Effect of the objections.* The filing of a timely objection shall preclude the institution of simplified proceedings.

(c) *Notice.* (1) When the period for objecting to simplified proceedings expires and no objection has been filed, the Commission shall notify all parties that simplified proceedings are in effect.

(2) When a party files a timely objection to a request for simplified proceedings, the Commission shall notify all parties that the case shall continue under conventional procedures (Subparts A through G).

§ 2200.204 Filing of pleadings.

(a) *Complaint and answer.* There shall be no complaint or answer in simplified proceedings. If the secretary has filed a complaint under § 2200.33, a response to an employee contest under § 2200.35, or a response to a petition under § 2200.34, the complaint or response shall not be included in the record. No response to these documents shall be required.

(b) *Motions.* A primary purpose of simplified proceedings is to eliminate, as much as possible, motions and similar documents. A motion will not be viewed favorably if the subject of the motion has not been first discussed among the parties prior to the conference/hearing.

§ 2200.205 Discussion among parties.

Within a reasonable time before the conference/hearing, the parties shall meet, or confer by telephone, and discuss the following: Settlement of the case; the narrowing of issues; an agreed statement of issues and facts; defenses; witnesses and exhibits; motions; and any other pertinent matter.

§ 2200.206 Conference/Hearing.

(a) The Judge shall schedule and preside over a conference/hearing, which shall be divided into two segments: a conference and a hearing.

(b) *Conference.* At the beginning of the conference, the Judge shall enter into the record all agreements reached by the parties as well as defenses raised during the discussion set forth in § 2200.205. The parties and the Judge then shall attempt to resolve or narrow the remaining issues. At the conclusion of the conference, the Judge shall enter into the record any further agreements reached by the parties.

(c) *Hearing.* The Judge shall hold a hearing on any issue that remains in dispute at the conclusion of the conference. The hearing shall be in accordance with 5 U.S.C. 554.

(1) *Evidence.* Oral or documentary evidence shall be received, but the Judge may exclude irrelevant or unduly repetitious evidence. Testimony shall be given under oath. The Federal Rules of Evidence shall not apply.

(2) *Oral and written argument.* Each party may present oral argument at the close of the hearing. Parties wishing to present written argument shall notify the Judge at the conference/hearing so that the Judge may set a reasonable period for the prompt filing of written argument.

§ 2200.207 Reporter present; transcripts.

A reporter shall be present at the conference/hearing. An official verbatim transcript of the hearing shall be prepared and filed with the Judge. Parties may purchase copies of the transcript from the reporter.

§ 2200.208 Decision of the Judge.

(a) The Judge shall issue a written decision in accordance with § 2200.90.

(b) After the issuance of the Judge's decision, the case shall proceed in the conventioal manner (Subparts A through G).

§ 2200.209 Discovery.

Discovery, including requests for admissions, shall not be allowed except by order of the Judge.

§ 2200.210 Interlocutory appeals not permitted.

Appeals to the Commission of a ruling made by a Judge which is not the Judge's final disposition of the case are not permitted.

§ 2200.211 Applicability of Subparts A through G.

Sections 2200.6, 2200.33, 2200.34(d)(4), 2200.35, 2200.36, 2200.38, and 2200.75 shall not apply to simplified proceedings. All other rules contained in subparts A through G of the Commission's rules of procedure shall apply when consistent with the rules in this subpart governing simplified proceedings.

Signed this 19th day of October 1981.

Robert A. Rowland,

Chairman.

Timothy F. Cleary,

Commissioner.

Bertram Robert Cottine,

Commissioner.

[FR Doc. 81-30705 Filed 10-22-81; 8:45 am]

BILLING CODE 7600-01-M

VETERANS ADMINISTRATION

38 CFR Ch. I

41 CFR Ch. 8

Executive Order 12291, Federal Regulation; Semi-Annual Agenda of Regulations

AGENCY: Veterans Administration.

ACTION: Publication of Semi-Annual Agenda.

SUMMARY: This agenda announces the regulations that the Veterans Administration will have under development, revision and review during the 6-month period from October 24, 1981 through April 22, 1982. The purpose in publishing this agenda is to give public notice of these upcoming regulations to allow all interested persons the opportunity to participate in the rulemaking process.

FOR FURTHER INFORMATION CONTACT: Celia Fasone, Information and Regulations Staff (004A1), Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2308.

SUPPLEMENTARY INFORMATION: Executive Order 12291, Federal Regulation, and the Regulatory Flexibility Act (Pub. L. 96-354) require that executive agencies publish in the **Federal Register**, in April and October of each year, a semi-annual agenda of major regulations under development or review.

At this time none of the regulations listed have been determined to be major and requiring a Regulatory Impact Analysis under E.O. 12291. A Regulatory Flexibility Analysis will be performed under 5 U.S.C. 603 for regulations on Veterans Education Assistance (38 CFR 21.1020 through 21.4507) which will implement provisions of Pub. L. 96-466, Veterans Rehabilitation and Education Amendments of 1980. None of the other

regulations listed have been determined to pose compliance costs or reporting burdens upon the public nor have they been found to affect small business or state and local governments thereby requiring a Regulatory Flexibility Analysis. During the process of development and review of VA regulations should it be determined that a regulation is considered major, or may have an impact on small business, a Regulatory Impact Analysis or a Regulatory Flexibility Analysis, as necessary, will be prepared with the regulation as required.

Dated: October 19, 1981.

Robert P. Nimmo,

Administrator.

NEW REGULATIONS PROPOSED OR UNDER DEVELOPMENT OCT. 24, 1981–APR. 22, 1982

Legal authority	Title	Description	Contact
Pub. L. 93-508	Vietnam Era Veterans' Readjustment Assistance Act of 1974.	To incorporate general standards for measuring and evaluating the impact of all programs authorized under Title 38.	Donald F. Garrett (202) 389-3031.
Pub. L. 94-135, Age Discrimination Act of 1975.	Nondiscrimination on the Basis of Age in Programs and Activities Receiving Federal Financial Assistance From the VA.	To establish standards for determining what age discrimination is and procedures for enforcing the act.	Marion Stachta (202) 389-2943.
Pub. L. 94-581, Veteran Omnibus Health Care Act of 1976 (38 U.S.C. 621, 4131).	Protection of Patient Rights	To set forth specific minimum substantive and procedural rights to be uniformly afforded patients undergoing treatment in VA medical centers.	Dorothy Rasinski, M.D. (202) 389-2221.
Pub. L. 95-476, Veterans Housing Benefits Act of 1978.	State Cemetery Grants	These regulations will define eligibility and requirements for participation in the program and establish minimum standards for cemetery construction projects assisted through grant funds.	Harold Graber (202) 389-2313.
Pub. L. 95-563, Contract Disputes Act of 1978 (41 U.S.C. 601-613).	Rules of Procedures for Boards of Contract Appeals	Contains the rules to be followed in appeals to the VA Board of Contract Appeals under Pub. L. 95-563 and guidelines for uniform rules issued by OFPP.	Dan R. Anders (202) 275-1750.
Pub. L. 96-22, Veterans Health Care Amendments of 1979.	Outreach Program, Fee Basis/Contracting Program	Provides for fee basis/contract provision of readjustment counseling veterans of the Vietnam Era.	Dr. Donald G. Crawford (202) 389-3317.
Pub. L. 96-330, Veterans Administration Health Care Amendments of 1980 (38 U.S.C. 4141-4146).	Veterans Administration Professional Nurse Scholarship Program.	To set forth the requirements for the award of scholarships to students receiving academic training in professional nursing to assure an adequate supply of such health professionals for the VA and the nation.	Dorothy E. Reese (202) 389-3829.
Pub. L. 96-466	Veterans Rehabilitation and Education Amendments of 1980.	To incorporate provisions of Title 1, Rehabilitation Amendments.	S. L. Lemons (202) 389-2686.
Pub. L. 97-35 Omnibus Budget Reconciliation Act of 1981.	Veterans Education; Elimination of Flight Training	These regulations will provide for the gradual elimination of flight training under the Post-Vietnam Era Veterans' Educational Assistance Program as required by the Budget Reconciliation Act of 1981.	June C. Schaeffer (202) 389-2092.
Pub. L. 97-35	Class II Dental Benefits	Restricts Class II dental benefits to veterans who were discharged under conditions other than dishonorable from a period of active duty of not less than 180 days. For those discharged after Sept. 30, 1981, applications must be made within 90 days of discharge, and they will be entitled only if their certificate of discharge does not bear a certification that they had been provided a complete dental exam and appropriate dental services within 90 days of discharge.	Edwin Irish, D.D.S (202) 389-2038.
Pub. L. 97-35	Consumer-Patient Radiation Health and Safety	Make Federal Radiation Guidelines and Standards promulgated by the Secretary, HHS, applicable to the provision of radiologic procedures in facilities over which the VA Administrator has jurisdiction.	Dr. Leonard Bisaccia (202) 389-2434.
Pub. L. 97-37, Prisoner of War Benefits and Health Care Services Act of 1981.	Definition of Term "Former Prisoner of War"	Expands eligibility for VA medical care benefits by redefining "former prisoner of war" to mean a person who, while serving in active military, naval or air service, was forcibly detained or interned in line of duty by an enemy government or its agents, or a hostile force, during a period other than a period of war.	J. Fleckenstein (202) 389-3785.
Pub. L. 97-37	Dental Care for Former POWs	Authorizes outpatient dental care for those additional veterans encompassed by the new definition of "former prisoners of war" who were detained or interned for not less than six month.	Do.
Pub. L. 97-37	Ex-POWs' Inability to Defray Costs of Hospital Care	Excludes by statute nonservice-connected ex-POWs from the requirement to sign the oath of inability to pay for hospital or nursing home care.	Do.
Pub. L. 97-37	Outpatient Treatment for Ex-POWs	Authorizes the Administrator, within the limits of VA facilities, to furnish medical services for any disability on an outpatient or ambulatory basis for ex-POWs.	Do.
Pub. L. 97-37	Outpatient Priority for Ex-POWs	Ex-POWs are provided special priorities for outpatient services ahead of all other nonservice-connected veterans.	Do.
31 U.S.C. 665	Administrative Control of Funds	These regulations will implement provisions of OMB Circular A-34.	Dennis Bowser (202) 389-2311.
38 U.S.C. 801	Specially Adapted Housing Grants, Geographical Limitation.	To limit specially adapted housing grants to dwellings that are to be built or adapted in the USA, its territories, or possessions.	George Moerman (202) 389-3042.

EXISTING REGULATIONS UNDER REVIEW OR REVISION OCT. 24, 1981–APR. 22, 1982

CFR sections	Title	Description	Contact
38 CFR 0.735-70 to -85	Statements of Employment and Financial Interest	Changes to reflect recent regulations published by the Office of Government Ethics.	LaVerne Bunn (202) 389-3793.
38 CFR 1.514	Medical Records Disclosure	To permit medical records disclosure to treating physicians with verified oral consent from the veteran.	Neal C. Lawson (202) 389-3294.
38 CFR 1.526, 1.555, 1.579	Fee Regulations	To update and consolidate these regulations into a single agency fee schedule regulation covering duplication, search and certification fees, and fee waiver criteria.	Do.
38 CFR 1.800	Payment of Burial Expenses of Deceased Veterans	To implement provisions of Pub. L. No. 97-35 which restricts payment of the burial allowance to veterans in receipt of compensation or pension at time of death.	T. H. Spindle (202) 389-3005.
38 CFR 1.911	Demand for Payment	Ensures that the initial notice of indebtedness provides the debtor with waiver, hearing, and appellate rights.	Peter T. Mulhern (202) 389-3405.
38 CFR 1.912	Offset	Offset from current or future benefits will not be initiated until the debtor is provided with notice of waiver, hearing, and appellate rights and that a decision will be rendered upon a waiver request filed within a specified period of time.	Do.
38 CFR 1.955	Committees on Waivers and Compromises	Raises single signature waiver authority to include debts of $1,000 or less.	Do.
38 CFR 1.967	Refund	Regardless of the date of a waiver request, the entire amount of an indebtedness will be considered for waiver and, if waiver is granted, all amounts recouped will be refunded.	Do.
38 CFR 3.307, 3.309	Disease Subject to Presumptive Service Connection	To implement provisions of Pub. L. 97-37 which allows the VA to consider that certain diseases are service connected in the case of former prisoners of war who were held for at least 30 days.	T. H. Spindle (202) 389-3005.
38 CFR 3.7	Persons Included	Tor provide for recognition as veterans for Reconstruction. Aides and Dietitians in WWI and Male Civilian Ferry Pilots.	Do.
38 CFR 6.79, 6.80, 6.88	United States Government Life Insurance	Change in job titles to Assistant Director for Insurance. Make the necessary gender changes.	Robert W. Carey (215) 951-6360.
38 CFR 6.90	Physical Examination and Inspections	Enables a physician's assistant to make certain examinations for insurance purposes. Gender changes.	Do.
38 CFR 6.128	Payment to Decedent's Estate	No longer provides for monetary limitation when payment is made directly to those entitled to decedent's estate.	Do.
38 CFR 8.0	National Service Life Insurance Eligibility	To include the Modified Life at Age 70 plan. Gender changes.	Do.
38 CFR 8.1	Definition of and criteria for "good health"	Gender changes	Do.
38 CFR 8.3	Premiums	To include the 20- and 30-Payment Life Plans where appropriate.	Do.
38 CFR 8.23	Health Requirements	Gender changes	Do.
38 CFR 8.24	Application and Medical Evidence	Change in job title to Assistant Director for Insurance. Gender changes.	Do.
38 CFR 8.27	Cash Value	States how long paid-up additions must be in force for cash values. Includes 20- and 30-Payment Life plans where appropriate.	Do.
38 CFR 8.29	Extended Term and Paid-Up Insurance	To make the necessary changes for the Modified Life at Age 70 plan.	Do.
38 CFR 8.33-8.36	Change in Plan	To make the necessary changes for the Modified Life at Age 70 plan and to include the 20- and 30-Payment Life plans. Gender changes.	Do.
38 CFR 8.40-8.42	Premium Waivers and Total Disability	To make the necessary changes for the Modified Life at Age 70 plan and 20- and 30-Payment Life plans. Gender changes.	Do.
38 CFR 8.54	Payment to Decedent's Estate	No longer provides for monetary limitation when payment is made directly to those entitled to decedent's estate.	Do.
38 CFR 8.64-8.66	Examinations	Enables a physician's assistant under certain conditions to make an examination. Change the title to Director for the head of a regional office. Gender changes.	Do.
38 CFR 8.70	Claims alleging insurance where there is no application for insurance on file.	Change the title of person charged with making original determination as to valid contracts.	Do.
38 CFR 8.71	Parents, brothers and sisters of illegitimates	Gender changes	Do.
38 CFR 8.99c	Total Disability Income Provision	Provides for updated pamphlets dealing with premiums for the Total Disability Income Provisions. Adds the 20- and 30-Payment Life plans where appropriate.	Do.
38 CFR 8.100	Insurance Provided Special Legislation	Gender changes	Do.
38 CFR 8.102	National Service Life Insurance Appropriations	Provides for 20- and 30-Payment Life plans where appropriate.	Do.
38 CFR 8.103	National Service Life Insurance Nonparticipating Funds.	Provides for 20- and 30-Payment Life plans where appropriate. Gender changes.	Do.
38 CFR 8.106	National Service Life Insurance Policy forms	Updates the applicable forms. Includes the Modified Life at Age 70 plan and the 20- and 30-Payment Life plans where appropriate.	Do.
38 CFR 8.110-8.112b	National Service Life Insurance Issued on or After April 25, 1951.	Includes the Modified Life at Age 70 plan where appropriate. Gender changes.	Do.
38 CFR 14.629	Recognition of attorneys/paralegals	Permit interchangeable representation of attorneys within same firm and allow paralegals certain functions under attorney supervision.	Ed Lukoy (202) 389-2440.

EXISTING REGULATIONS UNDER REVIEW OR REVISION OCT. 24, 1981-APR. 22, 1982—Continued

CFR sections	Title	Description	Contact
38 CFR 17.17(a), App. A, and 17.173(c)(3).	Grants to States for Construction of State Home Facilities.	To change from 2¼ to 4 per thousand veterans in a state, the maximum number of beds, as required by 38 U.S.C. 5034(1), to provide adequate nursing home care to veterans residing in each state.	Rita Frampton (202) 389-3679.
38 CFR 17.30(w)	Definitions	Redefines Veterans Administration facilities to provide authority to furnish medical services at private facilities for certain veterans receiving housebound or aid and attendance benefits. Defines authority to obtain diagnostic services from private facilities under certain conditions.	J. Fleckenstein (202) 389-3785.
38 CFR 17.34	Informed Consent	Mandates that all patient care be carried out with full and informed consent and clarifies the definition of a patient's representative.	Do.
38 CFR 17.48(b)(1)	Domiciliary Income Limitation	To change the current income level of $415 per month by increasing the income limitation to an appropriate level taking into consideration the present Consumer Price Index. The current limitation of $415 per month is less than $2 over the amount of a nonservice-connected pension received by a single veteran with no dependents.	Myrla Smith (202) 389-3692.
38 CFR 17.48(c)(2)	Evidence of Inability to Defray Necessary Expenses	Provides authority to look beyond certain veterans' oath of inability to defray the necessary expenses of medical care and to deny such care, on a case-by-case basis, when a determination is made that the individual is able to afford needed medical care from other than VA sources.	J. Fleckenstein (202) 389-3785.
38 CFR 17.49	Admission Priorities	Defines the admission priority for hospital care for Commonwealth Army Veterans and New Philippine Scouts.	Do.
38 CFR 17.53a-17.53d	Alcohol and Drug Dependence or Abuse Treatment and Rehabilitation.	Provides for care and treatment and rehabilitative services on a contract basis in halfway houses, therapeutic communities, psychiatric residential treatment centers and other community-based treatment facilities, for eligible veterans suffering from alcohol or drug dependence or abuse disabilities.	Richard S. Olson (202) 389-3513.
38 CFR 17.54	Medical Care for survivors and dependents of certain veterans.	Revise the current regulation to provide CHAMPVA benefits to the surviving spouse or child of a person who died in the active military, naval or air service in the line of duty, and who is not eligible for CHAMPUS or MEDICARE benefits.	J. Fleckenstein (202) 389-3785.
38 CFR 17.60b	Emergency Outpatient Care	Defines authority for furnishing outpatient care in emergencies to individuals attending national conventions of VA recognized organizations.	Do.
38 CFR 17.60(g)	Priorities for Medical Services	Defines the outpatient priority category for veterans being examined to determine the existence or rating of a service-connected disability.	Do.
38 CFR 17.62	Charges for Emergency Services	Defines authority for emergency services provided to individuals other than eligible veterans attending national conventions of VA recognized service organizations.	Do.
38 CFR 17.166c	Amount of Aid Payable	Amends the published per diem rates payable to a recognized state home for domiciliary care, nursing home care, and for hospital care furnished to eligible veterans.	Do.
38 CFR 18b.1-18b.95	Nondiscrimination in Federally Assisted Programs	Updated materials include affirmative action, compliance reviews, prohibited intimidatory or regulatory acts, and administrative review procedures.	Ana M. del Toro (202) 389-2612.
38 CFR 21.1-21.735	Vocational Rehabilitation and Education	This section will be replaced in its entirety by regulations implementing Title I, Rehabilitation Amendments, Pub. L. 96-466.	S. L. Lemons (202) 389-2686.
38 CFR 21.1020-21.4507	Veterans Education, Education Assistance	Proposal will amend and augment CFR sections in order to implement provisions of Pub. L. 96-466 which affect these regulations and to make other technical changes. *A regulatory flexibility analysis is necessary.*	June C. Schaeffer (202) 389-2092.
38 CFR 21.5001-21.5500	Veterans Education; Post-Vietnam Era Veterans Educational Assistance Program.	Proposal will amend and augment CFR sections in order to implement provisions of Pub. L. 96-342 and Pub. L. 96-466 which affect Veterans Educational Assistance Program. Proposal is being considered by DOD.	Do.
38 CFR 21.5054, 21.5132, 21.5138	Veterans Education; DOD Funding	States that DOD, instead of VA will fund training under VEAP which takes place after December 31, 1981.	Do.
38 CFR 21.4136, 21.4137, 21.4232, 21.4503.	Veterans Education; Implementation of the Budget Reconciliation Act.	To implement those portions of the Budget Reconciliation Act which affect training under chapter 34, Title 38, U.S.C.	Do.
38 CFR 21.4252	Veterans Education; Matriculation	To require matriculation in some instances before a veteran or eligible can receive educational assistance allowance.	Do.
38 CFR 36.4253, 36.4275, 36.4308, 36.4350 and 36.4358.	Participation by State and Local Housing Authorities in the Loan Guaranty Program.	To amend the regulations to allow State and Local Housing Authorities to impose title or sale restrictions on homes and mobile homes acquired with bond assisted and VA assisted financing.	George Moerman (202) 389-3668.
38 CFR 36.4309-36.4336	Graduated Payment Mortgages	To revise the regulations to provide VA guaranties on Graduated Payment Mortgages to eligible veterans.	Do.
38 CFR 36.4356-36.4360a	Condominium Regulations	To revise the regulations governing the acceptance of condominium developments for VA guaranteed loan financing.	Do.

Existing Regulations Under Review or Revision Oct. 24, 1981–Apr. 22, 1982—Continued

CFR sections	Title	Description	Contact
41 CFR 8-2.2 and 8-2.4	Solicitation of Bids; Submission of Bids; and Award of Contracts.	To amend the "aggregate award" clause and to implement the Contract Disputes Act regarding mistakes in bids.	Chris A. Figg (202) 389-2344.
41 CFR 8-3.8	Price Negotiation Policies and Techniques	To implement OFPP Policy Letter 80-7 regarding negotiating profit or fee.	Do.
41 CFR 8-75	Special Procurement Controls	To clarify requirements for National Foundation labels.	T. J. Ganous (202) 389-2334.
41 CFR 8-4.9	Unsolicited Proposal	To provide guidance in the evaluation of unsolicited proposals. This regulation had been anticipated to be completed prior to October 24, 1981, but has required additional time to develop and coordinate.	David S. Derr (202) 389-3682.
41 CFR 5-1.4 and 8-74.1	Procurement Responsibility and Authority; Special Procurement Controls.	To provide for procurement of supplies and equipment by consignment agreement.	Do.
41 CFR 8-1.3 and 8-5.53	General Policies; Procurement of Forms, Publications and related services.	Amended to specify that binding costing over $500 be procured through GPO.	Chris Figg (202) 389-2334.

Regulations Issued (Proposed or Final) From April 11, 1981–October 9, 1981

CFR sections	Title	Publication date	Action	Effective or comment date
41 CFR 8-3, 8-7	Small Purchases; Fixed-Price Supply Contracts	Apr. 21, 1981	Final Rule	Apr. 21, 1981.
41 CFR 8-1.403, 1.404	Procurement Responsibility and Authority	Apr. 22, 1981	do	Do.
41 CFR 8-3, 8-75	Circumstances Permitting Negotiation: Special and Limited Delegations	do	do	Do.
38 CFR 4.119	Schedule for Rating Disabilities	Apr. 23, 1981	Proposed Rule	June 5, 1981.
38 CFR 3.7	Veterans Benefits: Persons Included as Having Served on Active Duty	Apr. 29, 1981	Final Rule	Jan. 22, 1981.
38 CFR 3.12a, 3.13	Veterans Benefits: Length of Service Requirement	do	do	Sept. 8, 1981.
38 CFR 36.4311, 4503	New Guaranteed, Insured and Direct Loans for Homes and Condominiums: Increase in Maximum Permissible Interest Rate.	May 7, 1981	do	Apr. 13, 1981.
38 CFR 36.4212	Mobile Home Loans: Increase in Maximum Permissible Interest Rate	do	do	Apr. 27, 1981.
38 CFR 21.4136, 4137	Veterans Education: Advance Payment of Educational Assistance Allowance	May 13, 1981	Proposed Rule	June 12, 1981.
38 CFR 36.4311, 4503	New Guaranteed, Insured, and Direct Loans for Homes and Condominiums and Home Improvement Purposes: Increase in Maximum Permissible Interest Rate.	May 14, 1981	Final Rule	May 8, 1981.
41 CFR 8-8.2	General Principles Applicable to the Termination for Convenience and Settlement of Fixed-Price and Cost-Reimbursement Type Contracts.	do	do	May 13, 1981.
41 CFR 8-95	Loan Guaranty Program	do	do	Do.
38 CFR 3.24, 3.25, 3.26, 3.262.	Increase in Pension Rates and Income Limitations	May 15, 1981	do	June 1, 1981.
38 CFR 6.58, 6.60, 6.62, 6.69c, 6.70, 8.26, 8.82.	United States Government Life Insurance and National Service Life Insurance: Interest Rates and Dividends.	May 19, 1981	Proposed Rule	June 18, 1981.
41 CFR 8-1.1101, 1102	Qualified Products List for Convenience/Labor Saving Foods	May 26, 1981	Final Rule	May 26, 1981.
38 CFR 21.4136	Veterans Education: Time Limit to Submit Mitigating Circumstances	May 28, 1981	Proposed Rule	July 27, 1981.
38 CFR 21.5058	Veterans Education: Resumption of Contribution of Funds Upon Reenlistment	June 2, 1981	Final Rule	May 12, 1981.
38 CFR 21.4135	Extension of Educational Benefits to Eligible Person	June 12, 1981	Proposed Rule	July 13, 1981.
38 CFR 3.552	Veterans Benefits: Reduction of Aid and Attendance Allowance During Hospitalization	do	Final Rule	May 26, 1981.
41 CFR 8-14	Definition of Meat Products Not Requiring USDA Inspection	June 15, 1981	do	June 15, 1981.
41 CFR 8-74	Special Procurement Controls	do	do	Do.
38 CFR 21.5130, 5135, 5138	Veterans Education: Payment of Educational Assistance Allowance to Participate in the Veterans' Educational Assistance Program on Active Duty.	June 19, 1981	do	May 27, 1981.
38 CFR 3.203	Veterans Benefits: Service Records as Evidence of Service and Character of Discharge	do	Proposed Rule	July 20, 1981.
41 CFR 8-4.5102	Special Types and Methods of Procurement: Mortuary Services	June 26, 1981	Final Rule	June 22, 1981.
38 CFR 17.400, 17.402, 17.405, 17.407, 17.408, 17.410, 17.412, 17.413, 17.414.	Medical School and Health Manpower Assistance	June 30, 1981	do	June 30, 1981.
38 CFR 3.500, 3.669	Effective Date for Forfeiture for Treason	July 6, 1981	do	Unlimited.
38 CFR 36.4282, 36.4283	Post-Liquidation Agreements for Indemnification of Mobile Home Loan Holders: Clarification of Regulations Governing Foreclosure or Repossession of Mobile Home Loans.	July 7, 1981	Proposed Rule	Aug. 6, 1981.
38 CFR 3.661	Income and Net Worth Questionnaires	July 28, 1981	do	Aug. 26, 1981.
38 CFR 17.500-17.540	Health Services Review Organization (HSRO)	do	do	Aug. 27, 1981.
38 CFR 21.4131	Education Benefits: Effective Date for Increase in Educational Assistance Allowance	do	do	Aug. 26, 1981.
38 CFR 8.28	National Service Life Insurance Policy Loan Interest Rates	July 29, 1981	Final Rule	July 29, 1981.
38 CFR 2.6	Delegation of Authority	Aug. 17, 1981	do	Aug. 12, 1981.
38 CFR 36.4311, 36.4503	New Guaranteed, Insured and Direct Loans for Homes and Condominiums: Increase in Maximum Permissible Interest Rate.	Aug. 25, 1981	do	Aug. 17, 1981.
38 CFR 36.4212	Increase in Maximum Permissible Interest Rate on Mobile Home Loans	do	Final Rule	Aug. 17, 1981.
38 CFR 3.1550, 3.1552-1556, 3.1558, 3.1559, 3.1561, 3.1562, 3.1564-1568, 3.1570-1575, 3.1690, 3.1691.	Veterans Benefits: Revocation of Obsolete Regulations	do	Proposed Rule	Sept. 23, 1981.
38 CFR 1.916, 1.919, 1.920, 1.922, 1.516, 1.518, 1.519, 1.520.	Interest on Debts	Aug. 26, 1981	do	Sept. 25, 1981.
38 CFR 4.97, 4.119, App. A	Schedule for Rating Disabilities: Endocrine System	Aug. 31, 1981	Final Rule	Aug. 13, 1981.
38 CFR 21.4136-4137	Veterans Education: Advance Payment of Educational Assistance Allowance	do	do	Do.
38 CFR 36.4200-4526	Loan Guaranty: Implementation of New Legislation	do	do	Effective Dates: Oct. 1 and 7, 1981. Comments: Sept. 30, 1981.
38 CFR 1.512	Disclosure of Loan Guaranty Information	Sept. 15, 1981	Proposed Rule	Oct. 15, 1981.
38 CFR 36.4212	Increase in Maximum Permissible Interest Rate on Mobile Home Loans	Sept. 21, 1981	Final Rule	Sept. 14, 1981.
38 CFR 36.4311-4503	New Guaranteed, Insured and Direct Loans for Homes and Condominiums and for Home Improvement Purposes: Increase in Maximum Permissible Interest Rate.	do	do	Do.
38 CFR 3.340-342, 350, 551, 552, 665, 666, 750, 809, 809a.	Changes in Veterans' Disability Compensation and Survivors Benefits	Sept. 29, 1981	do	Oct. 1 and Oct. 7, 1981.
38 CFR 21.4135	Extension of Educational Benefits to Eligible Persons	Oct. 1, 1981	do	Oct. 15, 1981.

REGULATIONS ISSUED (PROPOSED OR FINAL) FROM APRIL 11, 1981–OCTOBER 9, 1981—Continued

CFR sections	Title	Publication date	Action	Effective or comment date
38 CFR 21.4136	Veterans Education: Time Limit to Submit Mitigating Circumstances	Oct. 2, 1981	do	Sept. 10, 1981.

[FR Doc. 81-30569 Filed 10-22-81; 8:45 am]
BILLING CODE 8320-01-M

POSTAL SERVICE

39 CFR Part 111

Undeliverable-as-Addressed Third-Class Mail

AGENCY: Postal Service.

ACTION: Proposed rule

SUMMARY: This is a proposal to amend postal regulations regarding the procedures for handling undeliverable-as-addressed third-class mail weighing 2 ounces or less which bears the endorsement "Address Correction Requested." The existing single piece postage rate for a 2 ounce piece of third-class mail is 35 cents. Under current regulations, however, the address correction fee for return to the sender of an undeliverable piece plus the correct address or the reason for nondelivery is only 25 cents, which is less than the postage. As proposed to be changed, only undeliverable-as-addressed third-class mail pieces weighing 1 ounce or less would be returned; or as an alternative the Postal Service would have the option of forwarding a Form 3547 to the sender. Form 3547 would bear the new address or the reason the piece was undeliverable as addressed. Upon delivery of the mail piece or Form 3547, the Postal Service would collect the 25-cents address correction service fee.

DATE: Comments must be received on or before November 23, 1981.

ADDRESS: Written comments should be addressed to the Director, Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. Copies of written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., Monday through Friday, in Room 8430, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260.

FOR FURTHER INFORMATION CONTACT: Ernest Collins, (202) 245–4749.

SUPPLEMENTARY INFORMATION: Section 159.151 and 693a of the Domestic Mail Manual currently specify that undeliverable-as-addressed third-class mail which is endorsed "Address Correction Requested" and weighs 2 ounces or less is to be returned to the sender, who pays 25 cents for the return of the piece with the correct address or the reason for nondelivery. The current postage rate is 35 cents for a 2-ounce piece. The 25-cent address correction fee, therefore, is insufficient to cover postage.

As a result of the testimony which was presented before the Postal Rate Commission during Rate Case R80–1, the Postal Service proposes to reduce the weight for third-class "on-piece" corrections from 2 ounces or less to 1 ounce or less. In addition, the Postal Service proposes to furnish the sender the reason for nondelivery either by returning the one-ounce-or-less piece endorsed to show the reason for nondelivery, or by returning an address correction notice to the sender showing the reason for nondelivery. Conforming changes and certain other minor changes are also proposed to be made to 693b-e.

Although exempt from the requirements of the Administrative Procedure Act (5 U.S.C. 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions of the Domestic Mail Manual, which is incorporated by reference in the **Federal Register**. See 39 CFR 111.1

Part 159—Undeliverable Mail

1. In part 159, revise footnote N of Exhibit 159.151 to read as follows: "Send address notice or return the piece endorsed with reason for nondelivery; collect address correction fee."

Part 693—Address Correction

2. In Part 693, revise *a–e* to read as follows:

693 Address Correction

* * * * *

a. If a piece weighs 1 ounce or less and bears the words *Address Correction Requested,* either an address correction notice or the piece marked to show the new address or reason for nondelivery will be provided the sender upon payment of the fee (see 612.2).

b. If a piece weighs more than 1 ounce and bears the words *Address Correction Requested,* an address correction notice, marked to show the new address or reason for nondelivery will be provided the sender, upon payment of the fee (see 612.2).

c. If a piece weighs more than 1 ounce and bears the words *Address Correction Requested, Return Postage Guaranteed,* or *Address Correction Requested Forwarding and Return Postage Guaranteed* must be returned to the sender by the post office of original address because the piece cannot be forwarded, the piece will be endorsed with the reason for nondelivery and will be returned to the sender upon payment of the fee (see 612.2) and postage at the appropriate single piece rate (see 611.1).

d. If a piece of any weight bearing the words *Address Correction Requested, Address Correction Requested Return Postage Guaranteed,* or *Address Correction Requested Forwarding and Return Postage Guaranteed* is forwarded to the addressee in compliance with either the sender's or addressee's guarantee to pay forwarding postage (see 159.212), an address correction notice, marked to show the new address, will be provided the sender upon payment of the fee (612.2).

e. Mail which qualifies for a single piece fourth-class rate under provisions of 611.12 will be returned at that rate if the mailer's address correction service endorsement includes the name of the fourth-class rate. For example, if third-class matter qualifies for mailing at the special fourth-class rate for books, the endorsement would be: *Special Fourth-Class Rate: Forwarding and Return Postage Guaranteed.*

An appropriate amendment to 39 CFR 111.3 to reflect these changes will be published if the proposal is adopted.

(39 U.S.C. 401(2), 404(a)(2))

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 81-30607 Filed 10-22-81; 8:45 am]
BILLING CODE 7710-12-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6170]

National Flood Insurance Program; Proposed Zone Designation and Base Flood Elevation Determinations for the Town of Glasgow, Rockbridge County, Va.

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base flood elevations and zone designations described below.

The proposed base flood elevations and zone designations 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-days following the second publication of this proposed rule in the newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base flood elevations and zone designations are available for review at the Municipal Building, Glasgow, Virginia.

Send comments to: E. A. Sheppard, Town Manager, Town of Glasgow, P.O. Box 326, Glasgow, Virginia 24555.

FOR FURTHER INFORMATION CONTACT: Robert G. Chappell, P.E., Chief, Engineering Branch, Office of State and Local Programs and Support, Federal Emergency Management Agency, Washington, D.C. 20472, (202) 287–0270.

SUPPLEMENTARY INFORMATION: The Associate Director, State and Local Programs and Support gives notice of the proposed base flood elevations and zone designations for the Town of Glasgow, Virginia, 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 Part 67.

These zone designations and base (100-year) flood 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. The proposed base flood elevations and zone designations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents.

The proposed zone designations are as follows:

Zone A16, Zone B, and Zone C along the James River and along the Maury River from its confluence with the James River to a point approximately 2,700 feet upstream of the State Highway 130 bridge

Zone A10 and Zone C along the Maury River from a point approximately 2,700 feet upstream of the State Highway 130 bridge to the northern corporate limits

The proposed base flood elevations are as follows:

723 feet MSL where the James River enters the western corporate limits through 719 feet MSL at the confluence of the James and Maury Rivers along the James River

730 feet MSL where the Maury River enters the northern corporate limits through 719 feet MSL at the confluence of the James and Maury Rivers along the Maury River

Pursuant to the provisions of 5 U.S.C. 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 and imposes no new requirements or regulations on participating communities.

(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 Associate Director, State and Local Programs and Support)

Issued: October 9, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30544 Filed 10-22-81; 8:45 am]

BILLING CODE 6718-03-M

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44 CFR Part 67

[Docket No. FEMA 6162]

National Flood Insurance Program; Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below and proposed changes to base flood elevations 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	*Elevation, meters above mean sea level
Commonwealth of Puerto Rico.	Rio Daguao Basin	Rio Daguao	15 meters upstream of the intersection of Puerto Rico Highway 979 (Bennington Road) and Rio Daguao.	*9.4
			10 meters upstream of the intersection of Puerto Rico Highway 924 and Rio Daguao.	*50.6
		Quebrada Ceiba	25 meters upstream of the intersection of Puerto Rico Highway 3 (Avenida Lauro Pinero) and Quebrada Ceiba.	*10.1
			10 meters upstream of the intersection of Puerto Rico Highway 975 (upstream crossing) and Quebrada Ceiba.	*55.0
		Quebrada Aguas Claras	Intersection of Puerto Rico Highway 979 (Tarwara Drive) and Quebrada Aguas Claras.	*8.1
		Quebrada Aguas Claras Tributary	25 meters upstream of the intersection of Puerto Rico Highway 3 (Avenida Lauro Pinero) and Quebrada Aguas Claras.	*20.2
		Atlantic Ocean	At the mouth of Quebrada Ceiba (Bahia Damajagua)	*2.9

Maps available for inspection at Puerto Rico Planning Board, Minillas Government Center, North Building, 14th Floor, Santurce, Puerto Rico.

Send comments to the Honorable Carlos Romero Barcelo, La Fortaleza, San Juan, Puerto Rico 00902.

(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: October 1, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30545 Filed 10-22-81; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FEMA-6015]

National Flood Insurance Program; Revision of Proposed Flood Elevation Determinations for the City of Gadsden, Etowah County, Ala.

AGENCY: Federal Emergency Management Agency.

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 City of Gadsden, Etowah County, Alabama.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 46 FR 18726 on March 26, 1981, and in the *Gadsden Times* on March 11, and March 18, 1981, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for inspection at City Hall, 90 Broad Street, Gadsden, Alabama 35999.

Send comments to: Mayor Steve Means or Mr. David Kelley, Assistant Mayor, City Hall, 90 Broad Street, Gadsden, Alabama 35999.

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: Proposed base (100-year) flood elevations are listed below for selected locations in Gadsden, Alabama 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 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).

These modified 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 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 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 ELEVATION

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	City of Gadsden, Etowah	Coosa River	Just downstream of confluence of Big Wills Creek	*519
			Just upstream of confluence of Big Wills Creek	*520
			Confluence of Nowlin Branch	*520
			Confluence of Town Creek	*521
		Big Wills Creek	Just downstream of Brooke Avenue	*528
		Little Wills Creek	Just upstream of southern corporate limits (approximately 2100 feet upstream Southern Railway Crossing).	*536
		Black Creek	Just upstream of Chestnut Street	*525
			Just upstream of Tuscaloosa Avenue	*531
			Just downstream of Noccalula Road	*694
			Just upstream of Noccalula Road	*699
		Town Creek	Just upstream of Tuscaloosa Avenue	*527
		Nowlin Branch	Just upstream of Elmwood Avenue	*524
			Just upstream from North 7th Street	*532
			Just upstream of Doyle Street	*540
		Greenway Creek	Just downstream of Springfield Avenue	*530

(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: October 6, 1981.

John E. Dickey,

Acting Associate Director, State and Local Programs and Support.

[FR Doc. 81-30546 Filed 10-22-81; 8:45 am]

BILLING CODE 6718-03-M

Notices

Federal Register
Vol. 46, No. 205
Friday, October 23, 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 EDUCATION

Guaranteed Student Loan Program; Family Contribution Schedule

Corrections

In FR Doc. 81-26432 appearing on page 45486 in the issue of Friday, September 11, 1981, make the following corrections:

In Table A on page 45487:

The column marked Adjusted gross income now reads: Less than $20.001. It should read: Less than $30,001.

The column marked Adjusted gross income reads: $30.001 to $30,174. It should read: $30,001 to $30,124.

The column marked Adjusted gross income reads: $30,125 to $30,343. It should read: $30,125 to $30,374.

The column marked Adjusted gross income reads: $37,125 to $32,374. It should read: $32,125 to $32,374.

The column marked Adjusted gross income reads: $40,625 to $40,874. It should read: $40,625 to $40,874.

The column marked Adjusted gross income reads: $43,125 to $43,274. It should read: $43,125 to $43,374.

Column 3 corresponding to the income of $36,875 to $37,124 reads: 4,850. It should read: 4,950.

Column 4 corresponding to the income of $31,625 to $31,874 reads: 2,855. It should read: 2,850.

Column 4 corresponding to the income of $50,125 to $50,374 reads: 7,200. It should read: 7,260.

Column 6 corresponding to the income of $35,875 to $36,124 reads: 2,520. It should read: 2,520.

Column 8 corresponding to the income of $51,125 to $51,374 reads: 4,780. It should read: 4,790.

Column 9 corresponding to the income of $40,625 to $40,874 reads: 2,080. It should read: 2,090.

In Table A on page 45488:

Column 7 corresponding to the income of $70,125 to $70,374 reads: 9,130. It should read: 9,190.

Column 11 corresponding to the income of $61,125 to $61,374 reads: 4,190. It should read: 5,190.

In Table A on page 45489:

The income in the Adjusted gross income column reads: $76,375 to $76,674. It should read: $76,375 to $76,624.

Column 5 corresponding to the income of $95,375 to $95,624 reads: 14,880. It should read: 14,890.

Column 6 corresponding to the income of $92,375 to $92,624 reads: 13,690. It should read: 13,680.

Column 8 corresponding to the income of $74,625 to $74,874 reads: 8,450. It should read: 9,450.

Column 8 corresponding to the income of $87,875 to $88,124 reads: 11,620. It should read: 11,820.

In Table A on page 45490:

Column 4 corresponding to the income of $98,375 to $98,624 reads: 15,980. It should read: 15,990.

Column 7 corresponding to the income of $98,375 to $98,624 reads: 14,080. It should read: 14,090.

Column 8 corresponding to the income of $97,625 to $97,874 reads: 13,400. It should read: 13,460.

In Table B on page 45490:

The column marked Adjusted gross income reads: $30,875 to $31,124. It should read: $30,875 to $31,124.

The column marked Adjusted gross income reads $34,375 to $34,624. It should read: $34,375 to $34,624.

Column 3 corresponding to the income of $36,125 to $36,374 reads: 3,080. It should read: 3,090.

Column 3 corresponding to the income of $38,625 to $38,874 reads: 3,550. It should read: 3,580.

Column 7 corresponding to the income of $39,375 to $39,624 reads: 1,620. It should read: 1,630.

In Table A on page 45491:

The column marked Adjusted gross income reads $58,125 to $59,374. It should read: $59,125 to $59,374.

Column 4 corresponding to the income of $49,125 to $49,374 reads: 5,790. It should read: 5,080.

Column 6 corresponding to the income of $52,125 to $52,374 reads: 4,180. It should read: 4,190.

In Table B on page 45492:

The column marked Adjusted gross income reads $83,125 to $82,374. It should read: $83,125 to $83,374.

In Table B on page 45493:

Column 2 corresponding to the income of $95,625 to $95,874 reads: 13,600. It should read: 13,660.

Column 2 corresponding to the income of $99,875 to $100,124 reads: 14,420. It should read: 14,240.

Column 3 corresponding to the income of $93,625 to $93,874 reads: 12,679. It should read: 12,870.

Column 7 corresponding to the income of $95,375 to $95,624 reads: 10,593. It should read: 10,590.

Column 7 corresponding to the income of $98,625 to $98,874 reads: 11,080. It should read: 11,030.

Column 8 corresponding to the income of $94,374 to $94,624 reads: 9,930. It should read: 9,960.

Column 9 corresponding to the income of $89,875 to $90,124 reads: 8,930. It should read: 8,830.

Column 9 corresponding to the income of $92,375 to $92,624 reads: 9,190. It should read: 9,180.

Column 11 corresponding to the income of $94,625 to $94,874 reads: 8,550. It should read: 8,500.

Column 12 corresponding to the income of $93,625 to $93,874 reads: 7,869. It should read: 7,860.

In Table C on page 45493:

One line should be added after the line corresponding to the Adjusted gross income of $30,625 to $30,874, as follows:

Adjusted gross income	Number of family members										
	2	3	4	5	6	7	8	9	10	11	12
$30,875 to $31,124	22,250	22,570	22,890	23,210	23,530	23,830	24,110	24,390	24,670	24,940	25,180

Column 5 corresponding to the income of $30,375 to $30,624 reads: 22,390. It should read: 22,890.

In Table C on page 45484:

Column 2 corresponding to the income of $33,125 to $33,374 reads: 23,580. It should read: 23,630.

Column 2 corresponding to the income of $34,875 to $35,124 reads: 24,560. It should read: 24,660.

Column 2 corresponding to the income of $44,125 to $44,374 reads: 29,590. It should read: 29,690.

Column 2 corresponding to the income of $47,875 to $48,124 reads: 31,570. It should read: 31,670.

Column 2 corresponding to the income of $49,625 to $49,874 reads: 32,390. It should read: 32,490.

Column 2 corresponding to the income of $49,875 to $50,124 reads: 32,510. It should read: 32,610.

Column 2 corresponding to the income of $54,125 to $54,374 reads: 34,510. It should read: 34,610.

Column 5 corresponding to the income of $32,125 to $32,374 reads: 24,110. It should read: 24,010.

Column 5 corresponding to the income of $51,125 to $51,374 reads: 34,570. It should read: 34,670.

Column 6 corresponding to the income of $50,375 to $50,624 reads: 34,780. It should read: 34,730.

Column 7 corresponding to the income of $52,625 to $52,874 reads: 35,350. It should read: 36,350.

In Table C on page 45495:

Column 2 corresponding to the income of $56,375 to $56,624 reads: 35,560. It should read: 35,660.

Column 2 corresponding to the income of $75,125 to $75,374 reads: 4,310. It should read: 43,810.

Column 3 corresponding to the income of $75,125 to $75,374 reads: 44,310. It should read: 44,350.

Column 5 corresponding to the income of $61,625 to $61,874 reads: 39,500. It should read: 39,600.

Column 5 corresponding to the income of $64,375 to $64,624 reads: 40,390. It should read: 40,890.

Column 5 corresponding to the income of $66,625 to $66,874 reads: 41,360. It should read: 41,860.

Column 5 corresponding to the income of $68,375 to $68,624 reads: 42,500. It should read: 42,600.

Column 5 corresponding to the income of $68,875 to $69,124 reads: 42,310. It should read: 42,810.

Column 5 corresponding to the income of $75,125 to $75,374 reads: 45,130. It should read: 45,430.

Column 5 corresponding to the income of $75,625 to $75,874 reads: 45,540. It should read: 45,640.

In Table C on page 45496:

Column 2 corresponding to the income of $89,125 to $89,374 reads: 49,910. It should read: 49,610.

Column 2 corresponding to the income of $89,625 to $89,874 reads: 49,300. It should read: 49,800.

Column 2 corresponding to the income of $89,875 to $90,124 reads: 49,390. It should read: 49,890.

Column 5 corresponding to the income of $85,625 to $85,874 reads: 49,340. It should read: 49,840.

Column 5 corresponding to the income of $89,875 to $90,124 reads: 51,530. It should read: 51,630.

In Table D on page 45497:

The column marked Adjusted gross income reads: $44,875 to $44,874. It should read: $44,625 to $44,874.

The column marked Adjusted gross income reads: $44,625 to $45,124. It should read: $44,875 to $45,124.

Column 1 corresponding to the income of $30,625 to $30,874 reads: 20,570. It should read: 20,670.

Column 1 corresponding to the income of $42,625 to $42,874 reads: 26,540. It should read: 26,840.

Column 1 corresponding to the income of $44,875 to $44,874 (corrected above) reads: 27,340. It should read: 27,840.

Column 3 corresponding to the income of $35,875 to $36,124 reads: 24,840. It should read: 24,340.

Column 4 corresponding to the income of $44,625 to $45,124 (corrected above) reads: 9,350. It should read: 29,350.

In Table D on page 45498:

Column 1 corresponding to the income of $51,625 to $51,874 reads: 30,060. It should read: 30,860.

Column 1 corresponding to the income of $56,375 to $56,624 reads: 32,540. It should read: 32,850.

Column 1 corresponding to the income of $60,625 to $60,874 reads: 34,540. It should read: 34,640.

Column 1 corresponding to the income of $64,375 to $64,624 reads: 36,060. It should read: 36,070.

Column 2 corresponding to the income of $45,875 to $46,124 reads: 28,320. It should read: 28,930.

Column 4 corresponding to the income of $47,375 to $47,624 reads: 30,500. It should read: 30,600.

Column 4 corresponding to the income of $59,125 to $59,374 reads: 35,500. It should read: 35,630.

Column 12 corresponding to the income of $47,625 to $47,874 reads: 34,440. It should read: 34,400.

Column 12 corresponding to the income of $52,375 to $52,624 reads: 36,700. It should read: 36,780.

In Table D on page 45499:

Column 10 corresponding to the income of $83,125 to $83,374 reads: 38,420. It should read: 48,320.

Column 11 corresponding to the income of $86,625 to $86,874 reads: 50,610. It should read: 50,200.

BILLING CODE 1505-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

Cigar-Binder (Types 51–52) and Cigar-Filler and Binder (Types 42–44 and 53–55) Tobacco; Referendum Results

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), USDA.

ACTION: Notice of 1981-83 Referendum Results for Cigar-binder (Types 51–52) and Cigar-Filler and Binder (Types 42–44 and 53–55) Tobacco.

SUMMARY: This announces the results of the cigar-binder (types 51 and 52) and cigar-filler and binder (types 42–44 and 53–55) tobacco marketing quota referendums. Producers of these kinds of tobacco approved marketing quotas for the 1981–82, 1982–83, and 1983–84 marketing years. Therefore, quotas will be in effect for these kinds of tobacco and producers of such tobacco will be entitled to participate in the tobacco price support program.

DATE: Effective October 23, 1981.

FOR FURTHER INFORMATION CONTACT: Robert L. Tarczy, ASCS, (202) 447–6733. Since the only purpose of this notice is to inform the growers of cigar-filler and binder and cigar-binder (types 51 and 52) of the results of their respective referendums, no regulatory impact analysis has been prepared.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Secretary's Memorandum 1512–1 and has been classified "not major." It has been determined that these program provisions will not result in an annual effect on the economy of $1 million or more.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Agricultural Stabilization and Conservation Service (ASCS) is not required to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

The title and number of the Federal assistance program to which this notice applies are: Title: Commodity Loan and Purchases; Number 10.051. This action will not have a significant impact specifically on area and community development. Therefore, review as established by Office of Management and Budget (OMB) Circular A–95 was not used to assure that units of local governmnent are informed of this action.

Section 312 of the Agricultural Adjustment Act of 1938, as amended,

provides that the Secretary of Agricultural shall proclaim a national marketing quota for any kind of tobacco not later than February of any marketing year for each of the next three succeeding marketing years whenever the Secretary determines with respect to such kind of tobacco that such marketing year is the last year of the succeeding marketing year for which marketing quotas previously proclaimed will cover.

Since the only purpose of this notice is to proclaim the results of referendums, it is hereby found and determined that no further public rulemaking is required.

Notice

1. Cigar-binder (Types 51 and 52) Tobacco

In a referendum of farmers engaged in the production of the 1980 crop of cigar-binder (types 51 and 52) tobacco held during the period February 23–27, 1981, each inclusive, 165 farmers voted. Of those voting, 146 or 88 percent favored quotas for a period of three years beginning October 1, 1981; 19 or 12 percent were opposed to quotas. Therefore, the national marketing quota of 6.24 million pounds proclaimed February 1, 1981, for cigar-binder (types 51 and 52) tobacco for the 1981–82 marketing year will be in effect and marketing quotas will be in effect for the three marketing years beginning October 1, 1981, October 1, 1982, and October 1, 1983.

2. Cigar-filler and Binder (Types 42–44; 53–55) Tobacco.

In a referendum of farmers engaged in the production of the 1980 crop of cigar-filler and binder (types 42, 43, 44, 53, 54, and 55) tobacco held during the period February 23–27, 1981, each inclusive, 4,038 farmers voted. Of those voting, 3,650 or 90 percent favored quotas for a period of three years beginning October 1, 1981; 388 or 10 percent were opposed to quotas. Therefore, the national marketing quota of 35.6 million pounds proclaimed February 1, 1981, for cigar-filler and binder (types 42, 43, 44, 53, 54 and 55) tobacco for the 1981–82 marketing year will be in effect and marketing quotas will be in effect for the three marketing years beginning October 1, 1981, October 1, 1982, and October 1, 1983.

(Sec. 312, 375, 52 Stat. 46 as amended, 66, as amended, 7 U.S.C. 1312, 1375).

Signed at Washington, D.C. on October 15, 1981.

Everett Rank,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 81-30636 Filed 10-22-81; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Census Advisory Committee of the American Statistical Association; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463 as amended by Pub. L. 94–409), notice is hereby given that the Census Advisory Committee of the American Statistical Association will convene on November 12 and 13, 1981. The Committee will meet in Room 2424, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee of the American Statistical Association was established in 1919. It advises the Director, Bureau of the Census, on the Bureau's programs as a whole and on their various parts, considers priority issues in the planning of censuses and surveys, examines guiding principles, advises on questions of policy and procedures, and responds to Bureau requests for opinions concerning its operations.

The Committee is composed of 15 members appointed by the President of the American Statistical Association.

The agenda for the November 12 meeting, which will begin at 1:00 p.m. and adjourn at 5:15 p.m., is: (1) Introductory remarks by the Director of the Bureau of the Census, including (a) staff changes and Bureau organization, (b) major budget and program developments, and (c) other topics of current interest; (2) 1980 census coverage error and adjustment, including (a) overview, (b) demographic analysis of the undercount, (c) post enumeration program analysis of the undercount, (d) overcount, (e) illegal aliens, (f) evaluating coverage estimates, and (g) 1990 coverage research program.

The agenda for the November 13 meeting, which will begin at 9:00 a.m. and adjourn at 4:45 p.m., is: (1) Bureau of the Census Foreign Trade Program; (2) status of Bureau time series research; (3) Committee meeting to develop recommendations; (4) statistical graphics at the Bureau as applied to the historical chartbook; (5) Committee discussion of recommendations; (6) Committee and Bureau staff discussion of (a) Bureau responses to prior Committee recommendations, (b) status of specific Bureau activities, and (c) Bureau activities described at earlier Committee meetings; and (7) recommendations, plans, and suggested agenda items for next meeting.

The meeting will be open to the public, and a brief period will be set aside on November 13 for public comment and questions. Extensive questions or statements must be submitted in writing at least 3 days prior to the meeting.

Persons wishing additional information concerning this meeting or who wish to submit written statements may contact Dr. David W. Chapman, Bureau of the Census, Room 3540, Federal Building 3, Suitland, Maryland.

(Mail address: Washington, D.C. 20233). Telephone (301) 763–1292.

Dated: October 20, 1981.

Bruce Chapman,

Director, Bureau of the Census.

[FR Doc. 81-30831 Filed 10-22-81; 8:45 am]

BILLING CODE 3510-07-M

International Trade Administration

Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review between 8:30 A.M. and 5:00 P.M. in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 301.8 of the Regulations provides in pertinent part:

The applicant shall *on or before the 20th* day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day

following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90-day period.

* * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 301.11 (Emphasis added).

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates *within the 20-day* period, or fails to resubmit a new application within the 90-day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above; therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications.

Section 301.8 further provides:

* * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission, to the Federal Register for publication, to the Commissioner of Customs, and to the applicant.

Docket No. 80–00081. Applicant: Municipality of Metropolitan Seattle (Metro), 821 Second Avenue, Seattle, WA 98104. Article: Gas Chromatograph/Mass Spectrometer, Model MS80. Date of denial without prejudice to resubmission: October 10, 1980.

Docket No. 80–00133. Applicant: Pacific Science Center, 200 Second Avenue North, Seattle, WA 98109. Article: IMAX Projector with an air-cooled lamphouse, 1 hour double deck reel unit and C287 lens with related field flatteners. Date of denial without prejudice to resubmission: June 12, 1980.

Docket No. 80–00151. Applicant: Washington University School of Medicine, 660 South Euclid, Box 8101, St. Louis, Missouri 63110. Article: Rapid Mixer Quencher. Date of denial without prejudice to resubmission: November 7, 1980.

Docket No. 80–00159. Applicant: National Institutes of Health, 9000 Rockville Pike, Building 28A, Room 111, Bethesda, Maryland 20205. Article: Ultramicrotome, LKB 2128–010 Ultrotome IV. Date of denial without prejudice to resubmission: November 7, 1980.

Docket No. 80–00163. Applicant: Trustees of the University of Pennsylvania, Purchasing Department, 3451 Walnut Street/16, Philadelphia, PA 19104. Article: Cracking Monitor. Date of denial without prejudice to resubmission: August 25, 1980.

Docket No. 80–00178. Applicant: University of South Florida, 4202 Fowler Avenue, ADM 214, Tampa, Florida 33620. Article: Isotope Ratio Mass Spectrometer, MAT 250 and Accessories. Date of denial without prejudice to resubmission: August 25, 1980.

Docket No. 80–00179. Applicant: Savannah River Laboratory, Operated by E. I. duPont de Nemours & Co. for the Department of Energy, Aiken, S.C. 29801. Article: Spark Source Mass Spectrometer System, Model JMS–01BM–2. Date of denial without prejudice to resubmission: May 19, 1981.

Docket No. 80–88228. Applicant: Memorial Mission Hospital of Western North Carolina, Inc., 509 Baltimore Avenue, Asheville, North Carolina 28801. Article: Therac 6/Neptune Linear Accelerator and Accessories. Date of denial without prejudice to resubmission: January 29, 1981.

Docket No. 80–00231. Applicant: University of California, Los Alamos Scientific Lab., P.O. Box 990, Los Alamos, NM 87545. Article: NMR Spectrometer, Model FX–90Q and Accessories. Date of denial without prejudice to resubmission: January 29, 1981.

Docket No. 80–00232. Applicant: Mobile Infirmary Association, Inc., West End, Center Street, P.O. Box 2144, Mobile, Alabama 36601. Article: Therac 20/Saturne Linear Accelerator and Accessories. Date of denial without prejudice to resubmission: February 4, 1981.

Docket No. 80–00244. Applicant: Mobile Infirmary Association, Inc., West End, Center Street, P.O. Box 2144, Mobile, Alabama 36601. Article: Electron Linear Accelerator, Therac 6/Neptune. Date of denial without prejudice to resubmission: November 7, 1980.

Docket No. 80–00271. Applicant: The University of Arizona, Tucson, Arizona 85721. Article: Gas Chromatograph-Mass Spectrometer, Model MAT 311A. Date of denial without prejudice to resubmission: February 6, 1981.

Docket No. 80–00275. Applicant: University of California, Los Angeles, 405 Hilgard Avenue, Los Angeles, CA 90024. Article: Mult-purpose Spectrophotometer, Spectroplus-D and Accessories. Date of denial without prejudice to resubmission: Ferburary 4, 1981.

Docket No. 80–00281. Applicant: New York State Energy Research and Development Authority, Rockefeller Plaza, Albany, New York 12223. Article: (6 Units Each) Ink Recorder & Electronic Amplifier. Date of denial without prejudice to resubmission: February 4, 1981.

Docket No. 80–00294. Applicant: The University of Texas, 2200 Comal Street, Austin, Texas 78722. Article: Spectro Plus-D for use on 110V, 50/60 Cycle, Oxygen Electrode, Magnetic Stirrer and Control Unit for Oxygen Electrode and Fluorescence Cut Off Filter. Date of denial without prejudice to resubmission: November 7, 1981.

Docket No. 80–00310. Applicant: Sandia Laboratories, 1515 Eubank Blvd., Albuquerque, NM 87115. Article: 10 ea. SPIR–1 (Short Perimeter Intrusion Radar) Processor Units, 20 sets Ported Coax Sensor Cable Pairs, and 10 each Preliminary Operators Manuals. Date of denial without prejudice to resubmission: January 29, 1981.

Docket No. 80–00353. Applicant: The University of Texas at Dallas, P.O. Box 688, Richardson, Texas 75080. Article: Coherent MNR Pulse Spectrometer, Model CPS–2. Date of denial without prejudice to resubmission: March 12, 1981.

Docket No. 80–00372. Applicant: Solar Energy Research Institute, 1617 Cole Blvd., Golden, CO 80401. Article: Sunshine Recorder, Campbell-Stokes type Model 7.1405.00. Date of denial without prejudice to resubmission: February 26, 1981.

Docket No. 80–00383. Applicant: State University of New York at Stony Brook, Nichols Road, Stony Brook, N.Y. 11794. Article: Particle Electrophoresis Apparatus. Date of denial without prejudice to resubmission: March 19, 1981.

Docket No. 80–00385 Applicant: The American University, Mass. & Nebraska Aves., N.W., Washington, D.C. 20016 Article: MCP 200 Proportional Counter. Date of denial without prejudice to resubmission: April 7, 1981.

Docket No. 80–00413. Applicant: University of California-Lawrence Livermore National Lab., P.O. Box 5012, Livermore, CA 94550. Article: Infrared Measuring System. Date of denial without prejudice to resubmission: April 13, 1981.

Docket No. 80–00418 Applicant: University of California Chemistry Department B–017, La Jolla, California 92903. Article: Ion Source. Date of denial without prejudice to resubmission: April 14, 1981.

Docket No. 80-00427 Applicant: Calhoon MEBA Engineering School, 9 Light Street, Baltimore, MD 21202. Article: Diesel Training Engine (1 Cyl.). Date of denial without prejudice to resubmission: April 27 , 1981.

Docket No. 80-00431. Applicant: State University of New York, Maritime College, Fort Schuyler, Bronx, N.Y. 10465. Article: Ship Tanks Load Indicator. Date of denial without prejudice to resubmission: April 7, 1981.

Docket No. 80-00437. Applicant: Oregon Graduate Center, 19600 NW Walker Road, Beaverton, Oregon 97006. Article: NMR Spectrometer, Model FX-90Q(I) and Accessories. Date of denial without prejudice to resubmission: March 19, 1981.

Docket No. 80-00438 Applicant: The Hawkes Hospital of Mount Carmel, 793 West State Street, Columbus, Ohio 43222. Article: Linear Accelerator, Therac 6. Date of denial without prejudice to resubmission: April 28, 1981.

Docket No. 80-00464. Applicant: Presbyterian Hospital of Dallas, 8200 Walnut Hill Lane, Dallas, Texas 75231 Article: Electron Linear Accelerator, Therac 6. Date of denial without prejudice to resubmission: May 22, 1981.

Docket No. 80-00470 Applicant: The Pennsylvania State University, Department of Chemistry, Whitmore Laboratory, University Park, PA 16802. Article: WM-360 Nuclear Magnetic Resonance Spectrometer with Aspect 2000-i Data System. Date of denial without prejudice to resubmission: February 26, 1981.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Frank W. Creel,

Acting Director, Statutory Import Programs Staff.

[FR Doc. 81-30721 Filed 10-22-81; 8:45 am]

BILLING CODE 3510-25-M

[Order No. 41-1 (Amendment 3); D.O.O. Reference 10-3, 40-1]

Organization and Function Order; International Trade Administration

This order further amends ITA Organization and Function Order 41-1 of January 30, 1980 (45 FR 11862, 46 FR 13537, 46 FR 35329) to provide for the transfer of short supply commodity controls from the Office of Export Administration to the Office of Industrial Mobilization, now designated the Office of Industrial Resource Administration.

Part IV, Sections 2.02a and 2.02c are revised to read:

"a. *The Office of Export Administration* shall administer and, in consultation with the Department's Office of General Counsel, enforce the regulations and programs required to carry out Departmental responsibilities for regulating exports of U.S. commodities and technical data under the Export Administration Act of 1979 for purposes of national security and foreign policy; seek, in collaboration with other Federal agencies, the adoption by foreign countries of such controls over their exports as will advance the policies of the United States with respect to national security and foreign policy; and provide secretariat and administrative support services to Technical Advisory Committees established under the Export Administration Act and to the Subcommittee on Export Administration of the President's Export Council."

"c. *The Office of Industrial Resource Administration* shall perform national defense and strategic industrial resource functions, including those authorized by the Defense Production Act of 1950, as amended; assist in achieving through administration of priorities and allocations and other means an adequate supply of strategic, critical, and other products and materials for defense and defense-supporting activities and essential civilian needs, including the timely completion of current military, atomic energy, and space programs for production, construction, and research and development, and maximizing domestic energy supplies; participate in the development of national plans to assure maximum readiness of the strategic industrial resources of the United States, including the means for administering them, to meet future demands of any national emergency; plan and coordinate ITA's emergency readiness functions; conduct investigations in those instances where imports threaten to impair the national security; and administer and, in consultation with the Department's Office of General Counsel and the Office of Export Administration, enforce the short supply commodity control regulations and program under the Export Administration Act of 1979."

The attached organization chart [1] supersedes the chart attached to Amendment 2 to ITA Organization and Function Order 41-1 of January 30, 1980.

Effective date: September 17, 1981.

Lionel Olmer,

Under Secretary for International Trade.

[FR Doc. 81-30719 Filed 10-22-81; 8:45 am]

BILLING CODE 3510-25-M

[1] Filed as part of the original document.

National Oceanic and Atmospheric Administration

Mid-Atlantic Fishery Management Council; Meeting Amendment

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Change in Meeting Dates of the Mid-Atlantic Fishery Management Council.

SUMMARY: The scheduled public meeting dates of the Mid-Atlantic Fishery Management Council, as published in the **Federal Register**, October 13, 1981 (46 FR 50405), have been changed as follows:

From: Convening on Wednesday, November 11, 1981 and adjourning on Thursday, November 12, 1981.

To: Convening on Wednesday, November 18, 1981 and adjourning on Thursday, November 19, 1981. All other information remains unchanged.

FOR FURTHER INFORMATION CONTACT:

Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware 19901, Telephone: (302) 674-2331.

Dated: October 20, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-30803 Filed 10-22-81; 8:45 am]

BILLING CODE 3510-22-M

Fishermen's Contingency Fund

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notification of claims pursuant to Title IV of the Outer Continental Shelf Lands Amendments of 1978 (Title IV). Notification 01-82.

SUMMARY: 50 CFR 296.8 requires that the Chief, Financial Services Division (FSD), publish in the **Federal Register** a notice of claims received under the Title IV Program. Any interested person may, within 30 days of publication of this Notice, submit to the Chief, FSD, National Marine Fisheries Service (NMFS), evidence concerning the claim or a request to be admitted as a party to any hearing concerning the claim.

Important Date: Any evidence concerning any claim described in this Notice, and any request to be admitted as a party to any hearing concerning any such claim, must be submitted, in writing, to the Chief, FSD, on or before November 23, 1981.

ADDRESS: Send evidence and any request to be admitted as a party to any hearing to: Mr. Michael L. Grable, Chief, Financial Services Division, Attention: Lee Bowersox, National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Washington, D.C. 20235 (telephone 202–634–4688).

SUPPLEMENTARY INFORMATION: Title IV establishes a Fishermen's Contingency Fund (FCF) to compensate fishermen for eligible claims for actual and consequential damages, including lost profits, due to damages to, or loss of, fishing vessels or fishing gear by items associated with oil and gas exploration, development, or production on the Outer Continental Shelf (OCS). Title IV regulations require that publication in the **Federal Register** of a notice of each claim submitted (see 50 CFR 296.8(a)(1)(iii)). Each **Federal Register** notice published shall contain the following information: (a) A brief statement of the nature and dollar amount of the claim, and the location where the damage or loss occurred; (b) A statement that the Chief, FSD, may seek a proposed settlement agreement under 50 CFR 296.8(c); and (c) A statement that an interested person or any other person may, on or before November 23, 1981, submit to the Chief, FSD, any evidence concerning either the claim or a proposed settlement agreement.

50 CFR 296.8(a)(3)(i) provides that any interested person may submit evidence at any hearing concerning a claim in accordance with 50 CFR 296.10(d), or on any proposed settlement under 50 CFR 296.8(c). Any person who intends to submit evidence must notify the Chief, FSD, NMFS, in writing, describing specifically the evidence to be submitted not later than November 23, 1981.

Any interested person may request to be admitted as a party to any hearing which is conducted concerning the claim. Such request must be filed with the Chief, FSD, in writing, not later than 30 days after publication of the notice of claim in the **Federal Register.** Such request will be ruled on by the Administrative Law Judge (ALJ).

50 CFR 296.8(c) provides that the Chief, FSD, may contact a claimant and negotiate a proposed settlement of the claim. If the claimant agrees to a proposed settlement, the Chief, FSD, will, no sooner than 30 days after publication of the notice of the claim in the **Federal Register,** forward the proposed settlement to the General Counsel, NOAA. The Chief, FSD, may also forward to the General Counsel, NOAA, an agency recommendation concerning the claim. Such recommendation may be, among other things, to: (i) Approve the claim, (ii) approve a proposed settlement of the claim, or (iii) deny the claim.

If the recommendation is to deny the claim, the General Counsel, NOAA, will promptly refer it to the ALJ for adjudication. If the recommendation is to approve the claim or for a proposed settlement, the General Counsel will publish a notice of the recommendation in the **Federal Register.** Not sooner than 15 days after that notice is published, the General Counsel will send to the ALJ the claim, the Agency recommendation, any request by an interested person to submit evidence or to be admitted as a party to any hearing, and any request that an oral hearing be conducted concerning the claim. The ALJ will then adjudicate the case.

The following claims published respectively in FR Notifications 01–79 (FR Doc. 80–12939 at page 28180), and 01–81 (FR Doc. 81–5861 at page 13253) in error are hereby corrected:

FCF–56–79 Locational coordinates should be 29°30.6'N, 93°46.2'W instead of 28°37.5'N, 94°36.7'W.

FCF–41–80 Locational coordinates should be 28°31.3'N, 95°07.7'W instead of 31°19.5'N, 97°27.1'W.

Claim No.	Nature of loss and location	Amount	
FCF-12-80	On 2-6-80 claimant lost 2-60' nets and accessories and 3 days fishing time while trawling for shrimp at the following coordinates: 29°45.4' N., 93°26.8' W.	$1,400.00	Gear loss.
		3,150.00	Economic loss.
		0	Consequential Loss.
		4,550.00	Total.
FCF-14-81	On 1-29-81 claimant lost 2 complete halibut nets while trawling for fish at the following coordinates: 33°39.7' N., 118°04.8' W.	5,800.00	Gear loss.
		0	Economic loss.
		0	Consequential Loss.
		5,800.00	Total.
FCF-36-81	On 8-19-81 claimant lost a net, doors, and bridle while trawling for shrimp at the following coordinates: 28°44.5' N., 95°19.6' W.	3,767.81	Gear loss.
		0	Economic loss.
		180.00	Consequential Loss.
		3,947.81	Total.
FCF-26-81	On 3-16-81 claimant lost trawl doors, dummy sled, bridle, poly rope, nets, and tickler chain while trawling for shrimp at the following coordinates: 29°20.7' N., 91°44.6' W.	5,753.80	Gear loss.
		0	Economic loss.
		0	Consequential Loss.
		5,753.80	Total.
FCF-28-81	On 7-12-81 claimant lost a pair of doors, net, and easyline and 3½ days fishing time while trawling for shrimp at the following coordinates: 28°50.8' N., 91°31.4' W.	2,351.00	Gear loss.
		1,602.90	Economic loss.
		132.50	Consequential Loss.
		4,086.40	Total.

Dated: October 16, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Services.

[FR Doc. 81-30809 Filed 10-23-81; 8:45 am]

BILLING CODE 3510-22-M

Inter-Council Swordfish Group and Inter-Council Billfish Group; Public Meetings

Note.—The document published as FR Doc. 81–30394 on page 51630 in the issue of Wednesday, October 21, 1981 was incorrect. Therefore, that document is withdrawn and is replaced with the following:

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The South Atlantic, New England, Mid-Atlantic, Gulf of Mexico and Caribbean Fishery Management Councils were established by Section 302 of the Magnuson Fishery Consrvation and Management Act (Pub. L. 94–265), to manage and conserve America's fisheries as specified by the Act. Two groups, comprised of these Fishery Management Councils, will meet during two separate public sessions to discuss: (Session I)—proposed method to cap fishing effort at the 1980 level using closed fishing days by region; proposed data collection requirements; proposed closed area to swordfish drift gillnets; proposed method to deal with gear conflict between domestic and foreign gear and (Session II)—foreign tuna longline incidental catch of billfish;

optimum yield in the Billfish Fishery Management Plan (FMP); draft swordfish FMP and source document.

DATES: The public meetings will convene as follows: (Session I)—Monday, November 9, 1981, convening at approximately 1 p.m., and adjourning at approximately 3:30 p.m., on Tuesday, November 10, 1981. (Session II)—Monday, November 30, 1981, convening at approximately 2 p.m., and adjourning at approximately noon, on Thursday, December 3, 1981.

ADDRESS: Sessions I and II of the public meetings will take place at the Century Inn Airport, I–285 and Riverdale Road, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29406; Telephone: (803) 571–4366.

Dated: October 15, 1981.

Jack L. Falls,

Chief, Administrative Support Staff, National Marine Fisheries Service.

[FR Doc. 81-30394 Filed 10-20-81; 8:45 am]

BILLING CODE 1505-01-M

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

Procurement List 1981; Proposed Additions

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

ACTION: Proposed additions to procurement list.

SUMMARY: The Committee has received proposals to add to Procurement List 1981 services to be provided by workshops for the blind and other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: November 25, 1981.

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

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

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2), 85 Stat. 77. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed action.

If the Committee approves the proposed additions, all entities of the Federal Government will be required to procure the services listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following services to Procurement List 1981, November 12, 1980 (45 FR 74836):

SIC 7369

Commissary Shelf Stocking for the following locations:
Naval Air Station, Alameda, California;
Naval Station, Long Beach, California;
Naval Station, Treasure Island, San Francisco, California;
Naval Air Station, Barbers Point, Oahu, Hawaii;
Naval Base, Pearl Harbor, Hawaii;
Naval Air Station, Oceana, Virginia Beach, Virginia.

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 81-30724 Filed 10-22-81; 8:45 am]

BILLING CODE 6820-33-M

Procurement List 1981; Additions

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 services to be provided by workshops for the blind and other severely handicapped.

EFFECTIVE DATE: October 23, 1981.

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

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

SUPPLEMENTARY INFORMATION: On August 21, 1981 and August 7, 1981, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (46 FR 42501 and 46 FR 40248) 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 services 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 services are hereby added to Procurement List 1981:

Class 8340

Line, Tent, 8340–00–263–0255

SIC 0782

Grounds Maintenance, Combat Systems Technical School Command, Mare Island Naval Shipyard, California

SIC 7349

Janitorial Service, Naval and Marine Corps Reserve Center, Jackson, Mississippi

E. R. Alley, Jr.,

Acting Executive Director.

[FR Doc. 81-30723 Filed 10-22-81; 8:45 am]

BILLING CODE 6820-33-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

An-Son Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: October 9, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: Ron King, Program Operations Division, Office of Enforcement, Room 5204, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653–3517.

SUPPLEMENTARY INFORMATION: On June 28, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with An-Son Corporation, (An-Son) of Oklahoma City, Oklahoma on June 4, 1979, 44 FR 37667 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had claims to all or a portion of the refund amount paid by An-Son pursuant to the Consent Order were requested to submit their notices of claim to the OE. The OE received no notices of claim to the refunds. Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was not modified.

Pursuant to the Consent Order, An-Son refunded the sum of $53,760.54 by certified check made payable to the United States Department of Energy. This sum has been placed into a suitable account pending determination of its proper distribution.

Action Taken

The OE is unable, readily, to identify the persons entitled to receive the $53,760.54, or to ascertain the amounts of refunds that such persons are entitled to received. Therefore, the OE petitioned the Office of Hearings and Appeals on October 9, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C., on the 15th day of October 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-30687 Filed 10-22-81; 8:45 am]

BILLING CODE 6450-01-M

Calvin Petroleum Corp.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: October 9, 1981.

FOR FURTHER INFORMATION CONTACT: Crude Producers Branch, Attn: Rod McKim, Office of Enforcement, 2000 M St., NW, Rm. 5204, Washington, D.C. 20461 (202) 653-3551.

SUPPLEMENTARY INFORMATION: On June 1, 1981, the OE published notification in the **Federal Register** that it executed a Consent Order with Calvin Petroleum Corporation (Calvin) of Denver, Colorado on May 14, 1981, 46 F.R. 29302 (1981). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had claims to all or a portion of the refund amount paid by Calvin pursuant to the Consent Order were requested to submit their notices of claim to the OE.

Although interested perons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was not modified.

The OE received no notices of claim to the refunds.

Pursuant to the Consent Order, Calvin refunded the sum of $45,000 by certified check made payable to the United States Department of Energy on July 2, 1981. This sum has been placed into a suitable account pending determination of its proper distribution.

Action Taken

The OE is unable, readily, to identify the persons entitled to receive the $45,000, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the Office of Hearings and Appeals (OHA) on October 9, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identity of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C., on the 15th day of October 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-30688 Filed 10-22-81; 8:45 am]

BILLING CODE 6450-01-M

Culpepper Oil Co.; 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 Culpepper Oil Company (Culpepper) of Oklahoma City, Oklahoma. This Proposed Remedial Order charges Culpepper with pricing violations in the amount of $330,078.74 connected with the sale of crude oil at prices in excess of those permitted by 10 CFR Part 212, Subpart D during the time period September 1, 1976 through May 31, 1977.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, Southwest District Manager, Economic Regulatory Administration, Department of Energy, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767-7745. On or before November 9, 1981, 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 Dallas, Texas, on the 14th day of October 1981.

Wayne I. Tucker,

Southwest District Manager, Economic Regulatory Administration.

[FR Doc. 81-30689 Filed 10-22-81; 8:45 am]

BILLING CODE 6450-01-M

Lyon County Co-Operative Oil Co.; Action Taken on Consent Order

AGENCY: Economic Regulatory Administration, DOE.

ACTION: Notice of action taken on consent order.

SUMMARY: The Office of Enforcement (OE), Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces notice of filing a Petition for the Implementation of Special Refund Procedures for refunds received pursuant to a Consent Order.

DATE: Petition submitted to the Office of Hearings and Appeals: October 9, 1981.

FOR FURTHER INFORMATION CONTACT: Adna Day, Program Manager for Product Resellers, Office of Enforcement, 2000 M St., NW, Rm. 5204, Washington, D.C. 20461 (202) 653-3565.

SUPPLEMENTARY INFORMATION: On June 15, 1979, the OE published notification in the **Federal Register** that it executed a Consent Order with Lyon County Co-Operative Oil Company (Lyon) of Marshall, Minnesota on June 6, 1979, 44 FR 34632 (1979). Interested persons were invited to submit comments concerning the terms, conditions, or procedural aspects of the Consent Order. In addition, persons who believed they had claims to all or a portion of the refund amount paid by Lyon pursuant to the Consent Order were requested to submit their notices of claim to the OE.

Although interested persons were invited to submit comments regarding the Consent Order to the DOE, no comments were received. Therefore, the Consent Order was not modified.

The OE received no notices of claim to the refunds.

Pursuant to the Consent Order, Lyon refunded the sum of $40,000 by certified checks made payable to the United States Department of Energy in five installments. This sum has been placed into a suitable account pending determination of its proper distribution.

Action Taken

The OE is unable, readily, to identify the persons entitled to receive the $40,000, or to ascertain the amounts of refunds that such persons are entitled to receive. Therefore, the OE petitioned the

Office of Hearings and Appeals (OHA) on October 9, 1981 to implement Special Refund Procedures pursuant to 10 CFR Part 205, Subpart V, 10 CFR 205.280 *et seq.* to determine the identify of persons entitled to the refunds and the amounts owing to each of them. Persons who believe they are entitled to all or a portion of the refunds should comply with the procedures of 10 CFR Part 205, Subpart V.

Issued in Washington, D.C., on the 15th day of October 1981.

Robert D. Gerring,

Director, Program Operations Division.

[FR Doc. 81-30690 Filed 10-22-81; 8:45 am]

BILLING CODE 6450-01-M

T & S Refining Inc.; 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 T & S Refining, Inc., 1900 West Loop South, Suite 1900, Houston, Texas 77098. This Proposed Remedial Order charges T & S Refining, Inc. with violation of the Mandatory Petroleum Allocation Regulations in the amount of $3,100,661. The violations are connected with T & S Refining, Inc. participation in the Entitlements Program during the period April 1978 through December 1979.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Program Manager for Entitlements, Office of Enforcement, 2000 M Street, NW., Washington, D.C. 20461, telephone (202) 653-3548. Within 15 days of publication of this Notice, any aggrieved person must file a Notice of Objection, in duplicate, with the Office of Hearings and Appeals, Room 8002, 2000 M Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.192.

Issued in Washington, D.C. on the 18th day of September, 1981.

Robert D. Gerring,

Director, Program Operations Division, Office of Enforcement, Economic Regulatory Administration.

[FR Doc. 81-30691 Filed 10-22-81; 8:45 am]

BILLING CODE 6450-01-M

Energy Information Administration

Presurvey Consultation Program; Proposed Revision to DOE Annual Survey of Domestic Oil and Gas Reserves

AGENCY: Energy Information Administration, DOE.

ACTION: Request for Comments on Proposed Revision to DOE Annual Survey of Domestic Oil and Gas Reserves, Form EIA-23.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, the Department of Energy (DOE), through its Energy Information Administration (EIA), conducts a consultation program to provide the general public with an opportunity to comment during the early development stage of new or revised reporting forms. This program helps ensure that requested data can be provided in the desired format, reporting burden is minimized, reporting forms are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

At this time, EIA requests comments on the revised Annual Survey of Domestic Oil and Gas Reserves, Form EIA-23. It is described in the Supplementary Information Section of this Notice. Interested persons are asked to review the form and its instructions and provide comments to the information contact described below.

DATE: Comments due by November 23, 1981.

FOR FURTHER INFORMATION CONTACT: Ted L. Madison, Reserves and Production Branch; Energy Information Administration, Mail Stop 4506; 12th and Pennsylvania Avenue N.W., Washington, D.C. 20461, (202) 633-9696.

SUPPLEMENTARY INFORMATION: The EIA has the responsibility to develop and analyze credible and verifiable estimates of crude oil, natural gas, and natural gas liquids reserves and production. For calendar years 1977 through 1980, these data were obtained from selected oil and gas well operators utilizing the Form EIA-23.

Minor revisions are now proposed to be made to the Form EIA-23 prior to collection of data for calendar year 1981. The only significant change involves the elimination of the necessity to report annual crude oil and natural gas proved reserves balances, including production, on a "gross working interest" basis. This revision reduces the amount of information required from respondents, and will therefore reduce reporting burden.

Printed below are the revised Form EIA-23 and its instructions, along with a suggested format for providing comments. This format specifes areas of particular interest to the DOE and also provides space for reviewers to comment on issues of concern to them. The use of this format is not required, but it will facilitate DOE's ability to address comments in a timely manner. Please review the revised form and send your comments within 30 days of this notice to the above address.

Issued in Washington, D.C., October 19, 1981.

Yvonne M. Bishop,

Acting Director, Office of Statistical Standards, Energy Information Administration.

ANNUAL SURVEY OF DOMESTIC OIL AND GAS RESERVES FORM EIA-23

Report Year 1981

Category I and II Operator Package

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For information or assistance, please contact the EIA-23 Coordinator at (405) 360-1971.

General Instructions [1]

A. Purpose

The Energy Information Administration (EIA) of the Department of Energy (DOE) seeks, with Form EIA-23, to gather and summarize credible

and timely data regarding proved reserves and production of crude oil, natural gas, lease condensate and other related matters. Reporting of the data requested on Form EIA–23 is mandatory pursuant to the Federal Energy Administration Act of 1974 (FEAA, Pub. L. 93–275) and the Department of Energy Organization Act of 1977 (DOEOA, Pub. L. 95–91). Among other things, DOE will use the resulting information to develop national and regional estimates of proved reserves of domestic crude oil, natural gas, and natural gas liquids, and to facilitate national energy policy decisions.

This survey segregates operators into three categories, according to the annual production of hydrocarbons from wells which they operated on December 31 of the report year. *Proved reserve estimates are required from the Category II and III operators only if such data exist in company records.* The Category I operators must provide proved reserves estimates.

EIA will follow this survey with efforts to validate the data, assessing the meaningfulness and accuracy of the resulting information. Respondents may encounter two principal activities included in this validation:

- Government personnel will make or supervise independent reserve estimates on a sample basis, and
- A sample of operators will be visited to confirm the data submitted.

EIA recognizes that the judgment of geologists and petroleum engineers is required in the reserve estimation process, and that as a result, proved reserves are estimates rather than precise quantitative measurements.

B. Who Must Submit Form EIA–23 for Report Year 1981

Each operator [1] of domestic oil and/or gas wells as of December 31, 1981, has filing requirements as described in Section C below.

If you were not then an operator (perhaps a former operator or solely a working or royalty interest owner), you should submit only the Cover Page which immediately follows the Glossary, so that EIA can remove your name from its active operator identification list.

Please note that each operating affiliate (whose production places it in Category I or II as described in Section C) of a parent company must file its own Form EIA–23. The parent company must file only if it is itself an operator. If you have an affiliate or parent who should have received this form instead of or in addition to you, please notify EIA by contacting the EIA–23 Coordinator at (405) 360–1971.

C. What Must Be Submitted

Filing requirements are based on operator category. Your operator category is determined from the following table. "Production Level" refers to the total 1981 production from all domestic oil and/or gas wells you operated on December 31, 1981, including wells abandoned during the year.

Operator category	Report year production level		
	Crude oil [1] (MBbl)		Dry natural gas [2] (MMcf)
I	Greater than or equal to 1,500.	or or both	15,000
II	Greater than or equal to 400.	or or both	2,000
	And both less than Category I levels		
III	Less than 400	and	2,000

[1] One barrel is 42 U.S. gallons at atmospheric pressure and 60 degrees Fahrenheit. MBbl means thousands of barrels.
[2] At 14.73 PSIA and 60 degrees Fahrenheit. MMcf means millions of cubic feet.

- Category I Operators are required to submit one copy of:

Part I
  Cover Page/Attestation
  Summary Report
Part II
  Schedule(s) 1 " . . . Reserves and Related Data by State and Subdivision"
  Schedule(s) 3 " . . . Reserves and Related Data by Field"
  Schedule(s) 4 "Footnotes" (if needed)

- Category I Operators are required to submit one copy of:

Part I
  Cover Page/Attestation
  Summary Report
Part II
  Schedule(s) 1 " . . . Reserves and Related Data by State and Subdivision"
  Schedule(s) 2 . . . Reserves and Production Data by Field"
  Schedule(s) 4 "Footnotes" (if needed)

A Category II operator may elect to file as a Category I operator.

- Category III operators are required (if they have received a forms package) to submit one copy of:

Part I only. Contact the EIA–23 Coordinator at (405) 360–1971 to obtain the Category III forms package, if necessary.

D. When and Where To Submit

Part I and Part II must be submitted together on or before May 14, 1982 for report year 1981 data.

Completed forms should be submitted to: U.S. Department of Energy, Box OK, Norman, OK 73070.

For information concerning requests for extension of time to file Form EIA–23, contact the EIA–23 Extension Coordinator at the above address or call (405) 360–1971.

E. Record Keeping Requirements

All records necessary to reconstruct the data reported on this form must be kept for a period of three (3) years from the filing due date at the reporting site.

F. Sanctions

Failure to make information requested on Form EIA–23 available to the Secretary of Energy or failure to allow the DOE to verify the accuracy of the information submitted shall be subject to penalties as provided in Section 13(i), of the Federal Energy Administration Act of 1974 (FEAA, Pub. L. 93–275) as amended.

G. Confidentiality

In accordance with Section 14 of the FEAA, in responding to specific requests received from members of the public, data collected on this form will be held confidential to the extent that they are protected by the Trade Secrets Act, 18 U.S.C. 1905, or are determined by the DOE to be within the exemption for trade secrets and confidential commercial information as specified in the Freedom of Information Act (5 U.S.C. 552(b)(4)).

In accordance with the cited statutes and other applicable authority, the information must be made available,

[1] The person responsible for the management and day-to-day operation of one or more crude oil and/or natural gas wells on December 31 of the report year. The operator is generally a working interest owner or a company under contract to the working interest owner(s). Wells included are those which have proved reserves of crude oil, natural gas, and/or lease condensate in the reservoirs associated with them, whether or not they are producing. Wells abandoned during the report year are also to be considered "operated" on December 31.

Note that as defined above, day-to-day *physical* operation of a well or wells does not alone qualify a person as the operator. Physical operation may occasionally be divorced from operatorship, such as in the instance of manipulation of swing wells by a gas pipeline company representative, or the manipulation and maintenance of wells located on an offshore platform by the platform manager. While the operator's own personnel usually perform such duties, the key factor is that the operator is the person who makes management decisions regarding the well(s) in question on behalf of the owner(s). Such decisions might include, for example, deciding what flow rates can be sustained without reservoir damage; deciding whether well(s) should be shut-in, worked over, or abandoned; whether additional or replacement wells should be drilled into a reservoir; whether a waterflood program should be initiated; or whether additional or different production equipment should be installed. If in a particular instance you are not certain whether you are the operator, contact the EIA–23 Coordinator at (405) 360–1971 for assistance in making this determination.

upon request, to the Congress or any Committee of Congress, and to the General Accounting Office.

H. Reporting Standards

1. *Operated and Ownership Reporting Bases.* Data on all schedules, except Schedule 1 of Part II, are to be reported on an 8/8ths or Total Operated Basis. On Schedule 1, data are required to be reported on both a Total Operated Basis (right side) and a Gross Working Interest Ownership Basis (left side).

When reporting on a *Total Operated Basis,* production and reserve changes data are required for the full report year, even though the operator of the wells on December 31 may not have operated those wells for the entire year. End of 1980 proved reserves will differ from those previously reported if the operator has acquired, or disposed of, operated properties during 1981.

When reporting on a *Gross Working Interest Ownership Basis,* the respondent reports the dedication of gas which they owned at the end of the prior year. This information is reported whether or not the property was operated by the respondent. Gross working interest is sometimes known also as expense interest.

Under this reporting concept, total reserves for a given property equal the sum of the reserves attributable to all the gross working interests in that property. Thus the respondent reports his company's share plus its associated share of royalty and over-riding royalty interests. If the respondent's only interest in an particular property is royalty interest or overriding royalty interest, then he should not include such property in his Gross Working Interest Ownership Basis computations.

The respondent must include data in his ownership report for properties owned by affiliated companies if *both* of the following conditions are satisfied:

a. the respondent operates the subject property for his affiliate, *and*

b. the affiliate is a nonoperator or a Category III operator and therefore not required to file Part II.

Examples

Total Operated Basis

- Of the total 8/8ths interest, respondent's share is 50 percent and the associated royalty share is 6.25 percent. Respondent operates property. Respondent reports 100 percent of proved reserves and production.
- Of the total 8/8ths interest, respondent's share is zero but he operates the property. Respondent reports 100 percent of proved reserves and production.

Gross Working Interest Ownership Basis

- Of the total 8/8ths interest, respondent's share is 40 percent and associated royalty shares account for 14.5 percent. Respondent does not operate property. Respondent reports 54.5 percent of proved reserves and production.
- Of the total 8/8ths interest, respondent has a royalty share of 10 percent. The working and associated royalty shares of other parties total 90 percent. Respondent does not operate property. Respondent does not report data for this property. (*See also* definitions in the Glossary.)

2. *States and Geographic Subdivisions.* The determination of which State or geographic subdivision within which to report proved reserves and production data is based on the location of the reservoir(s) containing the oil and/or gas. If a reservior or field overlaps two or more States or subdivisions, the proved reserves data must be subdivided into the appropriate geographic components. Offshore proved reserves data are required separately for the State and Federal domains. If a field or reservoir lies on or between disputed boundaries, include all data in the State Offshore area, and for Part II *only* note this fact in a footnote.

3. *Proved Reserves: Tested and Untested.* In this survey no distinction is made between reserves which have been proved by a flow test or by actural production (tested), and reserves proved by well log or core analyses only (untested).

4. *1981 Production.* Production data are required from all operators. If actual 1981 production data are not available at the time Form EIA–23 is prepared, estimate production. Note that amended schedules are *not* required to correct preliminary production data. To the extent that production data are corrected during a subsequent report year, operators would report corrections to previously reported proved reserves as a "CORRECTIONS" data item. (See CORRECTIONS in the Glossary.)

5. *Crude Oil.* All crude oil volumes are to be reported in thousands of stock tank barrels (MBbls) (42 U.S. gallons per barrel) at atmospheric pressure, corrected to 60 degrees Fahrenheit and excluding basic sediment and water.

6. *Natural Gas.* All natural gas volumes are to be reported as "dry" natural gas in millions of cubic feet (MMcf) at 14.73 PSIA and 60 degrees Fahrenheit. It is recognized that the operator in many instances has no knowledge of the ultimate reduction of the gas stream, produced from his properties, which may result from further downstream processing. The operator is requested to report on Form EIA–23 natural gas which is "dry" to the extent that the gas has been processed in lease separators and/or field separation facilities.

The EIA obtains data from gas processing plants separately. Gas volumes reported on Form EIA–23 are not to be corrected for liquids removed by these plants. If you do not know if a field facility through which your gas is processed is currently reporting data to EIA or not, contact the EIA–23 Coordinator at (405) 360–1971, to obtain a list of those plants which report.[3]

Operators must segregate most natural gas data into associated-dissolved and nonassociated gas entries. If the classification of gas type for a given reservoir should change from one to the other for any reason, the respondent should record all data according to the latest classification of gas type. Category I operators are to footnote changes arising from gas type reclassification of reservoirs.

7. *Lease Condensate.* All lease condensate volumes are to be reported in thousands of stock tank barrels (MBbls) (42 U.S. gallons per barrel, at atmospheric pressure and 60 degrees Fahrenheit).

8. *Schedule Preparation Standards.* a. *Negative and Positive Volumes.* Negative volumes are by definition acceptable only for data items marked (+, −). They are to be reported by entering a minus (−) sign to the left of the left-most digit. Plus (+) signs should never be used.

b. *Rounding.* When rounding liquid and gas volumes, round 500 barrels or 500 Mcf and above up to "1" MBbl and "1" MMcf, respectively; less than 500 barrels or 500 Mcf, round down to "0" MBbl and "0" MMcf, respectively.

Examples

	Actual volume	Reported volume
Crude oil or lease condensate	7,500 bbls	8 MBbls.
	467 bbls	0 MBbls.
Gas	8,500,000 cu ft	9 MMcf.
	10,459,000 cu ft	10 MMcf.

c. *Collation of filings.* Prior to submission, completed forms must be assembled and paginated consecutively *within each schedule* in the following order:

First Page—Cover Page

[3] If you last filed in report year 1977 or 1978 these clarified instructions may result in a change to the reporting basis of "dry" natural gas used in the 1977 and 1978 Form EIA–23 reports. If this is true, you are required to note this change as a single footnote in Schedule 4. If you have any questions, please contact the EIA–23 Coordinator for further clarification. Those who filed in 1979 and/or 1980 need not repeat a notation on this matter.

Page 1 & 2—Summary Report
Page 1, 2, 3, etc.—Schedules(s) 1 by State, and by subdivision within applicable States, in the same sequence shown in the Location Code List on page 30 following these instructions.
Page 1, 2, 3, etc.—Schedule(s) 2 (if required) by State, by subdivision within applicable States in the same sequence shown in the Location Code List on page 30 following these instructions, and alphabetically by field name within subdivision or State.
Page 1, 2, 3, etc.—Schedule(s) 3 (if required) by State, by subdivision within applicable States in the same sequence shown in the Location Code List on page 30 following these instructions, and alphabetically by field name within subdivision or State.

Note.—Do not staple or bind your filing.

Page 1, 2, 3, etc.—Schedule(s) 4 (if needed).

d. *Reproduction.* If mechanically reproduced forms are submitted in lieu of originals, they must have been clearly reproduced, must be of identical format and scale (within 3 percent overall dimension) to the provided forms and must have been accurately aligned during the reproduction process. Computer printouts on other than an exact duplicate of the forms provided are not acceptable.

A computer generated magnetic tape of the requested EIA-23 data will be acceptable, if it conforms to certain specifications concerning physical characteristics and data layouts. However, a hard copy of the EIA-23 filing with the proper attestation must also be provided. For information concerning tape specifications, please contact the EIA-23 Coordinator at (405) 360-1971.

e. *Character Set.* Responses must be typed or printed in black ink. If you are writing the response by hand, print and use all capital letters. Long hand is unacceptable. The form was designed to be completed using a 10-pitch (Standard Pica) typewriter (identical to a standard IBM® train, if you are printing your response by computer) although a 12-pitch machine can be used.

SPECIFIC INSTRUCTIONS

I. Part I: Operator Identification and Summary Report

1. Cover Page—*Item Instructions:*

Note.—Numbers in parentheses immediately following item, subitem or column titles indicate the maximum number of spaces available for the data.

BARS IN THE RIGHT MARGIN OF THE INSTRUCTIONS AND GLOSSARY INDICATE SIGNIFICANT REVISIONS TO PRIOR YEARS' INSTRUCTIONS.

Item A: Were you an Operator . . . —Check the appropriate box.

Item B: I.D. Code (6)—Copy into this space the six digit number which appears on the mailing label affixed to this forms package. If no code has been assigned, please leave this space blank.

Item C: Identification—Name, Address, City, State, ZIP Code, Responsible Preparer, Telephone Number. You are required to report these items whether or not the affixed mailing label is correct. IMPORTANT: If the company name or address as it appears on the mailing label does not match your response to this item, check this box.

Enter the legal name and address of the operator. Please use standard State abbreviations found in the Glossary.

If a foreign address, enter city, local equivalent of State name (e.g., province), and country on the second address line.

Enter the full name and business telephone number of the individual who is responsible for the preparation of Form EIA-23.

Item D: EIN Number (9)—Enter the operating firm's IRS Employer Identification Number (EIN) if it has one. If the operator does not have an EIN, enter the social security number of the attestor and check the box.

Item E: Parent Company Identification—Name, Address, City, State, ZIP Code. Enter the legal name and address of the parent company, if any, which exercises *ultimate* control over the respondent.

Example: You are Company A, which takes direction from Company B, which in turn takes direction from Company C. Report Company C as the parent company, rather than Company B.

Item F: Parent Company EIN Number (9)—Enter the EIN number of the parent company, if any.

Item G: Enter the total number of pages (including this cover page) of your filing.

Item H: Attestation—Enter name and title of the individual designated by the respondent company to sign the certification, and the date of signing, in the spaces provided. This report must be sworn to or affirmed by a responsible officer or the officer responsible for regulatory filings.

2. Summary Report (Page 1 of 2 and 2 of 2). For the Summary Report (Pages 1 and 2 of Part I), operators must supply proved reserves and production estimates on a Total Operated Basis (see definition in the Glossary) for all properties operated on December 31, 1981.

Exception: *Category II and III operators are required to report proved reserves data only for those properties for which estimates exist in company records.* To the extent that Category II and III operators do not have proved reserve estimates associated with one or more specific properties, they must separate their production data according to production from properties for which proved reserves have been estimated, and production from properties for which proved reserves have not been estimated.

SECTION 1.0: OPERATOR AND REPORT IDENTIFICATION DATA

The information in Section 1.0 is to be reported on both pages 1 and 2 of Part I.

Item Instructions:

Item 1.1: Operator I.D. Code (6)—Copy into this space the six digit operator code which you entered on the Cover Page. If no code has been assigned to you, leave this space blank.

Item 1.2: Operator Name (35)—Enter the first 35 characters of the operator name from the Cover Page. If the name exceeds 35 characters, do not abbreviate, but simply truncate the extra characters on the right.

Item 1.3: Original (1)—Enter an 'X' if this is the first submission of this schedule for the report year; otherwise leave blank.

Item 1.4: Amended (1)—Enter an 'X' if this schedule amends a previously submitted schedule; otherwise leave blank.

SECTION 2.0: STATE AND GEOGRAPHIC SUBDIVISION DATA

Provide data in Columns A-I for each State or geographic subdivision in which you were an operator of oil and/or gas wells on December 31 of the report year. Proved reserves and production for 1981 of crude oil, "dry" natural gas and lease condensate are to be reported on a Total Operated Basis (see definition in the Glossary). Also include production from wells abandoned during the year. If all column entries for a particular State or subdivision are zero, leave that line blank.

Specify the two-letter Postal codes in the line labeled "Other States", for all States in which you operated but which were not listed in the preceding lines. Enter the combined production and reserves for all specified "Other States" in Columns A-I.

For fields or reservoirs overlapping two or more States or subdivisions, the data are to be separated and reported in their respective States or subdivisions. Refer to maps in the Glossary for

subdivision boundaries in the States of Alaska, California, Louisiana, New Mexico, and Texas.

Column A: Crude Oil Reserves—End of 1981 (9)
And
Column D: Dry Natural Gas Reserves—End of 1981 (9)
And
Column G: Lease Condensate Reserves—End of 1981 (9)

Enter estimates of total proved reserves for operated properties; the estimates should be based on your most recent evaluations, adjusted on your most recent evaluations, adjusted for production through December 31 of the report year and for any other relevant factors. The resulting estimates for reserves should be consistent with the definitions of proved reserves in the Glossary. (See PROVED RESERVES OF CRUDE OIL; PROVED RESERVES OF NATURAL GAS; and PROVED RESERVES OF LEASE CONDENSATE in the Glossary.) If depleted during the report year, enter zero (0).

Note.—IF YOU ARE A CATEGORY II OR III OPERATOR AND NO PROVED RESERVES ESTIMATES ARE AVAILABLE, ENTER 'NA'.

Production data are required of all respondents. If actual data are not available at the time Part I of the form is prepared, the data must be estimated.

Column B: 1981 Crude Oil Production from Properties for which: Reserves were Estimated (9)
And
Column E: 1981 Dry Natural Gas Production from Properties for which: Reserves were Estimated (9)
And
Column H: 1981 Lease Condensate Production from Properties for which: Reserves were Estimated (9)

Enter the production for the report year from those operated properties for which proved reserves estimates were reported in Columns A, D or G. (See PRODUCTION, CRUDE OIL; PRODUCTION, NATURAL GAS; and PRODUCTION, LEASE CONDENSATE in the Glossary.)

Column C: 1981 Crude Oil Production from Properties for which Reserves were not Estimated (9)—(Category II and III Operators *ONLY*)
And
Column F: 1981 Dry Natural Gas Production from Properties for which Reserves were not Estimated (9)—(Category II and III Operators *ONLY*)
And
Column I: 1981 Lease Condensate Production from Properties for which: Reserves were not Estimated (9)—(Category II and III Operators *ONLY*)

Enter the production for the report year from operated properties for which proved reserves estimates are not available in existing company records. (See PRODUCTION, CRUDE OIL; PRODUCTION, NATURAL GAS; and PRODUCTION, LEASE CONDENSATE in the Glossary.)

SUM ALL COLUMNS AND ENTER THE TOTALS ON THE LAST LINE OF PAGE 2—"U.S. TOTALS."

Note.—CATEGORY III OPERATORS ARE NOT REQUIRED TO PROCEED TO PART II.

SPECIFIC INSTRUCTIONS

J. Part II: Detailed Report

1. Schedule 1—"Crude Oil, Dry Natural Gas, and Lease Condensate Reserves and Related Data by State and Subdivision"

A separate Schedule 1 is to be completed for each State or geographic subdivision in which you:

a. were an operator of oil and/or gas wells on December 31, 1981 or

b. held working interest ownership in oil or gas reserves *during* any portion or all of the report year whether you were the operator of those reserves or not, provided you were an operator elsewhere in the U.S. on December 31, 1981.

SECTION 1.0: OPERATOR AND REPORT IDENTIFICATION DATA

This information is to be entered on each Schedule 1 submitted.

Item Instructions:

Item 1.1: Operator I.D. Code (6)—Copy into this space the six digit operator code which you entered on the Part II Cover Page. If no code has been assigned to you, leave this space blank.

Item 1.2: Operator Name (35)—Enter the first 35 characters of the operator name from the Cover Page. If the name exceeds 35 characters, do not abbreviate, but simply truncate the extra characters on the right.

Item 1.3: Original (1)—Enter an 'X' if this is the first submission of this schedule for the report year; otherwise leave blank.

Item 1.4: Amended (1)—Enter an 'X' if this schedule amends a previously submitted schedule; otherwise leave blank.

Item 1.5: Page (4)—Enter the current page number in this schedule series.

Item 1.6: Page Footnote (4)—Enter the number of the Schedule 4 page on which footnotes pertaining to data filed on this page begin. Leave blank if there are no footnotes to the data filed on this page.

Item 1.7: State Abbreviation (2)—Enter the two character alphabetic abbreviation of the State to which data reported on this schedule pertain. For an offshore area, enter the abbreviation of the adjacent State. (See LOCATION CODES in the Glossary.)

Item 1.8: Subdivision Code (2)—Enter the two digit code of the geographic subdivision to which data reported on this schedule pertain; leave blank if not applicable. (See LOCATION CODES in the Glossary.)

SECTION 2.0: PROVED RESERVES DATA AND REPORT YEAR RESERVICES CHANGES

Gross Working Interest Ownership Basis (Columns A–D)

DISCONTINUED

Total Operated Basis (Columns E–H)

Report on a Total Operated Basis (see definition in the Glossary), data for all proved reserves associated with the wells you operated on December 31, 1981 regardless of whether or not you were a working interest owner of such reserves. Include data for the entire year's operations of these properties, even if they were operated by another firm earlier in the report year. Also report data for properties abandoned during the report year.

When a comparable data item appears on Schedule 2 or 3, the Schedule 1 entry must be the sum of data reported on those schedules.

Item Instructions (Columns E–H)

Category I operators are required to provide information for each data item requested.

Category II operators must provide only those proved reserves estimates which exist in the company's records.

Item 2.1: Reserves—End of 1980 (10)—Enter in Columns E–H, the volumes of proved reserves at the end of 1980 Note that on the Total Operated basis side of the schedule, if you have become the operator or ceased to be the operator of one or more properties during the report year, the volumes reported here will not match those reported in Item 2.11 of your prior year's filing.

(See PROVED RESERVES OF CRUDE OIL, PROVED RESERVES OF NATURAL GAS and PROVED RESERVES OF LEASE CONDENSATE in the Glossary.)

Item 2.2:

DISCONTINUED

Item 2.3:

DISCONTINUED

Item 2.4: Corrections (+,−) (10)—Enter in Columns E–H, the net changes to "Reserves—End of 1980" attributable to corrections made during 1981. Use a

minus sign (−) to indicate net reductions. (See CORRECTIONS in the Glossary.)

Item 2.5: Revision Increases, (10)—Enter in Columns E–H, the additions to "Reserves—End of 1980" attributable to revisions made during 1981 (see REVISIONS in the Glossary.)

Item 2.6: Revision Decreases (10)—Enter in Columns E–H, the reduction from "Reserves—End of 1980" attributable to revisions made during 1981. Do not use a minus (−) sign. (See REVISIONS in the Glossary.)

Item 2.7: Extensions (10)—Enter in Columns E–H the increases to "Reserves—End of 1980" attributable to extensions made during 1981 (See EXTENSIONS in the Glossary.)

Item 2.8: New Field Discoveries (10)—Enter in Columns E–H, the additions to "Reserves—End of 1980" attributable to new fields discovered during 1981. (See NEW FIELD DISCOVERIES in the Glossary.)

Item 2.9: New Reservior Discoveries in Old Fields (10)—Enter in Columns E–H, the additions to "Reserves—End of 1980" attributable to new reserviors discovered in old fields during 1981. (See NEW RESERVOIR DISCOVERIES IN OLD FIELDS in the Glossary.)

Item 2.10: 1981 Production—From Reserves Estimated (10)—Enter in Columns E–H, the volumes produced during 1981 from properties for which data were entered in Items 2.1 through 2.9. (See PRODUCTION, CRUDE OIL: PRODUCTION, NATURAL GAS: and PRODUCTION, LEASE CONDENSATE in the Glossary.)

Item 2.11: Reserves—End of 1981 (10)—Enter in Columns E–H, the volumes of proved reserves at the end of 1981. These volumes should equal the algebraic sum of Items 2.1, 2.4, 2.5, 2.7, 2.8, and 2.9, less the sum of Items 2.6, and 2.10.

Item 2.12: Reserves in Non-Producing Reservoirs (10)—Enter in Columns E–H, the volumes of proved reserves at the end of 1981 which are attributed to reservoirs which were in a non-producing status. (See NON-PRODUCING RESERVOIRS in the Glossary.)

Item 2.13: 1981 Production—From Reserves not Estimated (10)—(Category II Operators ONLY)—Enter in Columns E–H, the volumes produced during 1981 from properties for which proved reserves estimates and reserves changes data are not included in Items 2.1—2.9 and 2.11.

SECTION 3.0: INDICATED ADDITIONAL RESERVES OF CRUDE OIL (8)

Enter the estimated volumes of crude oil which may become available through the application of improved recovery techniques. (See INDICATED ADDITIONAL RESERVES OF CRUDE OIL in the Glossary.)

SECTION 4.0: COMMITMENT STATUS OF PROVED NATURAL GAS RESERVES

Report in this section the total proved reserves of natural gas on a Gross Working Interest Ownership Basis, according to the commitment status of the reserves. (See COMMITMENT STATUS OF PROVED NATURAL GAS RESERVES in the Glossary.)

Items 4.1 and 4.3: Interstate Contracts—Enter in Columns A–G, the proved natural gas reserves as of December 31, 1981, committed for sale under interstate contracts. (See INTERSTATE CONTRACTS in the Glossary.)

And

Item 4.2 and 4.4: Intrastate Contracts—Enter in Columns A–G, the proved natural gas reserves as of December 31, 1981, committed for sale under intrastate contracts. (See INTRASTATE CONTRACTS in the Glossary.)

The subcategories are:

Columns A and B: For Resale—Longterm (10)—Enter the volumes of proved reserves of natural gas committed for resale to pipelines or distributors, respectively, under interstate or intrastate "long term" contracts. (See INTERSTATE CONTRACT, INTRASTATE CONTRACT, INTERSTATE PIPELINE, INTRASTATE PIPELINE and LOCAL DISTRIBUTION COMPANY in the Glossary.)

Columns C and D: For Resale—Short-term (10)—Enter the volumes of proved reserves of natural gas committed for resale to pipelines or distributors, respectively, under interstate and intrastate "short-term" contracts. (See INTERSTATE CONTRACT, INTRASTATE CONTRACT, INTERSTATE PIPELINE, INTRASTATE PIPELINE and LOCAL DISTRIBUTION COMPANY in the Glossary.)

Column E: Direct Sale—Industrial (10)—Enter the volumes of proved reserves of natural gas committed to industrial end-users under interstate and intrastate contracts. (See COMMITMENT STATUS, Direct Sale in the Glossary.)

Column F: Direct Sale—Other (10)—Enter the volume of proved reserves of natural gas committed to end-users other than industrial end-users under interstate and intrastate contracts. (See COMMITMENT STATUS, Direct Sale in the Glossary.)

Column G: Warranty (10)—Enter the volumes of proved reserves committed under interstate and intrastate warranty contracts. Report only the volume of proved reserves held for fulfillment of warranty gas sales contracts as of the end of the report year. Do not report contract sales volumes. In a footnote on Schedule 4, indicate the volume of proved reserves that may yet need to be dedicated to fulfill the terms of this type of contract. (See COMMITMENT STATUS, Warranty in the Glossary.)

Item 4.5: Other—Enter, in Columns A–D, the volumes of proved natural gas reserves committed for uses other than sale, or uncommitted, as of December 31, 1981.

The subcategories are:

Column A: Company Use—Feedstock (10)—Enter the estimated volume of proved reserves committed for use as feedstock in plants owned by you. (See FEEDSTOCK in the Glossary.)

Column B: Company Use—Fuel (10)—Enter the estimated volume of proved reserves committed foruse as fuel in your operations. (See FUEL USE in the Glossary.)

Column C: Other Committed (10)—Enter the estimated volume of proved reserves committed under any other arrangement. Specify details in a footnote on Schedule 4.

Column D: Uncommitted (10)—Enter the estimated volume of proved reserves uncommitted as of December 31, 1981.

SECTION AND ITEM 5.0: COMMITMENT STATUS OF NONPRODUCING NATURAL GAS RESERVES

In this section, the total proved reserves of natural gas in nonproducing reservoirs are to be reported on a Gross Working Interest Ownership Basis according to the following commitment status categories:

Column A: Committed Interstate (10)—Enter the volumes of non-producing proved natural gas reserves committed under interstate contracts.

Column B: Committed Intrastate (10)—Enter the volumes of non-producing proved natural gas reserves committed under any arrangement company use or commitment, other than interstate contracts.

Column C: Uncommitted (10)—Enter the volumes of non-producing proved natural gas reserves not committed under any arrangement.

2. Schedule 2—"Crude Oil and Dry Natural Gas Reserves and Production Data by Field"

All proved reserves and production data on Schedule 2 are to be reported on a Total Operated Basis (See TOTAL OPERATED BASIS in the Glossary) by field for each State or geographic subdivision in which the respondent operated oil and/or gas wells on December 31 of the report year, including fields abandoned during the report year.

SECTION 1.0: OPERATOR AND REPORT IDENTIFICATION DATA

This information is to be reported on each Schedule 2 submitted.

Item Instructions:

Item 1.1: Operator I.D. Code (6)—copy into this space the six digit operator code which you entered on the Part II Cover Page. If no code has been assigned to you, leave this space blank.

Item 1.2: Operator Name (35)—Enter the first 35 characters of the operator name from the Cover Page. If the name exceeds 35 characters, do not abbreviate, but simply truncate the extra characters on the right.

Item 1.3: Original (1)—Enter an 'X' is this is the first submission of this schedule for the report year. Otherwise leave blank.

Item 1.4: Amended (1)—Enter an 'X' if this schedule amends a previously submitted schedule. Otherwise leave blank.

Item 1.5: Page (4)—Enter the current page number in this schedule series.

Item 1.6: Page Footnote (4)—Enter the number of the Schedule 4 page on which footnotes pertaining to data filed on this page begin. Leave blank if there are no footnotes to the data filed on this page.

SECTION 2.0: FIELD DATA

Enter only one type of hydrocarbon (crude oil, associated-dissolved "dry" gas, or nonassociated "dry" gas) on each line. Group all data pertaining to an individual field on consecutive lines. Complete all lines of Section 2.0 before using any additional Schedule 2 pages.

Note that provision is made in Column F to avoid sequential recopying of identical field identification data.

If a field overlaps two or more States or subdivisions, data pertaining to each must be separately reported.

Items 2.1 through 2.34:

Column A: Field Code (6)—DO NOT FILL IN. This space is reserved for future use.

Column B: Field Name (26)—Enter the name of the field to which data on this line pertain. If this is a new field discovery, indicate this in a footnote on Schedule 4. (See FIELD AND RESERVOIR NAMING CONVENTIONS in the Glossary.)

Column C: State Abbreviation (2)—Enter the two character alphabetic abbreviation of the State to which data reported on this line pertain. For an offshore area, use the abbreviation of the adjacent State. (See LOCATION CODES in the Glossary.)

Column D: Subdivision Code (2)—Enter the two digit code of the appropriate geographic subdivision to which data on this line pertain; leave blank if not applicable. (See LOCATION CODES in the Glossary.)

Column E: County Code (3)—for onshore areas, enter the three digit numeric code for the county or parish in which the field is located. If the field is located in more than one county, enter the code of the county which contains the largest lease acreage, overlying proved reserves, which you operate. Identify by Federal Information Processing Standards (FIPS) Code other counties (within the State or subdivision) in a footnote on Schedule 4. For State and Federal Offshore areas leave this item blank. (Sources of county and parish codes include: FIPS Publication 6-3, and Rand McNally's *Commercial Atlas and Marketing Guide*, available at most municipal and college libraries. The EIA-23 Coordinator can be contacted at (405) 360-1971 for assistance with FIPS codes.)

Column F: Continuation Block (2)—If, for a given line, the field identification data (Columns B-E) are the same as the immediately previous line, enter an 'X' in this block. You then need not recopy the field identification data in Columns B-E.

Enter only one 'X' per line in Column G, H, or I as appropriate:

Column G: Oil (2)—Enter an 'X' in this block if the data reported on the line pertain to crude oil. Otherwise leave blank. (See CRUDE OIL in the Glossary.)

Column H: Associated—Dissolved Gas (2)—Enter an 'X' in this block if the data reported on the line pertain to associated-dissolved natural gas. Otherwise leave blank. (See NATURAL GAS, ASSOCIATED-DISSOLVED in the Glossary.)

Column I: Nonassociated Gas (2)—Enter an 'X' in this block if the data reported on the line pertain to non-associated natural gas. Otherwise leave blank. (See NATURAL GAS, NONASSOCIATED in the Glossary.)

Column J: Proved Reserves—End of 1981(8)—Enter the estimated volume of total proved reserves, as of December 31, 1981, for the field and type of hydrocarbon indicated on the line. If no proved reserves estimates are available from your exising records for this field, enter 'NA'. If all proved reserves are depleted during the report year, enter zero (0). (See PROVED RESERVES OF CRUDE OIL and PROVED RESERVES OF NATURAL GAS in the Glossary.)

Column K: 1981 Production (7)—Enter the volume produced from the field during 1981 for the type of hydrocarbon indicated on the line. If none, enter zero (0). (See PRODUCTION, CRUDE OIL and PRODUCTION, NATURAL GAS in the Glossary.)

3. Schedule 3—"Crude Oil and Dry Natural Gas Reserves and Related Data by Field"

All proved reserves, production and reserve changes data on Schedule 3 are to be reported on a Total Operated Basis (see TOTAL OPERATED BASIS in the Glossary), for each field in which the respondent operated oil and/or gas wells on December 31 of the report year, including abandonments during the report year.

NOTE: While reservoir reporting has been discontinued, all Category I operators must complete the field information in Sections 2.0 and 4.0 Schedule 2 cannot be used by Category I respondents to file field data elements.

SECTION 1.0: OPERATOR AND REPORT IDENTIFICATION DATA

This information is to be reported on each Schedule 3 submitted.

Item Instructions:

Item 1.1: Operator I.D. Code (6)—Copy into this space the six digit operator code which you entered on the Part II Cover Page. If no code has been assigned to you, leave this space blank.

Item 1.2: Operator Name (35)—Enter the first 35 characters of the operator name from the Cover Page. If the name exceeds 35 characters, do not abbreviate, but simply truncate the extra characters on the right.

Item 1.3: Original (1)— Enter an 'X' if this is the first submission of this schedule for the report year. Other wise leave blank.

Item 1.4: Amended (1)—Enter an 'X' if this schedule amends a previously submitted schedule. Otherwise leave blank.

Item 1.5: Page (4)—Enter the current page number in this schedule series.

Item 1.6: Page Footnote—Enter the number of the Schedule 4 page on which footnotes pertaining to data filed on this page begin. Leave blank if there are no footnotes to data filed on this page.

SECTION 2.0: FILED IDENTIFICATION DATA

Repeat Items 2.1 through 2.5 for each Schedule 3 page submitted for a particular field.

Item 2.1: Filed Code (6)—DO NOT FILL IN. This space is reserved for future use.

Item 2.2: Field Name (26)—Enter the name of the field to which data reported on this Schedule 3 pertain. (See FIELD, AND RESERVOIR NAMING CONVENTIONS in the Glossary.)

Item 2.3: State Abbreviation (2)—Enter the two character alphabetic abbreviation of the State to which data reported for this field pertain. For offshore fields, use the abbreviation of the adjacent State. (See LOCATION CODES in the Glossary.)

Item 2.4: Subdivision Code (2)—Enter the two digit code of the appropriate geographic subdivision to which data reported for this field pertain; leave blank if not applicable. (See LOCATION CODES in the Glossary.)

Item 2.5: County Code (3)—For onshore areas, enter the three digit numeric code for the county or parish in which the field is located. If the field is located in more than one county, enter the code of the county which contains the largest lease acreage, overlying proved reserves, which you operate. Identify other counties, by Federal Information Processing Standards (FIPS) code, (within the State, or subdivision) in a footnote on Schedule 4. For State and Federal Offshore areas leave this item blank. (See "County Codes" in Section B of the Glossary for sources of FIPS codes.)

Item 2.6: OCS Block Number (6)—For offshore fields, enter the block number, if it exists, of that offshore block which contains your largest lease acreage, overlying proved reserves. This block number need not be identical to the block number appearing in the field name. If two blocks have equal proved acreage, enter the number of the block having the earliest lease date; arbitrarily choose one block number if multiple answers are still possible given these selection rules. Leave blank if OCS block number is not applicable.

Item 2.7: Federal Lease Number (10)—Offshore Fields—Enter the numeric portion of the OCS lease number (excluding the initial letter) which is associated with the block number reported in the previous item. Exclude hyphens.

Onshore Fields—Enter the numeric portion of the Federal lease number (excluding the initial letter) of that lease which contains your largest lease acreage, overlying proved reserves. If two leases have equal proved lease acreage, enter the number of the lease having the earliest lease date; arbitrarily choose one lease number if multiple answers are still possible given these selection rules. Leave blank if Federal lease number is not applicable.

Item 2.8: Water Depth (5)—For an offshore field, enter the average depth of water (from sealevel to seabed) over the field in feet. Leave blank if an onshore field.

Item 2.9: Field Discovery Year (4)—Enter the calendar year in which the field was discovered. Footnote on Schedule 4 if this represents a change from the previously reported discovery year. Enter 'NA' if not known. (See FIELD DISCOVERY YEAR in the Glossary.)

Item 2.10: Number of Reservoirs in Field (4)—Enter the number of reservoirs in which you operate in this field. This reservoir count should *include* any reservoirs having Indicated Additional Reserves of Crude Oil, or which were abandoned during the report year due to proved reserves depletion.

SECTION 3.0: RESERVOIR DATA

DISCONTINUED

SECTION 4.0: FIELD TOTAL DATA

These data must include and represent all reservoirs in which you operate in that field.

Item 4.1: Crude Oil (MBbls).

And

Item 4.2: Associated Dissolved Gas (MMcf)

Item 4.3: Nonassociatd Gas (MMcf)

Column A: Reserves—End of 1980 (10)—Enter the volumes of proved reserves at the end of 1980. Enter a zero (0) for a new field. (See PROVED RESERVES OF CRUDE OIL AND PROVED RESERVES OF NATURAL GAS in the Glossary.)

Column B: Corrections (+, −) (10)—Enter the net changes to "Reserves—End of 1980 attributable to corrections made during 1981. Use a minus sign (−) to indicate net reductions. Enter a zero (0) for a new field or if there were no net corrections. Explain any net correction in excess of 2,500 MBbls of oil or 15,000 MMcf of gas in a footnote on Schedule 4. (See CORRECTIONS in the Glossary.)

Column C: Revisions (+, −) (10)—Enter the net changes to "Reserves—End of 19 " attributable to revisions made during 198 . Use a minus (−) sign to indicate net reductions. Enter a zero (0) for a new field or if there were no revisions. Explain any net revision in excess of 2,500 MBbls of oil or 15,000 MMcf of gas in a footnote on Schedule 4. To the extent that reserves are revised in reservoirs producing or planned for production via secondary or tertiary recovery techniques, such revisions should be indicated by the type of recovery method by footnote on Schedule 4. Use the appropriate "Code For Recovery Method" from page 37. Also, separately indicate the volume of upward revisions due to the transfer of reserves from your previously reported "Indicated Additional" category, if any. (See REVISIONS in the Glossary.)

Column D: Extensions (10)—Enter the increases to "Reserves—End of 1980" attributable to extensions made during 1981. Enter a zero (0) for a new field or if there were no extensions. (See EXTENSIONS in the Glossary.)

Column E: New Discoveries (10)—If the field, or any reservoir in the field, was discovered during 1981, enter the estimated initial volumes of proved reserves attributable thereto (before reducing it by production during the report year, if any). Enter a zero (0) if this is *not* a new field *and* if there were no new reservoirs discovered in it. (See NEW DISCOVERIES in the Glossary.)

Column F: 1981 Production (10)—Enter the volumes produced from the field during the report year. Enter a zero (0) if there was no production from the field. (See PRODUCTION, CRUDE OIL and PRODUCTION, NATURAL GAS in the Glossary.)

Column G: Reserves—Enter of 1981 (10)—End the volumes of proved reserves at the end of 1981. Enter a zero (0) if the field is depleted. *This item should equal the algebraic sum of Columns A–E, less Column F.*

Column H: Nonproducing Reserves (10)—Enter the estimated volumes of proved reserves in the field which were in nonproducing status at the end of 1981. Enter a zero (0) if there were none. (See NONPRODUCING RESERVOIRS in the Glossary.)

4. Schedule 4—"Footnotes"

At a minimum, submit footnotes in clarification of reported data items when required to do so by the instructions for the applicable schedule. Additionally, you may footnote any other reported item if this will enhance its clarity.

SECTION 1.0: OPERATOR AND REPORT IDENTIFICATION DATA

This information is to be reported on each Schedule 4 submitted.

Item Instructions:

Item 1.1: Operator I.D. Code (6)—Copy into this space the six digit operator code which you entered on the Part II Cover Page. If no code has been assigned to you, leave this space blank.

Item 1.2: Operator Name (35)—Enter the first 35 characters of the operator name from the Cover Page. If the name exceeds 35 characters, do not

abbreviate, but simply truncate the extra characters on the right.

Item 1.3: Original (1)—Enter an "X" if this is the first submission of this schedule for the report year. Otherwise leave blank.

Item 1.4: Amended (1)—Enter an "X" if this schedule amends a previously submitted schedule. Otherwise leave blank.

Item 1.5: Page (4)—Enter the current page number in this schedule series.

SECTION 2.0: FOOTNOTE DATA

Please use all lines on each Schedule 4 page before using additional pages. Columns A–E must be filled in only for the first line of each footnote.

Column A: Schedule Number (5)—Enter the schedule number referenced by the footnote which starts on this line.

Column B: Page Number (5)—Enter the page number that is referenced by this footnote.

Column C: Item Number (5)—Enter the item number that is referenced by this footnote.

Column D: Subitem Number (5)—Enter (Applicable only to Schedule 3)—Enter the subitem number (1 through 19) that is referenced by this footnote. Leave blank if not applicable.

Column E: Column Designation (5)—Enter the column designation (alphabetic character) that is referenced by this footnote, if applicable. Otherwise leave blank.

Column F: Sequence Number (5)—Enter the line number of this line of the footnote. Begin with "1" and increase this number one unit with each successive line of the footnote. Always revert to "1" with each new footnote.

Column G: Notation (75)—Enter the actual footnote, including all appropriate information, using as many lines as necessary.

Form EIA–23—Glossary and Codes

The definitions contained herein have been formulated with reference to the particular purposes to be served by Form EIA–23. They are not necessarily synonymous with the same or similar terms as used in DOE regulations, and are not to be construed as definitions applicable for any purpose other than for the collection and reporting of data on Form EIA–23.

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A. Definitions

Affiliated (Associated) Company—An "affiliate" of, or a person "affiliated" with, a specific person is a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified. (See PERSON and CONTROL.)

CALCULATION TYPES—

1. *Volumetric:* Calculation of reserves by determination of the pore volume of reservoir rock that can be occupied by hydrocarbons and the application of a recovery factor to it based on knowledge of the type of reservoir drive mechanism. Where available, analogous comparisons to producing reservoirs of the same physical characteristics are made. Primarily, calculation is based on well log analysis and when available, core data.

2. *Pressure Decline:* Calculation of gas reserves by recording the decline in reservoir pressure as a function of the cumulative production from the reservoir. The proved reserves of the reservoir are a measure of the point at which the pressure is reduced to the extent that the reservoir will no longer economically produce.

3. *Material Balance—Reservoir Simulation:* Estimates of reserves in which the theory of fluid flow in porous media and phase behavior data have been used to simulate reservoir performance and provide estimates for depletion. Reservoir simulation is a more complex and costly procedure than material balance, usually used only for large projects. Both methods are primarily used to predict reservoir performance; however, reserve estimates are derived in the process.

4. Time Decline: Calculation of reserves by production decline over time. Generally an equation is found which fits the observed rate-time graph and is used for extrapolation into the future. Three of the most useful equations are equal percentage decline, harmonic decline, and hyperbolic decline. Normally an economic limit based on the operating costs is used to determine a cut-off for economically recoverable reserves.

5. *Nominal:* Estimate of reserves based on the operator's experience, where producing characteristics or other information available do not allow for reserve estimation by any of the above calculation techniques.

COMMITMENT STATUS OF PROVIDED NATURAL GAS RESERVES—Applies to those proved reserves committed to a customer or other recipient under terms of a gas purchase contract, by advance payment agreements or by some other contractual arrangements, or set aside for the respondent's own use. Proved reserves not so committed are classified as "uncommitted". Commitment status for purposes of this form is not necessarily the same as the terms "committed" or "dedicated" as defined in Section 2(18)(a) of the Natural Gas Policy Act of 1978 (NGPA), Public Law 95–621).

Commitment Categories

1. *For Resale:* Proved natural gas reserves committed for sale to natural gas pipeline or distribution utilities for resale purposes.

2. *Direct Sale:* Direct sales are sales made to an end-user, as follows:

a. *Direct Sale—Industrial*—Includes sales to industrial end-users, sales to other producers, sales to electric utilities, and sales to industrial users that involve transportation of gas by interstate pipelines under FPC Order No. 533 and under FERC Order Nos. 2, 27, 30 and 30–A to the extent that the respondent has knowledge of such arrangements. (See INTERSTATE PIPELINE.)

b. *Direct Sale*—Other—Includes sales to end-users other than industrial customers, to gas processing plants where the ultimate disposition of the gas is unknown to the respondent, and to local distribution companies who deliver to residential and commercial customers to the extent that the respondent has knowledge of such arrangements. (See LOCAL DISTRIBUTION COMPANY.)

3. *Warranty:* Proved natural gas reserves committed through gas sales agreements wherein the seller warrants that an amount of gas will be available to meet the contracted commitments over the life of the contract.

4. *Company Use:* Proved natural gas reserves committed for use as feedstock in respondent-owned plants or as fuel in respondent's operations. (See FEEDSTOCK and FUEL USE.)

5. *Other Committed:* Proved natural gas reserves committed under any arrangements other than (1), (2), (3), or (4) above (e.g., gas taken in-kind by a royalty owner; vented and flared gas).

6. *Uncommitted:* Proved natural gas reserves that have not been committed by the respondent, including those reserves under negotiation or option as of December 31 of the report year.

CONTROL—The term "control" (including the terms "controlling", "controlled by" and "under common control with") means the possession,

direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise. (See PERSON.)

CORRECTIONS—Net changes to proved reserves attributable to correction of prior arithmetic or clerical errors, or to adjustments of previously reported production volumes.

CRUDE OIL—A mixture of hydrocarbons that exists in the liquid phase in natural underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities. Crude oil may also include:

1. Small amounts of hydrocarbons that exist in the gaseous phase in natural underground reservoirs but are liquid at atmospheric pressure after being recovered from oil well (casinghead) gas in lease separators, and that subsequently are commingled with the crude stream without being separately measured; and

2. Small amounts of nonhydrocarbons produced with the oil.

Note.—When a State regulatory agency specifies a definition of crude oil which differs from that set forth above, the State definition is to be followed and its use footnoted on Schedule 4.

DEPTH TO MIDPOINT—The average vertical distance, in feet, from ground level (or sea level, if offshore) to the midpoint of a reservoir.

EXTENSIONS—The reserves credited to a reservoir because of enlargement of its proved area. Normally the ultimate size of newly discovered fields, or newly discovered reservoirs in old fields, is determined by wells drilled in years subsequent to discovery. When such wells add to the proved area of a previously discovered reservoir, the increase in proved reserves is classified as an extension.

FEEDSTOCK—Natural gas used as a raw material for its nonfuel chemical properties in creating an end product.

FIELD—An area consisting of a single reservoir or multiple reservoirs all grouped on, or related to, the same individual geological structural feature and/or stratigraphic condition. There may be two or more reservoirs in a field which are separated vertically by intervening impervious strata, or laterally by local geologic barriers, or by both.

FIELD AREA—A geographic area encompassing two or more pools that have a common gathering and metering system, the reserves of which are reported as a single unit. This concept applies primarily to the Appalachian region. (See POOL.)

FIELD DISCOVERY YEAR—The calendar year in which a field was first recognized as containing economically recoverable accumulations of oil and/or gas.

FIELD SEPARATION FACILITY—A surface installation designed to recover lease condensate from a produced natural gas stream, frequently originating from more than one lease.

FUEL USE—All natural gas used by the respondent, other than for feedstock, which was produced by the respondent and not purchased from other producers.

GAS PROCESSING PLANT—A surface installation designed to achieve the recovery of natural gas liquids from a stream of produced natural gas which may or may not have been processed, in whole or in part, through lease or field separation facilities, and to control the quality of the natural gas to be marketed. Some gas processing plants are additionally designed to recover propane, butanes, natural gasoline or other products.

GROSS WORKING INTEREST OWNERSHIP—Gross working interest ownership is the respondent's working interest in a given property plus the proportionate share of any royalty interest, including overriding royalty interest, associated with the working interest. (See definitions of WORKING INTEREST and ROYALTY (INCLUDING OVERRIDING ROYALTY) INTERESTS in the GLOSSARY, and examples in the GENERAL INSTRUCTIONS, p. 3.)

INDICATED ADDITIONAL RESERVES OF CRUDE OIL—Quantities of crude oil (other than proved reserves) which may become economically recoverable from existing productive reservoirs through the application of improved recovery techniques using current technology.

These recovery techniques may:

(1) Already be installed in the reservoir, but their effects are not yet known to the degree necessary to classify the additional reserves as proved, or

(2) be installed in another similar reservoir, where the results of that installation can be used to estimate the indicated additional reserves.

Indicated additional reserves are not included in proved reserves due to their uncertain economic recoverability. When economic recoverability is demonstrated, the indicated additional reserves must be transferred to proved reserves as positive revisions.

INTERSTATE CONTRACTS—Interstate contracts commit gas for sale to interstate pipelines as defined in Sec. 2(15) of the Natural Gas Policy Act of 1978 (NGPA, Public Law 95-621), and to any other party located outside the State in which the reserves are located. They also include any gas reserves ultimately destined for the interstate market under Section 312 of the NGPA, to the extent that the respondent has knowledge of such arrangements. Long term contracts are those of more than two years duration; short term contracts are those of two years duration or less. (See INTERSTATE PIPELINE.)

INTRASTATE CONTRACTS—Intrastate contracts commit gas for sale to intrastate pipelines as defined in Sec. 2(16) of the Natural Gas Policy Act of 1978 (NGPA, Public Law 95-621), and to any other party located within the State in which the reserves are located. Long term contracts are those of more than two years duration; short term contracts are those of two years or less. (See INTRASTATE PIPELINE.)

INTERSTATE PIPELINE—The term "interstate pipeline" means any person engaged in natural gas transportation subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act.

INTRASTATE PIPELINE—The term "intrastate pipeline" means any person engaged in natural gas transportation (not including gathering) which is not subject to the jurisdiction of the Federal Energy Regulatory Commission under the Natural Gas Act (other than any such pipeline which is not subject to the jurisdiction of the Commission solely by reason of Section 1(c) of the Natural Gas Act).

LEASE CONDENSATE—A mixture consisting primarily of pentanes and heavier hydrocarbons which is recovered as a liquid from natural gas in lease or field separation facilities, exclusive of products recovered at natural gas processing plants or facilities the output of which is reported on Form EIA-64, "Natural Gas Liquids Operations Report." (See Natural Gas Liquids.)

LEASE SEPARATOR—A lease separator is a facility installed at the surface for the purpose of (a) separating gases from produced crude oil and water at the temperature and pressure conditions of the separator, and/or (b) separating gases from that portion of the produced natural gas stream which liquefies at the temperature and pressure conditions of the separator.

LOCAL DISTRIBUTION COMPANY—The term "local distribution company" means any person, other than any interstate pipeline or any intrastate pipeline, engaged in the transportation, of local distribution, or natural gas and the sale of natural gas for ultimate consumption. This includes persons not subject to the

jurisdiction of the Federal Energy Regulatory Commission by reason of Section 1(c) of the Natural Gas Act.

NATURAL GAS—A mixture of hydrocarbon compounds and small quantities of various nonhydrocarbons existing in the gaseous phase or in solution with crude oil in natural underground reservoirs at reservoir conditions. The principal hydrocarbons usually contained in the mixture are methane, ethane, propane, butanes and pentanes. Typical nonhydrocarbon gases which may be present in reservoir natural gas are carbon dioxide, helium, hydrogen sulfide and nitrogen. Under reservoir conditions, natural gas and the liquefiable portions thereof occur either in a single gaseous phase in the reservoir or in solution with crude oil, and are not distinguishable at the time as separate substances. (See NATURAL GAS, NONASSOCIATED AND NATURAL GAS, ASSOCIATED-DISSOLVED.)

NATURAL GAS, ASSOCIATED-DISSOLVED—The combined volume of natural gas which occurs in crude oil reservoirs either as free gas (associated) or as gas in solution with crude oil (dissolved).

NATURAL GAS, "DRY"—The actual or calculated volumes of natural gas which remain after:

(1) the liquefiable hydrocarbon portion has been removed from the gas stream by lease and/or field separation facilities, and

(2) any volumes of nonhydrocarbon gases have been removed where they occur in sufficient quantity to render the gas unmarketable.

In any case, estimated reserves of natural gas should not contain more than small amounts of non-hydrocarbon gases regardless of marketability.

NATURAL GAS, NONASSOCIATED—Natural gas not in contact with significant quantities of crude oil in a reservior.

NEW DISCOVERIES—New field discoveries or new reservoir discoveries in old fields made during the report year.

NEW FIELD—A field discovered during the report year.

NEW FIELD DISCOVERIES—The volumes of proved reserves of crude oil and/or natural gas discovered in new fields during the report year.

NEW RESERVOIR—A reservoir discovered during the report year.

NEW RESERVOIR DISCOVERIES IN OLD FIELDS—The volumes of proved reserves of crude oil and/or natural gas discovered during the report year in new reservoir(s) located in old fields.

NONPRODUCING RESERVOIRS—Reservoirs in which proved oil and/or gas reserves have been identified, but which did not produce during the last 3 months of the report year regardless of the availability and/or operation of production, gathering, or transportation facilities.

OLD FIELD—A field discovered prior to the report year.

OLD RESERVOIR—A reservoir discovered prior to the report year.

OPERATOR—The person responsible for the management and day-to-day operation of one or more crude oil and/or natural gas wells as of December 31 of the report year. The operator is generally a working interest owner or a company under contract to the working interest owner(s). Wells included are those which have proved reserves of crude oil, natural gas, and/or lease condensate in the reservoirs associated with them, whether or not they are producing. Wells abandoned during the report year are also to be considered "operated" as of December 31. (See PERSON, PROVED RESERVES OF CRUDE OIL, PROVED RESERVES OF NATURAL GAS, PROVED RESERVES OF LEASE CONDENSATE, REPORT YEAR, AND RESERVOIR.)

ORIGINAL HYDROCARBONS IN-PLACE—The estimated volumes of crude oil and/or dry natural gas contained in known reservoirs prior to any production.

OWNERSHIP—See GROSS WORKING INTEREST OWNERSHIP BASIS.

PARENT COMPANY—The parent company of a business entity is an affiliated company which exercises ultimate control over that entity, either directly or indirectly through one or more intermediaries. (See AFFILIATED (ASSOCIATED) COMPANY and CONTROL.)

PERSON—An individual, a corporation, a partnership, an association, a joint-stock company, a business trust, or an unincorporated organization.

POOL—In general, a reservoir. In certain situations a pool may consist of more than one reservoir. (See FIELD AREA.)

PRODUCTION, CRUDE OIL—The volumes of crude oil which are extracted from oil reservoirs during the report year. These volumes are determined through measurement of the volumes delivered from lease storage tanks, or at the point of custody transfer, with adjustment for (1) net differences between opening and closing lease inventories, and for (2) basic sediment and water. Oil used on the lease is to be considered production.

PRODUCTION, CUMULATIVE CRUDE OIL—The sum of the actual or estimated crude oil production during the report year and prior years.

PRODUCTION, CUMULATIVE NATURAL GAS—The sum of the actual or estimated "dry" natural gas production during the report year and prior years.

PRODUCTION, LEASE CONDENSATE—The volume of lease condensate produced during the report year. Lease condensate volumes include only those volumes recovered from lease or field separation facilities. (SEE definition of LEASE CONDENSATE.)

PRODUCTION, NATURAL GAS—The volume of natural gas withdrawn from reservoirs during the report year less (1) the volume returned to such reservoirs in cycling, repressuring of oil reservoirs and conservation operations; less (2) shrinkage resulting from the removel of lease condensate; and less (3) nonhydrocarbon gases where they occur in sufficient quantity to render the gas unmarketable. Volumes of gas withdrawn from gas storage reservoirs and native gas which has been transferred to the storage category are not considered production.

PROVED RESERVES OF CRUDE OIL—Proved reserves of crude oil as of December 31 of the report year are the estimated quantities of all liquids defined as crude oil, which geological and engineering data demonstrate with reasonable certainty to be recoverable in future years from known reservoirs under existing economic and operating conditions.

Reservoirs are considered proved if economic producibility is supported by actual production or conclusive formation test (drill stem or wire line), or if economic producibility is supported by core analyses and/or electric or other log interpretations. The area of an oil reservoir considered proved includes (1) that portion delineated by drilling and defined by gas-oil and/or oil-water contacts, if any; and (2) the immediately adjoining portions not yet drilled, but which can be reasonably judged as economically productive on the basis of available geological and engineering data. In the absence of information of fluid contacts, the lowest known structural occurrence of hydrocarbons controls the lower proved limit of the reservoir.

Volumes of crude oil placed in underground storage are not to be condidered proved reserves.

Reserves of crude oil which can be produced economically through application of improved recovery techniques (such as fluid injection) are included in the "proved" classification when successful testing by a pilot

project, or the operation of an installed program in the reservoir, provides support for the engineering analysis on which the project or program was based.

Estimates of proved crude oil reserves do not include the following: (1) Oil that may become available from known reservoirs but is reported separately as "indicated additional reserves"; (2) natural gas liquids (including condensate); (3) oil, the recovery of which is subject to reasonable doubt because of uncertainty as to geology, reservoir characteristics, or economic factors; (4) oil that may occur in undrilled prospects; and (5) oil that may be recovered from oil shales, coal, gilsonite and other such sources. It is not necessary that production, gathering or transportation facilities be installed or operative for a reservoir to be considered proved.

PROVED RESERVES OF LEASE CONDENSATE—Proved reserves of lease condensate as of December 31 of the report year are the volumes of lease condensate expected to be recovered in future years in conjunction with the production of proved reserves of natural gas as of December 31 of the report year, based on the recovery efficiency of lease and/or field separation facilities installed as of December 31 of the report year. (See LEASE CONDENSATE and PROVED RESERVES OF NATURAL GAS.)

PROVED RESERVES OF NATURAL GAS—Proved reserves of natural gas as of December 31 of the report year are the estimated quantities which analysis of geological and engineering data demonstrate with reasonable certainty to be recoverable in future years from known reservoirs under existing economic and operating conditions.

Reservoirs are considered proved if economic producibility is supported by actual production or conclusive formation test (drill stem or wire line), or if economic producibility is supported by core analyses and/or electric or other log interpretations.

The area of a gas reservoir considered proved includes (1) that portion delineated by drilling and defined by gas-oil and/or gas-water contacts, if any; and (2) the immediately adjoining portions not yet drilled, but which can be reasonably judged as economically productive on the basis of available geological and engineering data. In the absence of information on fluid contacts, the lowest known structural occurrence of hydrocarbons controls the lower proved limit of the reservoir.

Volumes of natural gas placed in underground storage are not to be considered proved reserves.

For natural gas and appropriate reduction in the reservoir gas volume is made to cover the removal of the liquefiable portions of the gas in lease and/or field separation facilities and the exclusion of nonhydrocarbon gases where they occur in sufficient quantity to render the gas unmarketable.

It is not necessary that production, gathering or transportation facilities be installed or operative for a reservoir to be considered proved. It is to be assumed that compression will be initiated if and when economically justified.

PURCHASES OF IN-PLACE RESERVES—Proved crude oil, natural gas, or lease condensate reserves within the reservoir (in-place) purchased or otherwise acquired by the respondent during the report year.

REPORT YEAR—The calendar year to which data reported herein pertain; the current report year is shown on the Cover Pages to Part I and Part II.

RESERVES—See PROVED RESERVES.

RESERVE ADDITIONS—The algebraic sum of all reserve changes during the report year.

RESERVE CHANGES—Positive and negative corrections, positive and negative revisions, extensions, new reservoir discoveries in old fields, and new field discoveries, which occurred during the report year.

RESERVOIR—A porous and permeable undergound formation containing an individual and separate natural accumulation of producible hydrocarbons (oil and/or gas) which is confined by impermeable rock or water barriers and is characterized by a single natural pressure system.

RESERVOIR DISCOVERY YEAR—The year in which a reservoir was first recognzed as containing economically recoverable accumulations of oil and/or gas.

REVISIONS—Changes to earlier proved reserve estimates, either positive or negative, resulting from new information, except for an increase in proved acreage (extension). Revisions for a given report year also include increases of proved reserves associated with the installation of improved recovery techniques or equipment.

ROYALTY (INCLUDING OVERRIDING ROYALTY) INTERESTS—These interests entitle their owner(s) to a share of the mineral production from a property or to a share of the proceeds therefrom. They do not contain the rights and obligations of operating the property, and normally do not bear any of the costs of exploration, development and operation of the property.

SALES OF IN-PLACE RESERVES—Proved crude oil, natural gas or lease condensate reserves within the reservoir (in-place) sold, or otherwise disposed of, by the respondent during the report year.

SHRINKAGE FACTOR—The fraction as of December 31 of the report year (expressed as a decimal) by which the volume of natural gas is reduced by the removal of lease condensate and/or nonhydrocarbon gases where they occur in sufficient quantity to render the gas unmarketable, through the use of a lease separator or other field separation facility.

EXAMPLE: The removal of 112 MMcf of lease condensate vapor and/or nonhydrocarbon gases from 1000 MMcf of natural gas represents a shrinkage factor of 0.112.

SUBDIVISION—A prescribed portion of a given State or other geographical region defined herein for statistical reporting purposes. (See State Abbreviation and Subdivision Codes, p. 30 of this Glossary.)

SUBSIDIARY COMPANY—A company which is controlled through the ownership of voting stock, or a corporate joint venture in which a corporation is owned by a small group of businesses as a separate and specific business or project for the mutual benefit of the members of the group. (See CONTROL.)

TOTAL OPERATED BASIS—The total reserves or production associated with the wells operated by an individual operator. This is also commonly known as the "gross operated" or "8/8ths" basis.

WORKING INTEREST—A working interest permits the owner(s) to explore, develop and operate a property. The working interest owner(s) bear(s) the costs of exploration, development and operation of the property, and in return is (are) entitled to a share of the mineral production from the property or to a share of the proceeds therefrom.

YEAR OF FIRST PRODUCTION—The year in which continuous, sustained production of crude oil and/or natural gas from the reservoir commenced.

B. Location Codes and Maps

Wherever applicable, the following codes are those specified in Federal Information Processing Standards (FIPS).

1. STATE ABBREVIATION AND GEOGRAPHIC SUBDIVISION CODES

(State Abbreviation Used In: Schedule 1, Item 1.8; Schedule 2, Items 2.1–2.34 (Column C); Schedule 3, Item 2.3)

(Subdivision Code Used In: Schedule 1, Item 1.9; Schedule 2, Items 2.1–2.34 (Column D); Schedule 3, Item 2.4)

State name and geographic subdivisions*	State abbreviation	Subdivision code
Alabama—Onshore	AL	Blank
Alabama—State Offshore**	AL	05
Alaska—North Onshore and Offshore***	AK	50
Alaska—South Onshore	AK	10
Alaska—South State Offshore**	AK	05
Alaska—South Federal Offshore	AK	00
Arizona	AZ	Blank
Arkansas	AR	Blank
California—Coastal Region Onshore	CA	50
California—Los Angeles Basin Onshore	CA	90
California—San Joaquin Basin Onshore	CA	10
California—State Offshore**	CA	05
California—Federal Offshore	CA	00
Colorado	CO	Blank
Connecticut	CT	Blank
Delaware	DE	Blank
District of Columbia	DC	Blank
Florida—Onshore	FL	Blank
Florida—State Offshore**	FL	05
Georgia	GA	Blank
Hawaii	HI	Blank
Idaho	ID	Blank
Illinois	IL	Blank
Indiana	IN	Blank
Iowa	IA	Blank
Kansas	KS	Blank
Kentucky	KY	Blank
Louisiana—North	LA	50
Louisiana—South Onshore	LA	10
Louisiana—South State Offshore**	LA	05
Louisiana—South Federal Offshore	LA	00
Maine	ME	Blank
Maryland	MD	Blank
Massachusetts	MA	Blank
Michigan	MI	Blank
Minnesota	MN	Blank
Mississippi—Onshore	MS	Blank
Mississippi—State Offshore**	MS	05
Missouri	MO	Blank
Montana	MT	Blank
Nebraska	NE	Blank
Nevada	NV	Blank
New Hampshire	NH	Blank
New Jersey	NJ	Blank
New Mexico—East	NM	10
New Mexico—West	NM	50
New York	NY	Blank
North Carolina	NC	Blank
North Dakota	ND	Blank
Ohio	OH	Blank
Oklahoma	OK	Blank
Oregon	OR	Blank
Pennsylvania	PA	Blank
Rhode Island	RI	Blank
South Carolina	SC	Blank
South Dakota	SD	Blank
Tennessee	TN	Blank
Texas—Railroad Commission District 1	TX	10
Texas—Railroad Commission District 2 Onshore	TX	20
Texas—Railroad Commission District 3 Onshore	TX	30
Texas—Railroad Commission District 4 Onshore	TX	40
Texas—Railroad Commission District 5	TX	50
Texas—Railroad Commission District 6	TX	60
Texas—Railroad Commission District 7B	TX	70
Texas—Railroad Commission District 7C	TX	75
Texas—Railroad Commission District 8	TX	80
Texas—Railroad Commission District 8A	TX	85
Texas—Railroad Commission District 9	TX	90
Texas—Railroad Commission District 10	TX	95
Texas—State Offshore**	TX	05
Texas—Federal Offshore	TX	00
Utah	UT	Blank
Vermont	VT	Blank
Virginia	VA	Blank
Washington	WA	Blank
West Virginia	WV	Blank
Wisconsin	WI	Blank
Wyoming	WY	Blank
Atlantic Coast—Federal Offshore	AC	00
Gulf of Mexico—Other Federal Offshore****	OG	00
Pacific Coast—Other Federal Offshore****	OP	00

*Refer to maps on pages 31–35 for subdivision boundaries in the States of Alaska, California, Louisiana, New Mexico, and Texas, respectively.

**If you are not certain whether an offshore field lies in the Federal or the State domain, assume that it lies in the State domain and indicate this in a footnote on Schedule 4.

***Includes both State and Federal domain.

****Gulf of Mexico—Other Federal Offshore includes areas adjacent to Mississippi, Alabama and Florida only. Pacific Coast—Other Federal Offshore includes areas adjacent to Oregon and Washington only.

COUNTY CODES

Used In: Schedule 2, Items 2.1–2.34, Column E; Schedule 3, Item 2.5

County codes, Parish codes (in Louisiana), and Census Division codes (in Alaska), used in the completion of Schedules 2 and 3, may be found in FIPS Publication 6–3, available at most municipal and college libraries. FIPS county codes may also be found in the *Commercial Atlas and Marketing Guide*, Rand McNally and Company, Chicago. An abbreviated version of FIPS 6–3 has been included with these instructions on pages 27–47. The EIA–23 Coordinator can be contacted at (405) 360–1971 for assistance with FIPS codes.

2. SUBDIVISION MAPS (See pages 48–52)

BILLING CODE 6450-01-M

County Codes, (Excerpted from FIPS 6-3)

STATE NAME: ALABAMA

STATE ABBREVIATION: AL

STATE CODE: 01

CODE	COUNTY NAME
001	AUTAUGA
003	BALDWIN
005	BARBOUR
007	BIBB
009	BLOUNT
011	BULLOCK
013	BUTLER
015	CALHOUN
017	CHAMBERS
019	CHEROKEE
021	CHILTON
023	CHOCTAW
025	CLARKE
027	CLAY
029	CLEBURNE
031	COFFEE
033	COLBERT
035	CONECUH
037	COOSA
039	COVINGTON
041	CRENSHAW
043	CULLMAN
045	DALE
047	DALLAS
049	DE KALB
051	ELMORE
053	ESCAMBIA
055	ETOWAH
057	FAYETTE
059	FRANKLIN
061	GENEVA
063	GREENE
065	HALE
067	HENRY
069	HOUSTON
071	JACKSON
073	JEFFERSON
075	LAMAR
077	LAUDERDALE
079	LAWRENCE
081	LEE
083	LIMESTONE
085	LOWNDES
087	MACON
089	MADISON
091	MARENGO
093	MARION
095	MARSHALL
097	MOBILE
099	MONROE
101	MONTGOMERY
103	MORGAN
105	PERRY
107	PICKENS
109	PIKE
111	RANDOLPH
113	RUSSELL
115	ST CLAIR
117	SHELBY
119	SUMTER
121	TALLADEGA
123	TALLAPOOSA
125	TUSCALOOSA
127	WALKER
129	WASHINGTON
131	WILCOX
133	WINSTON

STATE NAME: ALASKA

The official political units of Alaska are called boroughs. There are eleven organized boroughs and an unorganized borough which includes all remaining territory. The organized boroughs cover only a small percentage of the land area of the State. Because the unorganized borough is too large to provide a basis for suitable statistical analysis, the Bureau of the Census, in conjunction with the State of Alaska, has established census areas in the unorganized borough in order to provide a more effective basis for statistical purposes. Data systems using the unorganized borough may code that area as 999. Appendix B shows the relationship between the census divisions as published in FIPS 6-2 and the boroughs/census areas in this publication.

STATE ABBREVIATION: AK

STATE CODE: 02

CODE	NAME (Borough/Census Area)
010	ALEUTIAN ISLANDS
020	- ANCHORAGE
050	BETHEL
060	- BRISTOL BAY
070	DILLINGHAM
090	- FAIRBANKS NORTH STAR
100	- HAINES
110	- JUNEAU
122	- KENAI PENINSULA
130	- KETCHIKAN GATEWAY
140	KOBUK
150	- KODIAK ISLAND
170	- MATANUSKA-SUSITNA
180	NOME
185	- NORTH SLOPE
201	PRINCE OF WALES-OUTER KETCHIKAN
220	- SITKA
231	SKAGWAY-YAKUTAT-ANGOON
240	SOUTHEAST FAIRBANKS
261	VALDEZ-CORDOVA
270	WADE HAMPTON
280	WRANGELL-PETERSBURG
290	YUKON-KOYUKUK

- Indicates name of an organized borough; other names are of census areas within the unorganized borough.

STATE NAME: ARIZONA

STATE ABBREVIATION: AZ

STATE CODE: 04

CODE	COUNTY NAME
001	APACHE
003	COCHISE
005	COCONINO
007	GILA
009	GRAHAM
011	GREENLEE
013	MARICOPA
015	MOHAVE
017	NAVAJO
019	PIMA
021	PINAL
023	SANTA CRUZ
025	YAVAPAI
027	YUMA

STATE NAME: ARKANSAS

STATE ABBREVIATION: AR

STATE CODE: 05

CODE	COUNTY NAME
001	ARKANSAS
003	ASHLEY

FIPS PUB 6-3
ARKANSAS—CALIFORNIA—COLORADO

005	BAXTER
007	BENTON
009	BOONE
011	BRADLEY
013	CALHOUN
015	CARROLL
017	CHICOT
019	CLARK
021	CLAY
023	CLEBURNE
025	CLEVELAND
027	COLUMBIA
029	CONWAY
031	CRAIGHEAD
033	CRAWFORD
035	CRITTENDEN
037	CROSS
039	DALLAS
041	DESHA
043	DREW
045	FAULKNER
047	FRANKLIN
049	FULTON
051	GARLAND
053	GRANT
055	GREENE
057	HEMPSTEAD
059	HOT SPRING
061	HOWARD
063	INDEPENDENCE
065	IZARD
067	JACKSON
069	JEFFERSON
071	JOHNSON
073	LAFAYETTE
075	LAWRENCE
077	LEE
079	LINCOLN
081	LITTLE RIVER
083	LOGAN
085	LONOKE
087	MADISON
089	MARION
091	MILLER
093	MISSISSIPPI
095	MONROE
097	MONTGOMERY
099	NEVADA
101	NEWTON
103	OUACHITA
105	PERRY
107	PHILLIPS
109	PIKE
111	POINSETT
113	POLK
115	POPE
117	PRAIRIE
119	PULASKI
121	RANDOLPH
123	ST FRANCIS
125	SALINE
127	SCOTT
129	SEARCY
131	SEBASTIAN
133	SEVIER
135	SHARP
137	STONE
139	UNION
141	VAN BUREN
143	WASHINGTON
145	WHITE
147	WOODRUFF
149	YELL

STATE NAME: CALIFORNIA

STATE ABBREVIATION: CA

STATE CODE: 06

CODE	COUNTY NAME
001	ALAMEDA
003	ALPINE
005	AMADOR
007	BUTTE
009	CALAVERAS
011	COLUSA
013	CONTRA COSTA
015	DEL NORTE
017	EL DORADO
019	FRESNO
021	GLENN
023	HUMBOLDT
025	IMPERIAL
027	INYO
029	KERN
031	KINGS
033	LAKE
035	LASSEN
037	LOS ANGELES
039	MADERA
041	MARIN
043	MARIPOSA
045	MENDOCINO
047	MERCED
049	MODOC
051	MONO
053	MONTEREY
055	NAPA
057	NEVADA
059	ORANGE
061	PLACER
063	PLUMAS
065	RIVERSIDE
067	SACRAMENTO
069	SAN BENITO
071	SAN BERNARDINO
073	SAN DIEGO
075	SAN FRANCISCO
077	SAN JOAQUIN
079	SAN LUIS OBISPO
081	SAN MATEO
083	SANTA BARBARA
085	SANTA CLARA
087	SANTA CRUZ
089	SHASTA
091	SIERRA
093	SISKIYOU
095	SOLANO
097	SONOMA
099	STANISLAUS
101	SUTTER
103	TEHAMA
105	TRINITY
107	TULARE
109	TUOLUMNE
111	VENTURA
113	YOLO
115	YUBA

STATE NAME: COLORADO

STATE ABBREVIATION: CO

STATE CODE: 08

CODE	COUNTY NAME
001	ADAMS
003	ALAMOSA
005	ARAPAHOE
007	ARCHULETA
009	BACA

FIPS PUB 6-3

COLORADO—FLORIDA—ILLINOIS

011	BENT
013	BOULDER
015	CHAFFEE
017	CHEYENNE
019	CLEAR CREEK
021	CONEJOS
023	COSTILLA
025	CROWLEY
027	CUSTER
029	DELTA
031	DENVER
033	DOLORES
035	DOUGLAS
037	EAGLE
039	ELBERT
041	EL PASO
043	FREMONT
045	GARFIELD
047	GILPIN
049	GRAND
051	GUNNISON
053	HINSDALE
055	HUERFANO
057	JACKSON
059	JEFFERSON
061	KIOWA
063	KIT CARSON
065	LAKE
067	LA PLATA
069	LARIMER
071	LAS ANIMAS
073	LINCOLN
075	LOGAN
077	MESA
079	MINERAL
081	MOFFAT
083	MONTEZUMA
085	MONTROSE
087	MORGAN
089	OTERO
091	OURAY
093	PARK
095	PHILLIPS
097	PITKIN
099	PROWERS
101	PUEBLO
103	RIO BLANCO
105	RIO GRANDE
107	ROUTT
109	SAGUACHE
111	SAN JUAN
113	SAN MIGUEL
115	SEDGWICK
117	SUMMIT
119	TELLER
121	WASHINGTON
123	WELD
125	YUMA

STATE NAME: FLORIDA

STATE ABBREVIATION: FL

STATE CODE: 12

CODE	COUNTY NAME
001	ALACHUA
003	BAKER
005	BAY
007	BRADFORD
009	BREVARD
011	BROWARD
013	CALHOUN
015	CHARLOTTE
017	CITRUS
019	CLAY
021	COLLIER
023	COLUMBIA
025	DADE
027	DE SOTO
029	DIXIE
031	DUVAL
033	ESCAMBIA
035	FLAGLER
037	FRANKLIN
039	GADSDEN
041	GILCHRIST
043	GLADES
045	GULF
047	HAMILTON
049	HARDEE
051	HENDRY
053	HERNANDO
055	HIGHLANDS
057	HILLSBOROUGH
059	HOLMES
061	INDIAN RIVER
063	JACKSON
065	JEFFERSON
067	LAFAYETTE
069	LAKE
071	LEE
073	LEON
075	LEVY
077	LIBERTY
079	MADISON
081	MANATEE
083	MARION
085	MARTIN
087	MONROE
089	NASSAU
091	OKALOOSA
093	OKEECHOBEE
095	ORANGE
097	OSCEOLA
099	PALM BEACH
101	PASCO
103	PINELLAS
105	POLK
107	PUTNAM
109	ST JOHNS
111	ST LUCIE
113	SANTA ROSA
115	SARASOTA
117	SEMINOLE
119	SUMTER
121	SUWANNEE
123	TAYLOR
125	UNION
127	VOLUSIA
129	WAKULLA
131	WALTON
133	WASHINGTON

STATE NAME: ILLINOIS

STATE ABBREVIATION: IL

STATE CODE: 17

CODE	COUNTY NAME	CODE	COUNTY NAME
001	ADAMS	027	CLINTON
003	ALEXANDER	029	COLES
005	BOND		
007	BOONE	031	COOK
009	BROWN	033	CRAWFORD
		035	CUMBERLAND
011	BUREAU	037	DE KALB
013	CALHOUN	039	DE WITT
015	CARROLL		
017	CASS	041	DOUGLAS
019	CHAMPAIGN	043	DU PAGE
		045	EDGAR
021	CHRISTIAN	047	EDWARDS
023	CLARK	049	EFFINGHAM
025	CLAY		

FIPS PUB 6-3
ILLINOIS—INDIANA

051	FAYETTE
053	FORD
055	FRANKLIN
057	FULTON
059	GALLATIN
061	GREENE
063	GRUNDY
065	HAMILTON
067	HANCOCK
069	HARDIN
071	HENDERSON
073	HENRY
075	IROQUOIS
077	JACKSON
079	JASPER
081	JEFFERSON
083	JERSEY
085	JO DAVIESS
087	JOHNSON
089	KANE
091	KANKAKEE
093	KENDALL
095	KNOX
097	LAKE
099	LA SALLE
101	LAWRENCE
103	LEE
105	LIVINGSTON
107	LOGAN
109	MCDONOUGH
111	MCHENRY
113	MCLEAN
115	MACON
117	MACOUPIN
119	MADISON
121	MARION
123	MARSHALL
125	MASON
127	MASSAC
129	MENARD
131	MERCER
133	MONROE
135	MONTGOMERY
137	MORGAN
139	MOULTRIE
141	OGLE
143	PEORIA
145	PERRY
147	PIATT
149	PIKE
151	POPE
153	PULASKI
155	PUTNAM
157	RANDOLPH
159	RICHLAND
161	ROCK ISLAND
163	ST CLAIR
165	SALINE
167	SANGAMON
169	SCHUYLER
171	SCOTT
173	SHELBY
175	STARK
177	STEPHENSON
179	TAZEWELL
181	UNION
183	VERMILION
185	WABASH
187	WARREN
189	WASHINGTON
191	WAYNE
193	WHITE
195	WHITESIDE
197	WILL
199	WILLIAMSON
201	WINNEBAGO
203	WOODFORD

STATE NAME:	INDIANA
STATE ABBREVIATION:	IN
STATE CODE:	18

CODE	COUNTY NAME
001	ADAMS
003	ALLEN
005	BARTHOLOMEW
007	BENTON
009	BLACKFORD
011	BOONE
013	BROWN
015	CARROLL
017	CASS
019	CLARK
021	CLAY
023	CLINTON
025	CRAWFORD
027	DAVIESS
029	DEARBORN
031	DECATUR
033	DE KALB
035	DELAWARE
037	DUBOIS
039	ELKHART
041	FAYETTE
043	FLOYD
045	FOUNTAIN
047	FRANKLIN
049	FULTON
051	GIBSON
053	GRANT
055	GREENE
057	HAMILTON
059	HANCOCK
061	HARRISON
063	HENDRICKS
065	HENRY
067	HOWARD
069	HUNTINGTON
071	JACKSON
073	JASPER
075	JAY
077	JEFFERSON
079	JENNINGS
081	JOHNSON
083	KNOX
085	KOSCIUSKO
087	LAGRANGE
089	LAKE
091	LA PORTE
093	LAWRENCE
095	MADISON
097	MARION
099	MARSHALL
101	MARTIN
103	MIAMI
105	MONROE
107	MONTGOMERY
109	MORGAN
111	NEWTON
113	NOBLE
115	OHIO
117	ORANGE
119	OWEN
121	PARKE
123	PERRY
125	PIKE
127	PORTER
129	POSEY
131	PULASKI
133	PUTNAM
135	RANDOLPH
137	RIPLEY
139	RUSH

141	ST JOSEPH
143	SCOTT
145	SHELBY
147	SPENCER
149	STARKE
151	STEUBEN
153	SULLIVAN
155	SWITZERLAND
157	TIPPECANOE
159	TIPTON
161	UNION
163	VANDERBURGH
165	VERMILLION
167	VIGO
169	WABASH
171	WARREN
173	WARRICK
175	WASHINGTON
177	WAYNE
179	WELLS
181	WHITE
183	WHITLEY

STATE NAME: IOWA

STATE ABBREVIATION: IA

STATE CODE: 19

CODE	COUNTY NAME
001	ADAIR
003	ADAMS
005	ALLAMAKEE
007	APPANOOSE
009	AUDUBON
011	BENTON
013	BLACK HAWK
015	BOONE
017	BREMER
019	BUCHANAN
021	BUENA VISTA
023	BUTLER
025	CALHOUN
027	CARROLL
029	CASS
031	CEDAR
033	CERRO GORDO
035	CHEROKEE
037	CHICKASAW
039	CLARKE
041	CLAY
043	CLAYTON
045	CLINTON
047	CRAWFORD
049	DALLAS
051	DAVIS
053	DECATUR
055	DELAWARE
057	DES MOINES
059	DICKINSON
061	DUBUQUE
063	EMMET
065	FAYETTE
067	FLOYD
069	FRANKLIN
071	FREMONT
073	GREENE
075	GRUNDY
077	GUTHRIE
079	HAMILTON
081	HANCOCK
083	HARDIN
085	HARRISON
087	HENRY
089	HOWARD
091	HUMBOLDT
093	IDA
095	IOWA
097	JACKSON
099	JASPER
101	JEFFERSON
103	JOHNSON
105	JONES
107	KEOKUK
109	KOSSUTH
111	LEE
113	LINN
115	LOUISA
117	LUCAS
119	LYON
121	MADISON
123	MAHASKA
125	MARION
127	MARSHALL
129	MILLS
131	MITCHELL
133	MONONA
135	MONROE
137	MONTGOMERY
139	MUSCATINE
141	O BRIEN
143	OSCEOLA
145	PAGE
147	PALO ALTO
149	PLYMOUTH
151	POCAHONTAS
153	POLK
155	POTTAWATTAMIE
157	POWESHIEK
159	RINGGOLD
161	SAC
163	SCOTT
165	SHELBY
167	SIOUX
169	STORY
171	TAMA
173	TAYLOR
175	UNION
177	VAN BUREN
179	WAPELLO
181	WARREN
183	WASHINGTON
185	WAYNE
187	WEBSTER
189	WINNEBAGO
191	WINNESHIEK
193	WOODBURY
195	WORTH
197	WRIGHT

STATE NAME: KANSAS

STATE ABBREVIATION: KS

STATE CODE: 20

CODE	COUNTY NAME
001	ALLEN
003	ANDERSON
005	ATCHISON
007	BARBER
009	BARTON
011	BOURBON
013	BROWN
015	BUTLER
017	CHASE
019	CHAUTAUQUA
021	CHEROKEE
023	CHEYENNE
025	CLARK
027	CLAY
029	CLOUD

FIPS PUB 6-3
KANSAS—KENTUCKY

031	COFFEY
033	COMANCHE
035	COWLEY
037	CRAWFORD
039	DECATUR
041	DICKINSON
043	DONIPHAN
045	DOUGLAS
047	EDWARDS
049	ELK
051	ELLIS
053	ELLSWORTH
055	FINNEY
057	FORD
059	FRANKLIN
061	GEARY
063	GOVE
065	GRAHAM
067	GRANT
069	GRAY
071	GREELEY
073	GREENWOOD
075	HAMILTON
077	HARPER
079	HARVEY
081	HASKELL
083	HODGEMAN
085	JACKSON
087	JEFFERSON
089	JEWELL
091	JOHNSON
093	KEARNY
095	KINGMAN
097	KIOWA
099	LABETTE
101	LANE
103	LEAVENWORTH
105	LINCOLN
107	LINN
109	LOGAN
111	LYON
113	MCPHERSON
115	MARION
117	MARSHALL
119	MEADE
121	MIAMI
123	MITCHELL
125	MONTGOMERY
127	MORRIS
129	MORTON
131	NEMAHA
133	NEOSHO
135	NESS
137	NORTON
139	OSAGE
141	OSBORNE
143	OTTAWA
145	PAWNEE
147	PHILLIPS
149	POTTAWATOMIE
151	PRATT
153	RAWLINS
155	RENO
157	REPUBLIC
159	RICE
161	RILEY
163	ROOKS
165	RUSH
167	RUSSELL
169	SALINE
171	SCOTT
173	SEDGWICK
175	SEWARD
177	SHAWNEE
179	SHERIDAN
181	SHERMAN
183	SMITH
185	STAFFORD
187	STANTON
189	STEVENS
191	SUMNER
193	THOMAS
195	TREGO
197	WABAUNSEE
199	WALLACE
201	WASHINGTON
203	WICHITA
205	WILSON
207	WOODSON
209	WYANDOTTE

STATE NAME: KENTUCKY

STATE ABBREVIATION: KY

STATE CODE: 21

CODE	COUNTY NAME
001	ADAIR
003	ALLEN
005	ANDERSON
007	BALLARD
009	BARREN
011	BATH
013	BELL
015	BOONE
017	BOURBON
019	BOYD
021	BOYLE
023	BRACKEN
025	BREATHITT
027	BRECKINRIDGE
029	BULLITT
031	BUTLER
033	CALDWELL
035	CALLOWAY
037	CAMPBELL
039	CARLISLE
041	CARROLL
043	CARTER
045	CASEY
047	CHRISTIAN
049	CLARK
051	CLAY
053	CLINTON
055	CRITTENDEN
057	CUMBERLAND
059	DAVIESS
061	EDMONSON
063	ELLIOTT
065	ESTILL
067	FAYETTE
069	FLEMING
071	FLOYD
073	FRANKLIN
075	FULTON
077	GALLATIN
079	GARRARD
081	GRANT
083	GRAVES
085	GRAYSON
087	GREEN
089	GREENUP
091	HANCOCK
093	HARDIN
095	HARLAN
097	HARRISON
099	HART
101	HENDERSON
103	HENRY
105	HICKMAN
107	HOPKINS
109	JACKSON
111	JEFFERSON
113	JESSAMINE

FIPS PUB 6-3
KENTUCKY—LOUSIANA—MARYLAND

115	JOHNSON
117	KENTON
119	KNOTT
121	KNOX
123	LARUE
125	LAUREL
127	LAWRENCE
129	LEE
131	LESLIE
133	LETCHER
135	LEWIS
137	LINCOLN
139	LIVINGSTON
141	LOGAN
143	LYON
145	MCCRACKEN
147	MCCREARY
149	MCLEAN
151	MADISON
153	MAGOFFIN
155	MARION
157	MARSHALL
159	MARTIN
161	MASON
163	MEADE
165	MENIFEE
167	MERCER
169	METCALFE
171	MONROE
173	MONTGOMERY
175	MORGAN
177	MUHLENBERG
179	NELSON
181	NICHOLAS
183	OHIO
185	OLDHAM
187	OWEN
189	OWSLEY
191	PENDLETON
193	PERRY
195	PIKE
197	POWELL
199	PULASKI
201	ROBERTSON
203	ROCKCASTLE
205	ROWAN
207	RUSSELL
209	SCOTT
211	SHELBY
213	SIMPSON
215	SPENCER
217	TAYLOR
219	TODD
221	TRIGG
223	TRIMBLE
225	UNION
227	WARREN
229	WASHINGTON
231	WAYNE
233	WEBSTER
235	WHITLEY
237	WOLFE
239	WOODFORD

STATE NAME: LOUISIANA

STATE ABBREVIATION: LA

STATE CODE: 22

CODE	COUNTY NAME (Parish)
001	ACADIA
003	ALLEN
005	ASCENSION
007	ASSUMPTION
009	AVOYELLES
011	BEAUREGARD
013	BIENVILLE
015	BOSSIER
017	CADDO
019	CALCASIEU
021	CALDWELL
023	CAMERON
025	CATAHOULA
027	CLAIBORNE
029	CONCORDIA
031	DE SOTO
033	EAST BATON ROUGE
035[1]	EAST CARROLL
037	EAST FELICIANA
039	EVANGELINE
041	FRANKLIN
043	GRANT
045	IBERIA
047	IBERVILLE
049	JACKSON
051	JEFFERSON
053	JEFFERSON DAVIS
055	LAFAYETTE
057	LAFOURCHE
059	LA SALLE
061	LINCOLN
063	LIVINGSTON
065	MADISON
067	MOREHOUSE
069	NATCHITOCHES
071	ORLEANS
073	OUACHITA
075	PLAQUEMINES
077	POINTE COUPEE
079	RAPIDES
081	RED RIVER
083	RICHLAND
085	SABINE
087	ST BERNARD
089	ST CHARLES
091	ST HELENA
093	ST JAMES
095	ST JOHN THE BAPTIST
097	ST LANDRY
099	ST MARTIN
101	ST MARY
103	ST TAMMANY
105	TANGIPAHOA
107	TENSAS
109	TERREBONNE
111	UNION
113	VERMILION
115	VERNON
117	WASHINGTON
119	WEBSTER
121	WEST BATON ROUGE
123	WEST CARROLL
125	WEST FELICIANA
127	WINN

[1] 035 East Carroll, Revised FIPS 6-1, 1970 June 15. (Spelling correction from "East Carrol.")

STATE NAME: MARYLAND

STATE ABBREVIATION: MD

STATE CODE: 24

CODE	COUNTY NAME
001	ALLEGANY
003	ANNE ARUNDEL
005	BALTIMORE
009	CALVERT
011	CAROLINE
013	CARROLL
015	CECIL
017	CHARLES

019	DORCHESTER
021	FREDERICK
023	GARRETT
025	HARFORD
027	HOWARD
029	KENT
031	MONTGOMERY
033	PRINCE GEORGES
035	QUEEN ANNES
037	ST MARYS
039	SOMERSET
041	TALBOT
043	WASHINGTON
045	WICOMICO
047	WORCESTER

CODE	INDEPENDENT CITY
510	BALTIMORE CITY

STATE NAME: MICHIGAN

STATE ABBREVIATION: MI

STATE CODE: 26

CODE	COUNTY NAME
001	ALCONA
003	ALGER
005	ALLEGAN
007	ALPENA
009	ANTRIM
011	ARENAC
013	BARAGA
015	BARRY
017	BAY
019	BENZIE
021	BERRIEN
023	BRANCH
025	CALHOUN
027	CASS
029	CHARLEVOIX
031	CHEBOYGAN
033	CHIPPEWA
035	CLARE
037	CLINTON
039	CRAWFORD
041	DELTA
043	DICKINSON
045	EATON
047	EMMET
049	GENESEE
051	GLADWIN
053	GOGEBIC
055	GRAND TRAVERSE
057	GRATIOT
059	HILLSDALE
061	HOUGHTON
063	HURON
065	INGHAM
067	IONIA
069	IOSCO
071	IRON
073	ISABELLA
075	JACKSON
077	KALAMAZOO
079	KALKASKA
081	KENT
083	KEWEENAW
085	LAKE
087	LAPEER
089	LEELANAU
091	LENAWEE
093	LIVINGSTON
095	LUCE
097	MACKINAC
099	MACOMB
101	MANISTEE
103	MARQUETTE
105	MASON
107	MECOSTA
109	MENOMINEE
111	MIDLAND
113	MISSAUKEE
115	MONROE
117	MONTCALM
119	MONTMORENCY
121	MUSKEGON
123	NEWAYGO
125	OAKLAND
127	OCEANA
129	OGEMAW
131	ONTONAGON
133	OSCEOLA
135	OSCODA
137	OTSEGO
139	OTTAWA
141	PRESQUE ISLE
143	ROSCOMMON
145	SAGINAW
147	ST CLAIR
149	ST JOSEPH
151	SANILAC
153	SCHOOLCRAFT
155	SHIAWASSEE
157	TUSCOLA
159	VAN BUREN
161	WASHTENAW
163	WAYNE
165	WEXFORD

STATE NAME: MISSISSIPPI

STATE ABBREVIATION: MS

STATE CODE: 28

CODE	COUNTY NAME
001	ADAMS
003	ALCORN
005	AMITE
007	ATTALA
009	BENTON
011	BOLIVAR
013	CALHOUN
015	CARROLL
017	CHICKASAW
019	CHOCTAW
021	CLAIBORNE
023	CLARKE
025	CLAY
027	COAHOMA
029	COPIAH
031	COVINGTON
033	DE SOTO
035	FORREST
037	FRANKLIN
039	GEORGE
041	GREENE
043	GRENADA
045	HANCOCK
047	HARRISON
049	HINDS
051	HOLMES
053	HUMPHREYS
055	ISSAQUENA
057	ITAWAMBA
059	JACKSON
061	JASPER
063	JEFFERSON
065	JEFFERSON DAVIS
067	JONES
069	KEMPER
071	LAFAYETTE
073	LAMAR
075	LAUDERDALE

FIPS PUB 6-3
MISSISSIPPI—MISSOURI

077	LAWRENCE
079	LEAKE
081	LEE
083	LEFLORE
085	LINCOLN
087	LOWNDES
089	MADISON
091	MARION
093	MARSHALL
095	MONROE
097	MONTGOMERY
099	NESHOBA
101	NEWTON
103	NOXUBEE
105	OKTIBBEHA
107	PANOLA
109	PEARL RIVER
111	PERRY
113	PIKE
115	PONTOTOC
117	PRENTISS
119	QUITMAN
121	RANKIN
123	SCOTT
125	SHARKEY
127	SIMPSON
129	SMITH
131	STONE
133	SUNFLOWER
135	TALLAHATCHIE
137	TATE
139	TIPPAH
141	TISHOMINGO
143	TUNICA
145	UNION
147	WALTHALL
149	WARREN
151	WASHINGTON
153	WAYNE
155	WEBSTER
157	WILKINSON
159	WINSTON
161	YALOBUSHA
163	YAZOO

STATE NAME: MISSOURI

STATE ABBREVIATION: MO

STATE CODE: 29

CODE	COUNTY NAME
001	ADAIR
003	ANDREW
005	ATCHISON
007	AUDRAIN
009	BARRY
011	BARTON
013	BATES
015	BENTON
017	BOLLINGER
019	BOONE
021	BUCHANAN
023	BUTLER
025	CALDWELL
027	CALLAWAY
029	CAMDEN
031	CAPE GIRARDEAU
033	CARROLL
035	CARTER
037	CASS
039	CEDAR
041	CHARITON
043	CHRISTIAN
045	CLARK
047	CLAY
049	CLINTON
051	COLE
053	COOPER
055	CRAWFORD
057	DADE
059	DALLAS
061	DAVIESS
063	DE KALB
065	DENT
067	DOUGLAS
069	DUNKLIN
071	FRANKLIN
073	GASCONADE
075	GENTRY
077	GREENE
079	GRUNDY
081	HARRISON
083	HENRY
085	HICKORY
087	HOLT
089	HOWARD
091	HOWELL
093	IRON
095	JACKSON
097	JASPER
099	JEFFERSON
101	JOHNSON
103	KNOX
105	LACLEDE
107	LAFAYETTE
109	LAWRENCE
111	LEWIS
113	LINCOLN
115	LINN
117	LIVINGSTON
119	MCDONALD
121	MACON
123	MADISON
125	MARIES
127	MARION
129	MERCER
131	MILLER
133	MISSISSIPPI
135	MONITEAU
137	MONROE
139	MONTGOMERY
141	MORGAN
143	NEW MADRID
145	NEWTON
147	NODAWAY
149	OREGON
151	OSAGE
153	OZARK
155	PEMISCOT
157	PERRY
159	PETTIS
161	PHELPS
163	PIKE
165	PLATTE
167	POLK
169	PULASKI
171	PUTNAM
173	RALLS
175	RANDOLPH
177	RAY
179	REYNOLDS
181	RIPLEY
183	ST CHARLES
185	ST CLAIR
*186'	STE GENEVIEVE
187	ST FRANCOIS

FIPS PUB 6-3

MISSOURI—MONTANA—NEBRASKA

189	ST LOUIS
193	
195	SALINE
197	SCHUYLER
199	SCOTLAND
201	SCOTT
203	SHANNON
205	SHELBY
207	STODDARD
209	STONE
211	SULLIVAN
213	TANEY
215	TEXAS
217	VERNON
219	WARREN
221	WASHINGTON
223	WAYNE
225	WEBSTER
227	WORTH
229	WRIGHT

CODE	INDEPENDENT CITY
510	ST LOUIS CITY

193. Ste Genevieve, revised FIPS 6-3, 1979 December 15.
Code 193 changed to 186 in order to maintain consistency in alphabetization.

STATE NAME: MONTANA

STATE ABBREVIATION: MT

STATE CODE: 30

CODE	COUNTY NAME
001	BEAVERHEAD
003	BIG HORN
005	BLAINE
007	BROADWATER
009	CARBON
011	CARTER
013	CASCADE
015	CHOUTEAU
017	CUSTER
019	DANIELS
021	DAWSON
023	DEER LODGE
025	FALLON
027	FERGUS
029	FLATHEAD
031	GALLATIN
033	GARFIELD
035	GLACIER
037	GOLDEN VALLEY
039	GRANITE
041	HILL
043	JEFFERSON
045	JUDITH BASIN
047	LAKE
049	LEWIS AND CLARK
051	LIBERTY
053	LINCOLN
055	MCCONE
057	MADISON
059	MEAGHER
061	MINERAL
063	MISSOULA
065	MUSSELSHELL
067	PARK
069	PETROLEUM
071	PHILLIPS
073	PONDERA
075	POWDER RIVER
077	POWELL
079	PRAIRIE
081	RAVALLI
083	RICHLAND
085	ROOSEVELT
087	ROSEBUD
089	SANDERS
091	SHERIDAN
093	SILVER BOW
095	STILLWATER
097	SWEET GRASS
099	TETON
101	TOOLE
103	TREASURE
105	VALLEY
107	WHEATLAND
109	WIBAUX
111	YELLOWSTONE
113	YELLOWSTONE NATIONAL PARK (PART)

STATE NAME: NEBRASKA

STATE ABBREVIATION: NE

STATE CODE: 31

CODE	COUNTY NAME
001	ADAMS
003	ANTELOPE
005	ARTHUR
007	BANNER
009	BLAINE
011	BOONE
013	BOX BUTTE
015	BOYD
017	BROWN
019	BUFFALO
021	BURT
023	BUTLER
025	CASS
027	CEDAR
029	CHASE
031	CHERRY
033	CHEYENNE
035	CLAY
037	COLFAX
039	CUMING
041	CUSTER
043	DAKOTA
045	DAWES
047	DAWSON
049	DEUEL
051	DIXON
053	DODGE
055	DOUGLAS
057	DUNDY
059	FILLMORE
061	FRANKLIN
063	FRONTIER
065	FURNAS
067	GAGE
069	GARDEN
071	GARFIELD
073	GOSPER
075	GRANT
077	GREELEY
079	HALL
081	HAMILTON
083	HARLAN
085	HAYES
087	HITCHCOCK
089	HOLT

FIPS PUB 6-3

NEBRASKA—NEVADA—NEW MEXICO—NEW YORK

091	HOOKER
093	HOWARD
095	JEFFERSON
097	JOHNSON
099	KEARNEY
101	KEITH
103	KEYA PAHA
105	KIMBALL
107	KNOX
109	LANCASTER
111	LINCOLN
113	LOGAN
115	LOUP
117	MCPHERSON
119	MADISON
121	MERRICK
123	MORRILL
125	NANCE
127	NEMAHA
129	NUCKOLLS
131	OTOE
133	PAWNEE
135	PERKINS
137	PHELPS
139	PIERCE
141	PLATTE
143	POLK
145	RED WILLOW
147	RICHARDSON
149	ROCK
151	SALINE
153	SARPY
155	SAUNDERS
157	SCOTTS BLUFF
159	SEWARD
161	SHERIDAN
163	SHERMAN
165	SIOUX
167	STANTON
169	THAYER
171	THOMAS
173	THURSTON
175	VALLEY
177	WASHINGTON
179	WAYNE
181	WEBSTER
183	WHEELER
185	YORK

STATE NAME: NEVADA

STATE ABBREVIATION: NV

STATE CODE: 32

CODE	COUNTY NAME
001	CHURCHILL
003	CLARK
005	DOUGLAS
007	ELKO
009	ESMERALDA
011	EUREKA
013	HUMBOLDT
015	LANDER
017	LINCOLN
019	LYON
021	MINERAL
023	NYE
025[1]	
027	PERSHING
029	STOREY
031	WASHOE
033	WHITE PINE

CODE	INDEPENDENT CITY
510[1]	CARSON CITY

025 Ormsby, and 510 Carson City, Revised FIPS 6-1, 1970 June 15.

Code 025 was previously assigned to Ormsby County which has been incorporated as the independent city of Carson City.

STATE NAME: NEW MEXICO

STATE ABBREVIATION: NM

STATE CODE: 35

CODE	COUNTY NAME
001	BERNALILLO
003	CATRON
005	CHAVES
007	COLFAX
009	CURRY
011	DE BACA
013	DONA ANA
015	EDDY
017	GRANT
019	GUADALUPE
021	HARDING
023	HIDALGO
025	LEA
027	LINCOLN
028	LOS ALAMOS
029	LUNA
031	MCKINLEY
033	MORA
035	OTERO
037	QUAY
039	RIO ARRIBA
041	ROOSEVELT
043	SANDOVAL
045	SAN JUAN
047	SAN MIGUEL
049	SANTA FE
051	SIERRA
053	SOCORRO
055	TAOS
057	TORRANCE
059	UNION
061	VALENCIA

STATE NAME: NEW YORK

STATE ABBREVIATION: NY

STATE CODE: 36

CODE	COUNTY NAME
001	ALBANY
003	ALLEGANY
005	BRONX
007	BROOME
009	CATTARAUGUS
011	CAYUGA
013	CHAUTAUQUA
015	CHEMUNG
017	CHENANGO
019	CLINTON
021	COLUMBIA
023	CORTLAND
025	DELAWARE
027	DUTCHESS
029	ERIE
031	ESSEX
033	FRANKLIN
035	FULTON
037	GENESEE
039	GREENE
041	HAMILTON
043	HERKIMER
045	JEFFERSON
047	KINGS
049	LEWIS

FIPS PUB 6-3

NEW YORK—NORTH CAROLINA

051	LIVINGSTON
053	MADISON
055	MONROE
057	MONTGOMERY
059	NASSAU
061	NEW YORK
063	NIAGARA
065	ONEIDA
067	ONONDAGA
069	ONTARIO
071	ORANGE
073	ORLEANS
075	OSWEGO
077	OTSEGO
079	PUTNAM
081	QUEENS
083	RENSSELAER
085	RICHMOND
087	ROCKLAND
089	ST LAWRENCE
091	SARATOGA
093	SCHENECTADY
095	SCHOHARIE
097	SCHUYLER
099	SENECA
101	STEUBEN
103	SUFFOLK
105	SULLIVAN
107	TIOGA
109	TOMPKINS
111	ULSTER
113	WARREN
115	WASHINGTON
117	WAYNE
119	WESTCHESTER
121	WYOMING
123	YATES

STATE NAME: NORTH CAROLINA

STATE ABBREVIATION: NC

STATE CODE: 37

CODE	COUNTY NAME
001	ALAMANCE
003	ALEXANDER
005	ALLEGHANY
007	ANSON
009	ASHE
011	AVERY
013	BEAUFORT
015	BERTIE
017	BLADEN
019	BRUNSWICK
021	BUNCOMBE
023	BURKE
025	CABARRUS
027	CALDWELL
029	CAMDEN
031	CARTERET
033	CASWELL
035	CATAWBA
037	CHATHAM
039	CHEROKEE
041	CHOWAN
043	CLAY
045	CLEVELAND
047	COLUMBUS
049	CRAVEN
051	CUMBERLAND
053	CURRITUCK
055	DARE
057	DAVIDSON
059	DAVIE
061	DUPLIN
063	DURHAM
065	EDGECOMBE
067	FORSYTH
069	FRANKLIN
071	GASTON
073	GATES
075	GRAHAM
077	GRANVILLE
079	GREENE
081	GUILFORD
083	HALIFAX
085	HARNETT
087	HAYWOOD
089	HENDERSON
091	HERTFORD
093	HOKE
095	HYDE
097	IREDELL
099	JACKSON
101	JOHNSTON
103	JONES
105	LEE
107	LENOIR
109	LINCOLN
111	MCDOWELL
113	MACON
115	MADISON
117	MARTIN
119	MECKLENBURG
121	MITCHELL
123	MONTGOMERY
125	MOORE
127	NASH
129	NEW HANOVER
131	NORTHAMPTON
133	ONSLOW
135	ORANGE
137	PAMLICO
139	PASQUOTANK
141	PENDER
143	PERQUIMANS
145	PERSON
147	PITT
149	POLK
151	RANDOLPH
153	RICHMOND
155	ROBESON
157	ROCKINGHAM
159	ROWAN
161	RUTHERFORD
163	SAMPSON
165	SCOTLAND
167	STANLY
169	STOKES
171	SURRY
173	SWAIN
175	TRANSYLVANIA
177	TYRRELL
179	UNION
181	VANCE
183	WAKE
185	WARREN
187	WASHINGTON
189	WATAUGA
191	WAYNE
193	WILKES
195	WILSON
197	YADKIN
199	YANCEY

FIPS PUB 6-3
NORTH DAKOTA—OHIO

STATE NAME: NORTH DAKOTA

STATE ABBREVIATION: ND

STATE CODE: 38

CODE	COUNTY NAME
001	ADAMS
003	BARNES
005	BENSON
007	BILLINGS
009	BOTTINEAU
011	BOWMAN
013	BURKE
015	BURLEIGH
017	CASS
019	CAVALIER
021	DICKEY
023	DIVIDE
025	DUNN
027	EDDY
029	EMMONS
031	FOSTER
033	GOLDEN VALLEY
035	GRAND FORKS
037	GRANT
039	GRIGGS
041	HETTINGER
043	KIDDER
045	LA MOURE
047	LOGAN
049	MCHENRY
051	MCINTOSH
053	MCKENZIE
055	MCLEAN
057	MERCER
059	MORTON
061	MOUNTRIAL
063	NELSON
065	OLIVER
067	PEMBINA
069	PIERCE
071	RAMSEY
073	RANSOM
075	RENVILLE
077	RICHLAND
079	ROLETTE
081	SARGENT
083	SHERIDAN
085	SIOUX
087	SLOPE
089	STARK
091	STEELE
093	STUTSMAN
095	TOWNER
097	TRAILL
099	WALSH
101	WARD
103	WELLS
105	WILLIAMS

STATE NAME: OHIO

STATE ABBREVIATION: OH

STATE CODE: 39

CODE	COUNTY NAME
001	ADAMS
003	ALLEN
005	ASHLAND
007	ASHTABULA
009	ATHENS
011	AUGLAIZE
013	BELMONT
015	BROWN
017	BUTLER
019	CARROLL
021	CHAMPAIGN
023	CLARK
025	CLERMONT
027	CLINTON
029	COLUMBIANA
031	COSHOCTON
033	CRAWFORD
035	CUYAHOGA
037	DARKE
039	DEFIANCE
041	DELAWARE
043	ERIE
045	FAIRFIELD
047	FAYETTE
049	FRANKLIN
051	FULTON
053	GALLIA
055	GEAUGA
057	GREENE
059	GUERNSEY
061	HAMILTON
063	HANCOCK
065	HARDIN
067	HARRISON
069	HENRY
071	HIGHLAND
073	HOCKING
075	HOLMES
077	HURON
079	JACKSON
081	JEFFERSON
083	KNOX
085	LAKE
087	LAWRENCE
089	LICKING
091	LOGAN
093	LORAIN
095	LUCAS
097	MADISON
099	MAHONING
101	MARION
103	MEDINA
105	MEIGS
107	MERCER
109	MIAMI
111	MONROE
113	MONTGOMERY
115	MORGAN
117	MORROW
119	MUSKINGUM
121	NOBLE
123	OTTAWA
125	PAULDING
127	PERRY
129	PICKAWAY
131	PIKE
133	PORTAGE
135	PREBLE
137	PUTNAM
139	RICHLAND
141	ROSS
143	SANDUSKY
145	SCIOTO
147	SENECA
149	SHELBY
151	STARK
153	SUMMIT
155	TRUMBULL
157	TUSCARAWAS
159	UNION
161	VAN WERT
163	VINTON
165	WARREN
167	WASHINGTON
169	WAYNE
171	WILLIAMS
173	WOOD
175	WYANDOT

STATE NAME: OKLAHOMA

STATE ABBREVIATION: OK

STATE CODE: 40

CODE	COUNTY NAME
001	ADAIR
003	ALFALFA
005	ATOKA
007	BEAVER
009	BECKHAM
011	BLAINE
013	BRYAN
015	CADDO
017	CANADIAN
019	CARTER
021	CHEROKEE
023	CHOCTAW
025	CIMARRON
027	CLEVELAND
029	COAL
031	COMANCHE
033	COTTON
035	CRAIG
037	CREEK
039	CUSTER
041	DELAWARE
043	DEWEY
045	ELLIS
047	GARFIELD
049	GARVIN
051	GRADY
053	GRANT
055	GREER
057	HARMON
059	HARPER
061	HASKELL
063	HUGHES
065	JACKSON
067	JEFFERSON
069	JOHNSTON
071	KAY
073	KINGFISHER
075	KIOWA
077	LATIMER
079	LE FLORE
081	LINCOLN
083	LOGAN
085	LOVE
087	MCCLAIN
089	MCCURTAIN
091	MCINTOSH
093	MAJOR
095	MARSHALL
097	MAYES
099	MURRAY
101	MUSKOGEE
103	NOBLE
105	NOWATA
107	OKFUSKEE
109	OKLAHOMA
111	OKMULGEE
113	OSAGE
115	OTTAWA
117	PAWNEE
119	PAYNE
121	PITTSBURG
123	PONTOTOC
125	POTTAWATOMIE
127	PUSHMATAHA
129	ROGER MILLS
131	ROGERS
133	SEMINOLE
135	SEQUOYAH
137	STEPHENS
139	TEXAS
141	TILLMAN
143	TULSA
145	WAGONER
147	WASHINGTON
149	WASHITA
151	WOODS
153	WOODWARD

STATE NAME: PENNSYLVANIA

STATE ABBREVIATION: PA

STATE CODE: 42

CODE	COUNTY NAME
001	ADAMS
003	ALLEGHENY
005	ARMSTRONG
007	BEAVER
009	BEDFORD
011	BERKS
013	BLAIR
015	BRADFORD
017	BUCKS
019	BUTLER
021	CAMBRIA
023	CAMERON
025	CARBON
027	CENTRE
029	CHESTER
031	CLARION
033	CLEARFIELD
035	CLINTON
037	COLUMBIA
039	CRAWFORD
041	CUMBERLAND
043	DAUPHIN
045	DELAWARE
047	ELK
049	ERIE
051	FAYETTE
053	FOREST
055	FRANKLIN
057	FULTON
059	GREENE
061	HUNTINGDON
063	INDIANA
065	JEFFERSON
067	JUNIATA
069	LACKAWANNA
071	LANCASTER
073	LAWRENCE
075	LEBANON
077	LEHIGH
079	LUZERNE

081	LYCOMING
083	MCKEAN
085	MERCER
087	MIFFLIN
089	MONROE
091	MONTGOMERY
093	MONTOUR
095	NORTHAMPTON
097	NORTHUMBERLAND
099	PERRY
101	PHILADELPHIA
103	PIKE
105	POTTER
107	SCHUYLKILL
109	SNYDER
111	SOMERSET
113	SULLIVAN
115	SUSQUEHANNA
117	TIOGA
119	UNION
121	VENANGO
123	WARREN
125	WASHINGTON
127	WAYNE
129	WESTMORELAND
131	WYOMING
133	YORK

STATE NAME: SOUTH DAKOTA

STATE ABBREVIATION: SD

STATE CODE: 46

CODE	COUNTY NAME
003	AURORA
005	BEADLE
007	BENNETT
009	BON HOMME
011	BROOKINGS
013	BROWN
015	BRULE
017	BUFFALO
019	BUTTE
021	CAMPBELL
023	CHARLES MIX
025	CLARK
027	CLAY
029	CODINGTON
031	CORSON
033	CUSTER
035	DAVISON
037	DAY
039	DEUEL
041	DEWEY
043	DOUGLAS
045	EDMUNDS
047	FALL RIVER
049	FAULK
051	GRANT
053	GREGORY
055	HAAKON
057	HAMLIN
059	HAND
061	HANSON
063	HARDING
065	HUGHES
067	HUTCHINSON
069	HYDE
*071'	JACKSON
073	JERAULD
075	JONES
077	KINGSBURY
079	LAKE
081	LAWRENCE
083	LINCOLN
085	LYMAN
087	MCCOOK
089	MCPHERSON
091	MARSHALL
093	MEADE
095	MELLETTE
097	MINER
099	MINNEHAHA
101	MOODY
103	PENNINGTON
105	PERKINS
107	POTTER
109	ROBERTS
111	SANBORN
113	SHANNON
115	SPINK
117	STANLEY
119	SULLY
121	TODD
123	TRIPP
125	TURNER
127	UNION
129	WALWORTH
*131'	
135	YANKTON
137	ZIEBACH

131. Washabaugh, revised FIPS 6-3, 1979 December 18.
Washabaugh County merged with Jackson County (Code 071).

STATE NAME: TENNESSEE

STATE ABBREVIATION: TN

STATE CODE: 47

CODE	COUNTY NAME
001	ANDERSON
003	BEDFORD
005	BENTON
007	BLEDSOE
009	BLOUNT
011	BRADLEY
013	CAMPBELL
015	CANNON
017	CARROLL
019	CARTER
021	CHEATHAM
023	CHESTER
025	CLAIBORNE
027	CLAY
029	COCKE
031	COFFEE
033	CROCKETT
035	CUMBERLAND
037	DAVIDSON
039	DECATUR
041	DE KALB
043	DICKSON
045	DYER
047	FAYETTE
049	FENTRESS
051	FRANKLIN
053	GIBSON
055	GILES
057	GRAINGER
059	GREENE
061	GRUNDY
063	HAMBLEN
065	HAMILTON
067	HANCOCK
069	HARDEMAN

FIPS PUB 6-3
TENNESSEE—TEXAS

071	HARDIN
073	HAWKINS
075	HAYWOOD
077	HENDERSON
079	HENRY
081	HICKMAN
083	HOUSTON
085	HUMPHREYS
087	JACKSON
089	JEFFERSON
091	JOHNSON
093	KNOX
095	LAKE
097	LAUDERDALE
099	LAWRENCE
101	LEWIS
103	LINCOLN
105	LOUDON
107	MCMINN
109	MCNAIRY
111	MACON
113	MADISON
115	MARION
117	MARSHALL
119	MAURY
121	MEIGS
123	MONROE
125	MONTGOMERY
127	MOORE
129	MORGAN
131	OBION
133	OVERTON
135	PERRY
137	PICKETT
139	POLK
141	PUTNAM
143	RHEA
145	ROANE
147	ROBERTSON
149	RUTHERFORD
151	SCOTT
153	SEQUATCHIE
155	SEVIER
157	SHELBY
159	SMITH
161	STEWART
163	SULLIVAN
165	SUMNER
167	TIPTON
169	TROUSDALE
171	UNICOI
173	UNION
175	VAN BUREN
177	WARREN
179	WASHINGTON
181	WAYNE
183	WEAKLEY
185	WHITE
187	WILLIAMSON
189	WILSON

STATE NAME: TEXAS

STATE ABBREVIATION: TX

STATE CODE: 48

CODE	COUNTY NAME
001	ANDERSON
003	ANDREWS
005	ANGELINA
007	ARANSAS
009	ARCHER
011	ARMSTRONG
013	ATASCOSA
015	AUSTIN
017	BAILEY
019	BANDERA
021	BASTROP
023	BAYLOR
025	BEE
027	BELL
029	BEXAR
031	BLANCO
033	BORDEN
035	BOSQUE
037	BOWIE
039	BRAZORIA
041	BRAZOS
043	BREWSTER
045	BRISCOE
047	BROOKS
049	BROWN
051	BURLESON
053	BURNET
055	CALDWELL
057	CALHOUN
059	CALLAHAN
061	CAMERON
063	CAMP
065	CARSON
067	CASS
069	CASTRO
071	CHAMBERS
073	CHEROKEE
075	CHILDRESS
077	CLAY
079	COCHRAN
081	COKE
083	COLEMAN
085	COLLIN
087	COLLINGSWORTH
089	COLORADO
091	COMAL
093	COMANCHE
095	CONCHO
097	COOKE
099	CORYELL
101	COTTLE
103	CRANE
105	CROCKETT
107	CROSBY
109	CULBERSON
111	DALLAM
113	DALLAS
115	DAWSON
117	DEAF SMITH
119	DELTA
121	DENTON
123	DE WITT
125	DICKENS
127	DIMMIT
129	DONLEY
131	DUVAL
133	EASTLAND
135	ECTOR
137	EDWARDS
139	ELLIS
141	EL PASO
143	ERATH
145	FALLS
147	FANNIN
149	FAYETTE
151	FISHER
153	FLOYD
155	FOARD
157	FORT BEND
159	FRANKLIN
161	FREESTONE
163	FRIO
165	GAINES
167	GALVESTON
169	GARZA

FIPS PUB 6-3
TEXAS

171	GILLESPIE
173	GLASSCOCK
175	GOLIAD
177	GONZALES
179	GRAY
181	GRAYSON
183	GREGG
185	GRIMES
187	GUADALUPE
189	HALE
191	HALL
193	HAMILTON
195	HANSFORD
197	HARDEMAN
199	HARDIN
201	HARRIS
203	HARRISON
205	HARTLEY
207	HASKELL
209	HAYS
211	HEMPHILL
213	HENDERSON
215	HIDALGO
217	HILL
219	HOCKLEY
221	HOOD
223	HOPKINS
225	HOUSTON
227	HOWARD
229	HUDSPETH
231	HUNT
233	HUTCHINSON
235	IRION
237	JACK
239	JACKSON
241	JASPER
243	JEFF DAVIS
245	JEFFERSON
247	JIM HOGG
249	JIM WELLS
251	JOHNSON
253	JONES
255	KARNES
257	KAUFMAN
259	KENDALL
261	KENEDY
263	KENT
265	KERR
267	KIMBLE
269	KING
271	KINNEY
273	KLEBERG
275	KNOX
277	LAMAR
279	LAMB
281	LAMPASAS
283	LA SALLE
285	LAVACA
287	LEE
289	LEON
291	LIBERTY
293	LIMESTONE
295	LIPSCOMB
297	LIVE OAK
299	LLANO
301	LOVING
303	LUBBOCK
305	LYNN
307	MCCULLOCH
309	MCLENNAN
311	MCMULLEN
313	MADISON
315	MARION
317	MARTIN
319	MASON
321	MATAGORDA
323	MAVERICK
325	MEDINA
327	MENARD
329	MIDLAND
331	MILAM
333	MILLS
335	MITCHELL
337	MONTAGUE
339	MONTGOMERY
341	MOORE
343	MORRIS
345	MOTLEY
347	NACOGDOCHES
349	NAVARRO
351	NEWTON
353	NOLAN
355	NUECES
357	OCHILTREE
359	OLDHAM
361	ORANGE
363	PALO PINTO
365	PANOLA
367	PARKER
369	PARMER
371	PECOS
373	POLK
375	POTTER
377	PRESIDIO
379	RAINS
381	RANDALL
383	REAGAN
385	REAL
387	RED RIVER
389	REEVES
391	REFUGIO
393	ROBERTS
395	ROBERTSON
397	ROCKWALL
399	RUNNELS
401	RUSK
403	SABINE
405	SAN AUGUSTINE
407	SAN JACINTO
409	SAN PATRICIO
411	SAN SABA
413	SCHLEICHER
415	SCURRY
417	SHACKELFORD
419	SHELBY
421	SHERMAN
423	SMITH
425	SOMERVELL
427	STARR
429	STEPHENS
431	STERLING
433	STONEWALL
435	SUTTON
437	SWISHER
439	TARRANT
441	TAYLOR
443	TERRELL
445	TERRY
447	THROCKMORTON
449	TITUS
451	TOM GREEN
453	TRAVIS
455	TRINITY
457	TYLER
459	UPSHUR
461	UPTON
463	UVALDE
465	VAL VERDE
467	VAN ZANDT
469	VICTORIA

FIPS PUB 6-3
TEXAS—UTAH—VERMONT—VIRGINIA

471	WALKER
473	WALLER
475	WARD
477	WASHINGTON
479	WEBB
481	WHARTON
483	WHEELER
485	WICHITA
487	WILBARGER
489	WILLACY
491	WILLIAMSON
493	WILSON
495	WINKLER
497	WISE
499	WOOD
501	YOAKUM
503	YOUNG
505	ZAPATA
507	ZAVALA

STATE NAME: UTAH

STATE ABBREVIATION: UT

STATE CODE: 49

CODE	COUNTY NAME
001	BEAVER
003	BOX ELDER
005	CACHE
007	CARBON
009	DAGGETT
011	DAVIS
013	DUCHESNE
015	EMERY
017	GARFIELD
019	GRAND
021	IRON
023	JUAB
025	KANE
027	MILLARD
029	MORGAN
031	PIUTE
033	RICH
035	SALT LAKE
037	SAN JUAN
039	SANPETE
041	SEVIER
043	SUMMIT
045	TOOELE
047	UINTAH
049	UTAH
051	WASATCH
053	WASHINGTON
055	WAYNE
057	WEBER

STATE NAME: VERMONT

STATE ABBREVIATION: VT

STATE CODE: 50

CODE	COUNTY NAME
001	ADDISON
003	BENNINGTON
005	CALEDONIA
007	CHITTENDEN
009	ESSEX
011	FRANKLIN
013	GRAND ISLE
015	LAMOILLE
017	ORANGE
019	ORLEANS
021	RUTLAND
023	WASHINGTON
025	WINDHAM
027	WINDSOR

STATE NAME: VIRGINIA

STATE ABBREVIATION: VA

STATE CODE: 51

CODE	COUNTY NAME
001	ACCOMACK
003	ALBEMARLE
005	ALLEGHANY
007	AMELIA
009	AMHERST
011	APPOMATTOX
013	ARLINGTON
015	AUGUSTA
017	BATH
019	BEDFORD
021	BLAND
023	BOTETOURT
025	BRUNSWICK
027	BUCHANAN
029	BUCKINGHAM
031	CAMPBELL
033	CAROLINE
035	CARROLL
037	CHARLES CITY
039	CHARLOTTE
041	CHESTERFIELD
043	CLARKE
045	CRAIG
047	CULPEPER
049	CUMBERLAND
051	DICKENSON
053	DINWIDDIE
057	ESSEX
059	FAIRFAX
061	FAUQUIER
063	FLOYD
065	FLUVANNA
067	FRANKLIN
069	FREDERICK
071	GILES
073	GLOUCESTER
075	GOOCHLAND
077	GRAYSON
079	GREENE
081	GREENSVILLE
083	HALIFAX
085	HANOVER
087	HENRICO
089	HENRY
091	HIGHLAND
093	ISLE OF WIGHT
095	JAMES CITY
097	KING AND QUEEN
099	KING GEORGE
101	KING WILLIAM
103	LANCASTER
105	LEE
107	LOUDOUN
109	LOUISA
111	LUNENBURG
113	MADISON
115	MATHEWS
117	MECKLENBURG
119	MIDDLESEX
121	MONTGOMERY
123	
125	NELSON
127	NEW KENT
131	NORTHAMPTON
133	NORTHUMBERLAND

135	NOTTOWAY
137	ORANGE
139	PAGE
141	PATRICK
143	PITTSYLVANIA
145	POWHATAN
147	PRINCE EDWARD
149	PRINCE GEORGE
153	PRINCE WILLIAM
155	PULASKI
157	RAPPAHANNOCK
159	RICHMOND
161	ROANOKE
163	ROCKBRIDGE
165	ROCKINGHAM
167	RUSSELL
169	SCOTT
171	SHENANDOAH
173	SMYTH
175	SOUTHAMPTON
177	SPOTSYLVANIA
179	STAFFORD
181	SURRY
183	SUSSEX
185	TAZEWELL
187	WARREN
191	WASHINGTON
193	WESTMORELAND
195	WISE
197	WYTHE
199	YORK

CODE	INDEPENDENT CITIES
510	ALEXANDRIA
515[1]	BEDFORD
520	BRISTOL
530	BUENA VISTA
540	CHARLOTTESVILLE
550	CHESAPEAKE
560	CLIFTON FORGE
570	COLONIAL HEIGHTS
580	COVINGTON
590	DANVILLE
595	EMPORIA
600	FAIRFAX
610	FALLS CHURCH
620	FRANKLIN
630	FREDERICKSBURG
640	GALAX
650	HAMPTON
660	HARRISONBURG
670	HOPEWELL
678	LEXINGTON
680	LYNCHBURG
*683	MANASSAS
*685	MANASSAS PARK
690	MARTINSVILLE
*695[2]	
700	NEWPORT NEWS
710	NORFOLK
720	NORTON
730	PETERSBURG
*735	POQUOSON
740	PORTSMOUTH
750	RADFORD
760	RICHMOND
770	ROANOKE
775	SALEM
780	SOUTH BOSTON
790	STAUNTON
*800[3]	SUFFOLK
810	VIRGINIA BEACH
820	WAYNESBORO
830	WILLIAMSBURG
840	WINCHESTER

[1] 515 Bedford, Independent City, Revised FIPS 6-1, 1970 June 15.
Bedford, formerly part of Bedford County, has been incorporated as an independent city.

683 Manassas, added FIPS 6-3, 1979 December 15. Manassas has been incorporated as an independent city.

685 Manassas Park, added FIPS 6-3, 1979 December 15. Manassas Park has been incorporated as an independent city.

[2] 695 Nansemond, independent city, Revised FIPS 6-2, 1973 December 15. Formerly Nansemond County (Code 123).

695 Nansemond, independent city, Revised FIPS 6-3, 1979 December 15. Nansemond now part of the independent city of Suffolk (Code 800).

[3] 735 Poquoson, added FIPS 6-3, 1979 December 15. Poquoson has been incorporated as an independent city.

STATE NAME: WASHINGTON

STATE ABBREVIATION: WA

STATE CODE: 53

CODE	COUNTY NAME
001	ADAMS
003	ASOTIN
005	BENTON
007	CHELAN
009	CLALLAM
011	CLARK
013	COLUMBIA
015	COWLITZ
017	DOUGLAS
019	FERRY
021	FRANKLIN
023	GARFIELD
025	GRANT
027	GRAYS HARBOR
029	ISLAND
031	JEFFERSON
033	KING
035	KITSAP
037	KITTITAS
039	KLICKITAT
041	LEWIS
043	LINCOLN
045	MASON
047	OKANOGAN
049	PACIFIC
051	PEND OREILLE
053	PIERCE
055	SAN JUAN
057	SKAGIT
059	SKAMANIA
061	SNOHOMISH
063	SPOKANE
065	STEVENS
067	THURSTON
069	WAHKIAKUM
071	WALLA WALLA
073	WHATCOM
075	WHITMAN
077	YAKIMA

STATE NAME: WEST VIRGINIA

STATE ABBREVIATION: WV

STATE CODE: 54

CODE	COUNTY NAME
001	BARBOUR
003	BERKELEY
005	BOONE
007	BRAXTON
009	BROOKE
011	CABELL
013	CALHOUN
015	CLAY
017	DODDRIDGE
019	FAYETTE
021	GILMER
023	GRANT
025	GREENBRIER
027	HAMPSHIRE
029	HANCOCK

FIPS PUB 6-3
WEST VIRGINIA—WISCONSIN—WYOMING

031	HARDY
033	HARRISON
035	JACKSON
037	JEFFERSON
039	KANAWHA
041	LEWIS
043	LINCOLN
045	LOGAN
047	MCDOWELL
049	MARION
051	MARSHALL
053	MASON
055	MERCER
057	MINERAL
059	MINGO
061	MONONGALIA
063	MONROE
065	MORGAN
067	NICHOLAS
069	OHIO
071	PENDLETON
073	PLEASANTS
075	POCAHONTAS
077	PRESTON
079	PUTNAM
081	RALEIGH
083	RANDOLPH
085	RITCHIE
087	ROANE
089	SUMMERS
091	TAYLOR
093	TUCKER
095	TYLER
097	UPSHUR
099	WAYNE
101	WEBSTER
103	WETZEL
105	WIRT
107	WOOD
109	WYOMING

STATE NAME: WISCONSIN

STATE ABBREVIATION: WI

STATE CODE: 55

CODE	COUNTY NAME
001	ADAMS
003	ASHLAND
005	BARRON
007	BAYFIELD
009	BROWN
011	BUFFALO
013	BURNETT
015	CALUMET
017	CHIPPEWA
019	CLARK
021	COLUMBIA
023	CRAWFORD
025	DANE
027	DODGE
029	DOOR
031	DOUGLAS
033	DUNN
035	EAU CLAIRE
037	FLORENCE
039	FOND DU LAC
041	FOREST
043	GRANT
045	GREEN
047	GREEN LAKE
049	IOWA
051	IRON
053	JACKSON
055	JEFFERSON
057	JUNEAU
059	KENOSHA
061	KEWAUNEE
063	LA CROSSE
065	LAFAYETTE
067	LANGLADE
069	LINCOLN
071	MANITOWOC
073	MARATHON
075	MARINETTE
077	MARQUETTE
078	MENOMINEE
079	MILWAUKEE
081	MONROE
083	OCONTO
085	ONEIDA
087	OUTAGAMIE
089	OZAUKEE
091	PEPIN
093	PIERCE
095	POLK
097	PORTAGE
099	PRICE
101	RACINE
103	RICHLAND
105	ROCK
107	RUSK
109	ST CROIX
111	SAUK
113	SAWYER
115	SHAWANO
117	SHEBOYGAN
119	TAYLOR
121	TREMPEALEAU
123	VERNON
125	VILAS
127	WALWORTH
129	WASHBURN
131	WASHINGTON
133	WAUKESHA
135	WAUPACA
137	WAUSHARA
139	WINNEBAGO
141	WOOD

STATE NAME: WYOMING

STATE ABBREVIATION: WY

STATE CODE: 56

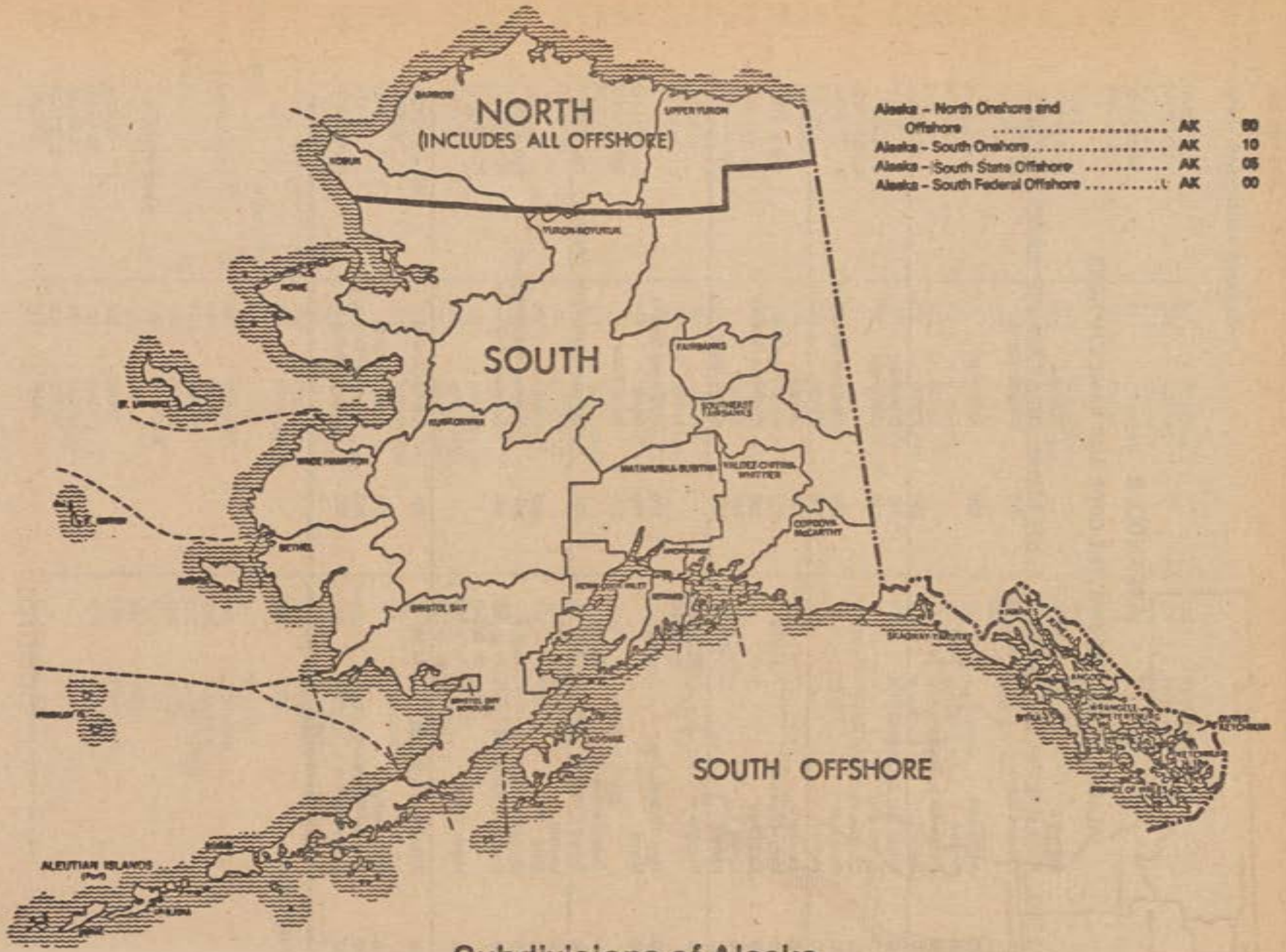
CODE	COUNTY NAME
001	ALBANY
003	BIG HORN
005	CAMPBELL
007	CARBON
009	CONVERSE
011	CROOK
013	FREMONT
015	GOSHEN
017	HOT SPRINGS
019	JOHNSON
021	LARAMIE
023	LINCOLN
025	NATRONA
027	NIOBRARA
029	PARK
031	PLATTE
033	SHERIDAN
035	SUBLETTE
037	SWEETWATER
039	TETON
041	UINTA
043	WASHAKIE
045	WESTON

APPENDIX B

ALASKA COUNTY EQUIVALENT CODE AND NAME CHANGES

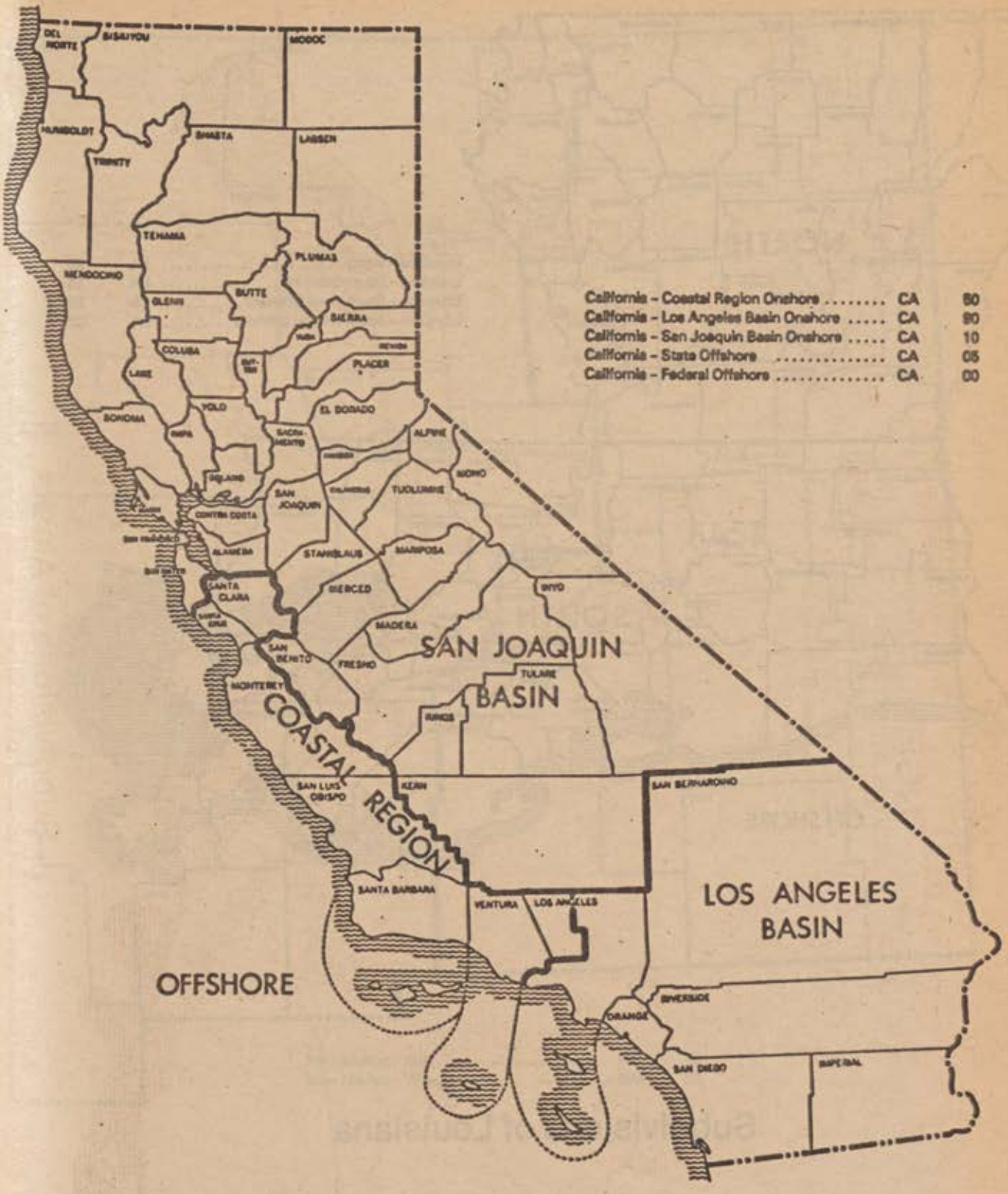
FIPS 6-2 Code	FIPS 6-2 Name of Division	Change to 6-3	FIPS 6-3 Code	FIPS 6-3 Name of Borough/Census Area	Change from 6-2
010	Aleutian Islands	*Pt. to 070 Pt. to 010	010	Aleutian Islands	Pt. 010
020	Anchorage		020	Anchorage	
030	Angoon	To 231			
040	Barrow-North Slope	To 185			
050	Bethel		050	Bethel	+ Pt. 160
060	Bristol Bay Borough		060	Bristol Bay	
070	Bristol Bay		070	Dillingham	+ Pt. 010
080	Cordova-McCarthy	To 261			
090	Fairbanks		090	Fairbanks North Star	
100	Haines		100	Haines	
110	Juneau		110	Juneau	
120	Kenai-Cook Inlet	To 122	122	Kenai Peninsula	120 + 210
130	Ketchikan		130	Ketchikan Gateway	
140	Kobuk		140	Kobuk	
150	Kodiak		150	Kodiak Island	
160	Kuskokwim	Pt. to 050 Pt. to 290			
170	Matanuska-Susitna		170	Matanuska-Susitna	
180	Nome		180	Nome	
			185	North Slope	040
190	Outer Ketchikan	To 201			
200	Prince of Wales	To 201	201	Prince of Wales-Outer Ketchikan	190 + 200
210	Seward	To 122			
220	Sitka		220	Sitka	
230	Skagway-Yakutat	To 231	231	Skagway-Yakutat-Angoon	030 + 230
240	Southeast Fairbanks	Pt. to 261 Pt. to 240	240	Southeast Fairbanks	Pt. 240 + Pt. 250
250	Upper Yukon	Pt. to 240 Pt. to 290			
260	Valdez-Chitina-Whittier	To 261	261	Valdez-Cordova	080 + Pt. 240 + 260
270	Wade Hampton		270	Wade Hampton	
280	Wrangell-Petersburg		280	Wrangell-Petersburg	
290	Yukon-Koyukuk		290	Yukon-Koyukuk	Pt. 160 + Pt. 250

*Pt. indicates part of.

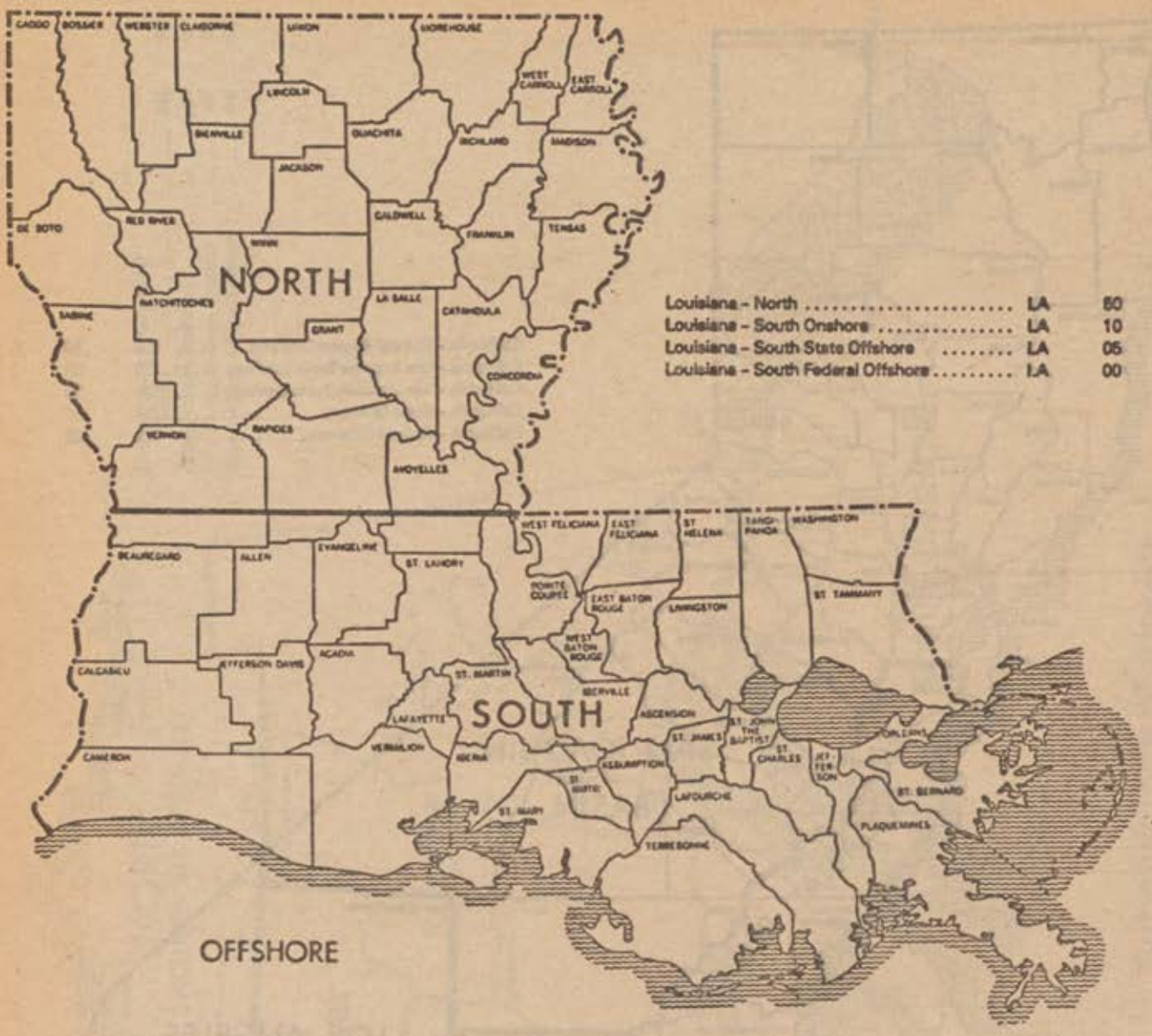


Alaska – North Onshore and Offshore	AK	80
Alaska – South Onshore	AK	10
Alaska – South State Offshore	AK	05
Alaska – South Federal Offshore	AK	06

Subdivisions of Alaska

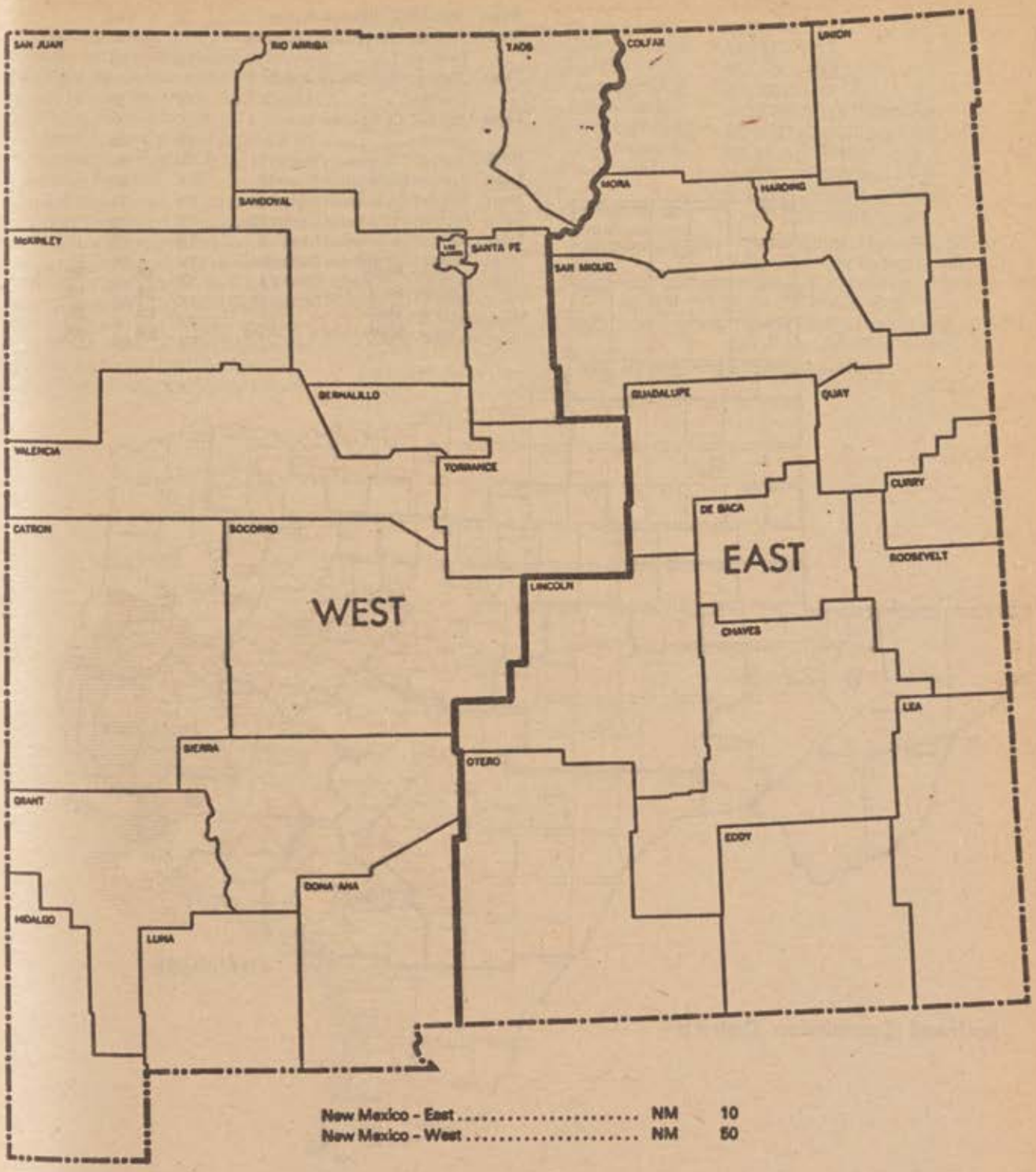


Subdivisions of California



Louisiana - North	LA	50
Louisiana - South Onshore	LA	10
Louisiana - South State Offshore	LA	05
Louisiana - South Federal Offshore	LA	00

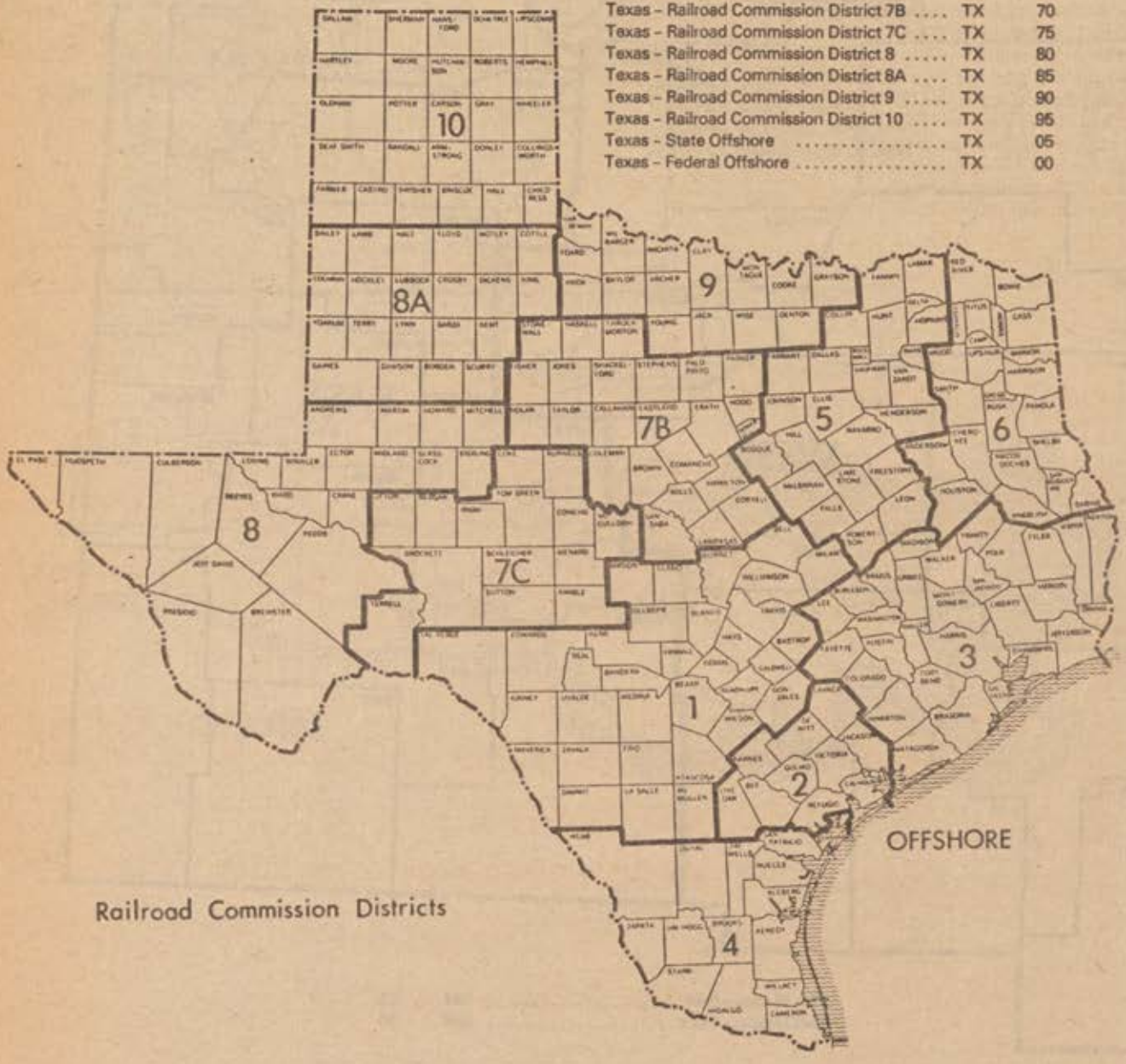
Subdivisions of Louisiana



New Mexico - East	NM	10
New Mexico - West	NM	50

Subdivisions of New Mexico

Texas - Railroad Commission District 1	TX	10
Texas - Railroad Commission District 2 Onshore	TX	20
Texas - Railroad Commission District 3 Onshore	TX	30
Texas - Railroad Commission District 4 Onshore	TX	40
Texas - Railroad Commission District 5	TX	50
Texas - Railroad Commission District 6	TX	60
Texas - Railroad Commission District 7B	TX	70
Texas - Railroad Commission District 7C	TX	75
Texas - Railroad Commission District 8	TX	80
Texas - Railroad Commission District 8A	TX	85
Texas - Railroad Commission District 9	TX	90
Texas - Railroad Commission District 10	TX	95
Texas - State Offshore	TX	05
Texas - Federal Offshore	TX	00



Railroad Commission Districts

BILLING CODE 6450-01-C

Subdivisions of Texas

C. Field Naming Conventions

In most instances, field names will reflect the conventions imposed by State oil and gas regulatory agencies. In the absence of such authority, field names which have come into general acceptance in an area may be used. In the Appalachian Region field area names may be used.

Exceptions occur for names of fields located in Texas and New Mexico, in which States the regulatory agencies consider distinct geologic reservoirs to be "fields". For example, in Texas, Parker (Pennsylvanian) and Parker (Wolfcamp) are considered separate fields by the State. In actuality, Parker is the name of the geologic field and Pennsylvanian and Wolfcamp are the names of the geologic reservoirs in the field (by Texas Railroad Commission convention, the geologic reservoir name appears in parentheses after the geologic field name). For the purpose of reporting field names on Schedules 2 and 3 of Form EIA–23, the geologic field name only will be used. In the example above, Schedule 3 would be headed with the field name "Parker".

Offshore field names usually (but not always) consist of a basic offshore area name and block number specified by the U.S. Geological Survey. Example: East Cameron South Addition Block 265. If offshore area names must be abbreviated to fit within the 26 characters allowed, the following standard abbreviations should be used.

NORTH—N
SOUTH—S
EAST—E
WEST—W
BLOCK—BLK
ISLAND—IS
NORTH ADDITION—NA
SOUTH ADDITION—SA
EAST ADDITION—EA
WEST ADDITION—WA
SOUTH EXTENSION—SX
EAST EXTENSION—EX

For example, High Island East Addition South Extension Block A–375 would be abbreviated as follows: HIGH IS EA SX BLK A–375.

Lease names *are not acceptable* in lieu of geologic field names.

BILLING CODE 6450-01-M

EIA-23 OFFICIAL USE ONLY

U.S. DEPARTMENT OF ENERGY
Box OK
Norman, Oklahoma 73070

Form Approved
OMB No. 1905-0057
Expires 12/83

ANNUAL SURVEY OF DOMESTIC OIL AND GAS RESERVES
REPORT YEAR 1981

This report is mandatory under Public Laws 93-275 and 95-91. Failure to comply may result in criminal fines, civil penalties and other sanctions as provided by law.

COVER PAGE

A. WERE YOU AN OPERATOR *(see definition of* **OPERATOR,** *p. 1 footnote)* of one or more oil or gas wells on December 31, 1981?

☐ YES *or* ☐ NO

If *no*, please fill out only items B, C and H below and return this page to the address given at the top of this page.

If *yes*, fill out all of Part I *(after reading the instructions beginning on page 1)* and return it to the address given at the top of this page.

B. I.D. Code *(copy six digits from mailing label)* ☐☐☐☐☐☐

C. IDENTIFICATION Check if information changed from label ☐

a. Name _____
b. Address _____
_____
c. City _____ d. State _____ e. Zip Code _____
f. Responsible Preparer _____
g. Telephone Number (____) ____-____

D. EIN NUMBER _____ Check if Social Security Number ☐

E. PARENT COMPANY IDENTIFICATION

a. Name _____
b. Address _____
_____
c. City _____ d. State _____ e. Zip Code _____

F. PARENT COMPANY EIN NUMBER _____

G. PAGES. There are _____ pages (including this cover page) in this filing.

H. ATTESTATION *(This report must be attested to by a responsible official of the company.)*

I hereby swear or affirm that I have read the report and am familiar with its contents, and that to the best of my knowledge, information, and belief the information provided and appended is true and complete.

Name of Attestor: _____ Signature: _____

Title: _____ Date: _____

Confidentiality: See Section G of the Instructions.

Title 18 USC 1001 makes it a criminal offense for any person knowingly and willingly to make to any Agency or Department of the United States any false, fictitious or fraudulent statements as to any matter within its jurisdiction.

EIA-23 OFFICIAL USE ONLY 81

ANNUAL SURVEY OF DOMESTIC OIL AND GAS RESERVES

PART I, SUMMARY REPORT

PAGE 1 OF 2

Form Approved OMB No. 1905-0057 Expires 12/83

(REPORT ALL VOLUMES OF CRUDE OIL AND LEASE CONDENSATE IN THOUSANDS OF BARRELS (Mbbls); NATURAL GAS IS TO BE REPORTED IN MILLIONS OF CUBIC FEET (MMcf) AT 14.73 PSIA AND 60°F)

1.0 OPERATOR AND REPORT IDENTIFICATION DATA

1.1 OPERATOR I.D. CODE	1.2 OPERATOR NAME	REPORT DATE	1.3 ORIGINAL	1.4 AMENDED
		1 2 3 1 8 1		

2.0 STATE AND GEOGRAPHIC SUBDIVISION DATA

STATE OR GEOGRAPHIC SUBDIVISION		CRUDE OIL			DRY NATURAL GAS			LEASE CONDENSATE		
		PROVED RESERVES END OF 1981 (Mbbls) (A)	1981 PRODUCTION (From properties for which reserves were Estimated) (Mbbls) (B)	1981 PRODUCTION (From properties for which reserves were Not Estimated) (Mbbls) (C)	PROVED RESERVES END OF 1981 (MMcf) (D)	1981 PRODUCTION (From properties for which reserves were Estimated) (MMcf) (E)	1981 PRODUCTION (From properties for which reserves were Not Estimated) (MMcf) (F)	PROVED RESERVES END OF 1981 (Mbbls) (G)	1981 PRODUCTION (From properties for which reserves were Estimated) (Mbbls) (H)	1981 PRODUCTION (From properties for which reserves were Not Estimated) (Mbbls) (I)
ALABAMA-ONSHORE	AL									
ALABAMA-STATE OFFSHORE	AL0S									
ALASKA-NORTH ONSHORE AND OFFSHORE	AK5#									
ALASKA-SOUTH ONSHORE	AK1#									
ALASKA-SOUTH STATE OFFSHORE	AK#S									
ALASKA-SOUTH FEDERAL OFFSHORE	AK##									
ARIZONA	AZ									
ARKANSAS	AR									
CALIFORNIA-COASTAL REGION ONSHORE	CA5#									
CALIFORNIA-LOS ANGELES BASIN ONSHORE	CA3#									
CALIFORNIA-SAN JOAQUIN BASIN ONSHORE	CA1#									
CALIFORNIA-STATE OFFSHORE	CA#S									
CALIFORNIA-FEDERAL OFFSHORE	CA##									
COLORADO	CO									
FLORIDA-ONSHORE	FL									
FLORIDA-STATE OFFSHORE	FL#S									
ILLINOIS	IL									
INDIANA	IN									
KANSAS	KS									
KENTUCKY	KY									
LOUISIANA-NORTH	LA5#									
LOUISIANA-SOUTH ONSHORE	LA1#									
LOUISIANA-SOUTH STATE OFFSHORE	LA#S									
LOUISIANA-SOUTH FEDERAL OFFSHORE	LA##									
MARYLAND	MD									
MICHIGAN	MI									
MISSISSIPPI-ONSHORE	MS									
MISSISSIPPI-STATE OFFSHORE	MS#S									
MISSOURI	MO									
MONTANA	MT									
NEBRASKA	NE									
NEVADA	NV									
NEW MEXICO-EAST	NM1#									
NEW MEXICO-WEST	NM5#									

EIA-23 OFFICIAL USE ONLY 81

ANNUAL SURVEY OF DOMESTIC OIL AND GAS RESERVES

PART I, SUMMARY REPORT

PAGE 2 OF 2

Form Approved
OMB No. 1905-0057
Expires 12/83

(REPORT ALL VOLUMES OF CRUDE OIL AND LEASE CONDENSATE IN THOUSANDS OF BARRELS (Mbbls); NATURAL GAS IS TO BE REPORTED IN MILLIONS OF CUBIC FEET (MMcf) AT 14.73 PSIA AND 60°F)

1.0 OPERATOR AND REPORT IDENTIFICATION DATA

1.1 OPERATOR I.D. CODE	1.2 OPERATOR NAME	REPORT DATE	1.3 ORIGINAL	1.4 AMENDED
		1 2 3 1 8 1		

2.0 STATE AND GEOGRAPHIC SUBDIVISION DATA

STATE OR GEOGRAPHIC SUBDIVISION		CRUDE OIL			DRY NATURAL GAS			LEASE CONDENSATE		
		PROVED RESERVES END OF 1981 (Mbbls) (A)	1981 PRODUCTION (From properties for which reserves were Estimated) (Mbbls) (B)	1981 PRODUCTION (From properties for which reserves were Not Estimated) (Mbbls) (C)	PROVED RESERVES END OF 1981 (MMcf) (D)	1981 PRODUCTION (From properties for which reserves were Estimated) (MMcf) (E)	1981 PRODUCTION (From properties for which reserves were Not Estimated) (MMcf) (F)	PROVED RESERVES END OF 1981 (Mbbls) (G)	1981 PRODUCTION (From properties for which reserves were Estimated) (Mbbls) (H)	1981 PRODUCTION (From properties for which reserves were Not Estimated) (Mbbls) (I)
NEW YORK	NY									
NORTH DAKOTA	ND									
OHIO	OH									
OKLAHOMA	OK									
PENNSYLVANIA	PA									
SOUTH DAKOTA	SD									
TENNESSEE	TN									
TEXAS – RRC DISTRICT 1	TX1#									
TEXAS – RRC DISTRICT 2 ONSHORE	TX2#									
TEXAS – RRC DISTRICT 3 ONSHORE	TX3#									
TEXAS – RRC DISTRICT 4 ONSHORE	TX4#									
TEXAS – RRC DISTRICT 5	TX5#									
TEXAS – RRC DISTRICT 6	TX6#									
TEXAS – RRC DISTRICT 7B	TX7B									
TEXAS – RRC DISTRICT 7C	TX7C									
TEXAS – RRC DISTRICT 8	TX8#									
TEXAS – RRC DISTRICT 8A	TX8A									
TEXAS – RRC DISTRICT 9	TX9#									
TEXAS – RRC DISTRICT 10	TX10									
TEXAS – STATE OFFSHORE	TXst									
TEXAS – FEDERAL OFFSHORE	TX0#									
UTAH	UT									
VIRGINIA	VA									
WEST VIRGINIA	WV									
WYOMING	WY									
ATLANTIC COAST – FEDERAL OFFSHORE	AC0#									
GULF OF MEX. – OTHER FED. OFFSHORE[1]	OG0#									
PACIFIC COAST – OTHER FED. OFFSHORE[2]	OP0#									
OTHER STATE (SPECIFY):										
U.S. TOTALS	**U.S.**									

[1] FEDERAL OFFSHORE AREAS ADJACENT TO MISSISSIPPI, ALABAMA, AND FLORIDA ONLY

[2] FEDERAL OFFSHORE AREAS ADJACENT TO OREGON AND WASHINGTON ONLY

EIA-23 | OFFICIAL USE ONLY

ANNUAL SURVEY OF DOMESTIC OIL AND GAS RESERVES

Form Approved
OMB No. 1905-0057
Expires 12/83

PART II, SCHEDULE 1-CRUDE OIL, DRY NATURAL GAS, AND LEASE CONDENSATE RESERVES AND RELATED DATA BY STATE AND SUBDIVISION

(REPORT ALL VOLUMES OF CRUDE OIL AND LEASE CONDENSATE IN THOUSANDS OF BARRELS (MBbls); NATURAL GAS IS TO BE REPORTED IN MILLIONS OF CUBIC FEET (MMcf) AT 60° F. AND 14.73 PSIA)

1.0 OPERATOR AND REPORT IDENTIFICATION DATA

1.1 OPERATOR I.D. CODE | 1.2 OPERATOR NAME | REPORT DATE 1,2,3,1,8,1 | 1.3 ORIGINAL | 1.4 AMENDED | 1.5 PAGE | 1.6 PAGE FOOTNOTE

1.7 STATE ABBREVIATION | 1.8 SUBDIVISION CODE

2.0 PROVED RESERVES DATA AND REPORT YEAR RESERVES CHANGES	GROSS WORKING INTEREST OWNERSHIP BASIS (A)	(B)	(C)	(D)	TOTAL OPERATED BASIS OIL (MBbls) (E)	ASSOCIATED-DISSOLVED GAS (MMcf) (F)	NONASSOCIATED GAS (MMcf) (G)	LEASE CONDENSATE (MBbls) (H)
2.1 RESERVES – END OF 19 80	DISCONTINUED							
2.2 PURCHASES OF IN-PLACE RESERVES								
2.3 SALES OF IN-PLACE RESERVES								
2.4 CORRECTIONS (+, –)								
2.5 REVISION INCREASES								
2.6 REVISION DECREASES								
2.7 EXTENSIONS								
2.8 NEW FIELD DISCOVERIES								
2.9 NEW RESERVOIR DISCOVERIES IN OLD FIELDS								
2.10 19 81 PRODUCTION – FROM RESERVES ESTIMATED								
2.11 RESERVES – END OF 19 81								
3.12 RESERVES IN NONPRODUCING RESERVOIRS								
2.13 19 81 PRODUCTION FROM RESERVES NOT ESTIMATED								

3.0 [illegible] | INDICATED ADDITIONAL RESERVES OF CRUDE OIL (MBbls)

GROSS WORKING INTEREST OWNERSHIP BASIS

4.0 COMMITMENT STATUS OF PROVED NATURAL GAS RESERVES

	FOR RESALE						
	LONG TERM		SHORT TERM		DIRECT SALE		
	PIPELINE (A)	DISTRIBUTOR (B)	PIPELINE (C)	DISTRIBUTOR (D)	INDUSTRIAL (E)	OTHER (F)	WARRANTY (G)
4.1 INTERSTATE CONTRACTS (MMcf)							
4.2 INTRASTATE CONTRACTS (MMcf)							
4.3 INTERSTATE CONTRACTS (MMcf)							
4.4 INTRASTATE CONTRACTS (MMcf)							

	COMPANY USE		OTHER COMMITTED (C)	UNCOMMITTED (D)
	FEEDSTOCK (A)	FUEL (B)		
4.5 OTHER (MMcf)				

5.0 COMMITMENT STATUS OF NONPRODUCING NATURAL GAS RESERVES (MMcf)	COMMITTED INTERSTATE (A)	COMMITTED INTRASTATE (B)	UNCOMMITTED (C)

EIA-23 OFFICIAL USE ONLY 81

ANNUAL SURVEY OF DOMESTIC OIL AND GAS RESERVES

PART II, SCHEDULE 2-CRUDE OIL AND DRY NATURAL GAS RESERVES AND PRODUCTION DATA BY FIELD

Form Approved OMB No. 1905-0057 Expires 12/83

(REPORT ALL VOLUMES OF CRUDE OIL IN THOUSANDS OF BARRELS [MBbls]; NATURAL GAS IS TO BE REPORTED IN MILLIONS OF CUBIC FEET [MMcf] AT 60°F. AND 14.73 PSIA)

1.0 OPERATOR AND REPORT IDENTIFICATION DATA

1.1 OPERATOR CODE | 1.2 OPERATOR NAME | REPORT DATE 1,2 3,1 8,1 | 1.3 ORIGINAL | 1.4 AMENDED | 1.5 PAGE | 1.6 FORM IDENTIFICATION

2.0 FIELD DATA

	2.1 FIELD CODE (4)	FIELD NAME (5)	(7) STATE ABBREVIATION	(8) SUBDIVISION CODE	(9) COUNTY CODE	(10) CONTINUATION BLOCK	(11) OIL	(12) ASSOCIATED-DISSOLVED GAS	(13) NONASSOCIATED GAS	PROVED RESERVES—END OF 198_1 (14)	198_1 PRODUCTION (15)
2.1											
2.2											
2.3											
2.4											
2.5											
2.6											
2.7											
2.8											
2.9											
2.10											
2.11											
2.12											
2.13											
2.14											
2.15											
2.16											
2.17											
2.18											
2.19											
2.20											
2.21											
2.22											
2.23											
2.24											
2.25											
2.26											
2.27											
2.28											
2.29											
2.30											
2.31											
2.32											
2.33											
2.34											

* NOT REQUIRED AT THIS TIME. THIS SPACE IS RESERVED FOR FUTURE USE.

EIA-23 | OFFICIAL USE ONLY*

ANNUAL SURVEY OF DOMESTIC OIL AND GAS RESERVES

Form Approved
OMB No. 1905-0057
Expires 12/82

PART II, SCHEDULE 3-CRUDE OIL AND DRY NATURAL GAS RESERVES AND RELATED DATA BY FIELD

(REPORT ALL VOLUMES OF CRUDE OIL IN THOUSANDS OF BARRELS [MBbls]; NATURAL GAS IS TO BE REPORTED IN MILLIONS OF CUBIC FEET [MMcf] AT 60°F. AND 14.73 PSIA)

1.0 OPERATOR AND REPORT IDENTIFICATION DATA

1.1 OPERATOR ID CODE	1.2 OPERATOR NAME	REPORT DATE	1.3 ORIGINAL	1.4 AMENDED	1.5 PAGE	1.6 PAGE POSITIONS
		12 31 81				

2.0 FIELD IDENTIFICATION DATA

2.1 FIELD CODE*		2.3 FIELD NAME		2.5 STATE ABBREVIATION		2.6 SUBDIVISION CODE		2.8 COUNTY CODE	
2.9 OCS BLOCK NUMBER		2.7 FEDERAL LEASE NUMBER		2.9 WATER DEPTH (Feet)		2.10 FIELD DISCOVERY YEAR		2.12 NUMBER OF RESERVOIRS IN FIELD	

3.0 RESERVOIR DATA

DISCONTINUED

DISCONTINUED

DISCONTINUED

DISCONTINUED

4.0 FIELD TOTAL DATA

TYPE HYDROCARBON	(A) RESERVES AT 12 31 80	(B) CORRECTIONS	(C) REVISIONS	(D) EXTENSIONS	(E) NEW DISCOVERIES	(F) 1981 PRODUCTION	(G) RESERVES AT 12 31 81	(H) NONPRODUCING RESERVES	(I) UNDISCOVERED RESOURCES
4.1 CRUDE OIL (MBbls)									
4.2 ASSOCIATED-DISSOLVED GAS (MMcf)									
4.3 NONASSOCIATED GAS (MMcf)									

* NOT REQUIRED AT THIS TIME. THIS SPACE IS RESERVED FOR FUTURE USE

BILLING CODE 6450-01-C

9A-23 OFFICIAL USE ONLY 81

ANNUAL SURVEY OF DOMESTIC OIL AND GAS RESERVES

Form Approved
OMB No. 1905-0057
Expires 1983

PART II, SCHEDULE 4-FOOTNOTES

1.0 OPERATOR AND REPORT IDENTIFICATION DATA

1.1 OPERATOR I.D. CODE	1.2 OPERATOR NAME	REPORT DATE	1.3 ORIGINAL	1.4 AMENDED	1.5 PAGE
		12 31 81			

2.0 FOOTNOTE DATA

SCHEDULE NUMBER (4a)	PAGE NUMBER (4b)	ITEM NUMBER (4c)	SUBITEM NUMBER (4d)	COLUMN DESIGNATION (4e)	SEQUENCE NUMBER (4f)	NOTATION (5g)

Comment Format

The following is the suggested format for providing comments on the revised Form EIA–23, "Annual Survey of Domestic Oil and Gas Reserves."

1. What is the basis of your interest in this annual survey of oil and gas reserves (e.g., are you a potential respondent, consultant, oil and gas analyst, corporate planner, etc.)?
2. Does the proposed revision adversely or beneficially affect you or your business? If so, in what way(s) and to what qualitative extent?
3. Given a choice, would you or your organization prefer to retain the current form or adopt the proposed revision?
4. Can you suggest changes which would, in your opinion, improve the usefulness or clarity of the form, while retaining identical information content?
5. If you or your firm were a respondent to past Form EIA–23 surveys, what is your estimate of the decrease in person-hours and cost to complete the revised form? If you cannot provide such estimates, can you estimate the percentage decrease?

[FR Doc. 81–30715 Filed 10–22–81; 8:45 am]
BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. ER82–7–000]

Appalachian Power Co.; Filing

October 19, 1981.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP) on October 5, 1981, tendered for filing on behalf of its affiliate, Appalachian Power Company (APCo) Supplement No. 7 dated July 2, 1981 to the Interconnection Agreement dated October 14, 1968 between Tennessee Valley Authority (TVA) and APCo designated APCo's Rate Schedule FERC No. 52.

AEP states that the Supplement includes a new Service Schedule EC which provides, for the purpose of conserving energy resources during extended fuel shortages, for transfers of energy to and from system interconnected with the parties.

AEP further states that the filing parties have requested that these Schedules be permitted to become effective immediately should circumstances arise requiring their use. Copies of the filing were served upon TVA, the Virginia State Corporation Commission and the Public Service Commission of West Virginia.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–30747 Filed 10–22–81; 8:45 am]
BILLING CODE 6717–02–M

[Docket No. ER82–10–000]

Florida Power & Light Co.; Filing

October 16, 1981.

The filing Company submits the following:

Take notice that Florida Power & Light Company (FPL) on October 7, 1981, tendered for filing documents entitled "Exhibit I to Service Agreement For Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D (Firm Service) of Contracts for Interchange Service." This filing is proposed to amend FERC Electric Tariff Original Volume II (Sheet Nos. 1–19).

FPL states that under the Exhibit I FPL will transmit power and energy for the Jacksonville Electric Authority (Jacksonville) as is required by Jacksonville in the implementation of its interchange agreement with the Utilities Commission, City of New Smyrna Beach.

FPL requests that waiver of § 35.3 of the Commission's Regulations be granted and that the proposed Exhibit be made effective immediately. FPL states that copies of the filing were served on the Managing Director of Jacksonville Electric Authority.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before November 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–30748 Filed 10–22–81; 8:45 am]
BILLING CODE 6717–02–M

[Docket Nos. ER80–222 and ER81–69–000]

Georgia Power Co.; Compliance Filing

October 16, 1981.

The filing Company submits the following:

Take notice that on October 5, 1981, Georgia Power Company filed a compliance report in accordance with a letter order dated September 18, 1981, whereby the Commission approved an offer of settlement.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, on or before November 3, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81–30749 Filed 10–22–81; 8:45 am]
BILLING CODE 6717–02–M

[Docket No. ER82–3–000]

Indiana & Michigan Electric Co.; Filing

October 16, 1981.

The filing Company submits the following:

Take notice that American Electric Power Service Corporation (AEP), on October 2, 1981, tendered for filing on behalf of its affiliate Indiana & Michigan Electric Company (I&M), Modification No. 13 dated April 1, 1981 to the Interconnection Agreement dated July 20, 1956, between Commonwealth Edison Company and I&M, I&M's Rate Schedule FERC No. 20.

Sections 1 and 2 of Modification No. 13 provide for an increase in the demand charge for Short Term and Limited Term Power to $1.05 per kilowatt per week and $5.50 per kilowatt per month respectively and revises the Short Term

Power Service Schedule to provide for Short Term Power on a daily basis at the demand rate of ⅙ the weekly rate. Both the rate increase and the provisions for Daily Short Term Power have been accepted in order Indiana & Michigan Electric Company (Docket ER81-161-000) or Commonwealth Edison (Docket ER81-167-000) filings with the Commission. This modification is proposed to become effective April 12, 1981.

I&M proposes an effective date of April 12, 1981, and therefore requests waiver of the Commission's notice requirements.

Copies of the filing were served upon Commonwealth Edison Company, the Public Service Commission of Indiana, the Michigan Public Service Commission and the Illinois Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30750 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-11-000]

Niagara Mohawk Power Corp.; Tariff Change

October 16, 1981.

The filing Company submits the following:

Take notice that Niagara Mohawk Power Corporation (Niagara), on October 7, 1981, tendered for filing as a supplement to an existing rate schedule, agreements between Niagara and Jersey Central Power and Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (collectively called GPU) dated February 12, 1981 and July 28, 1981.

Niagara presently has on file an agreement with GPU dated July 1, 1979 as amended May 8, 1980. This agreement is designated as Niagara Mohawk Power Corporation Rate Schedule F.E.R.C. No. 107. The amendment is designated as Supplement 1 to F.E.R.C. No. 107. The new agreements are being transmitted as a supplement to the existing agreement.

The agreements revise the transmission rate for wheeling Ontario Hydro power to GPU and extends the service period through December 21, 1981. Niagara requests waiver of the Commission's prior notice requirements in order to allow said agreement to become effective as of April 1, 1981.

Copies of the filing were served upon the following:

General Public Utilities Corporation, 260 Cherry Hill Road, Parsippany, NJ 07054

Public Service Commission, State of New York, Three Rockefeller State Plaza, Albany, NY 12223

Any persons desiring to be heard or to protest said application should file a petition to intervene or to protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30751 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER81-779-000]

Pennsylvania Power Co.; Filing

October 19, 1981.

The filing Company submits the following:

Take notice that on October 7, 1981, Pennsylvania Power Company (Pennsylvania) tendered for filing copies of Summary Cost Analysis Sheets which were inadvertently not included as attachments to Statements BL, Period II—Rate Level A and Period II—Rate Level B. Statement BL, Period I has been revised to exclude the references to the Summary Cost Analysis Sheets because such are not applicable to the historic Period I year.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30752 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER81-787-000]

Puget Sound Power & Light Co.; Filing

October 16, 1981.

The filing Company submits the following:

Take notice that on September 28, 1981, Puget Sound Power & Light Company (Puget), tendered for filing, an Agreement between Puget and Portland General Electric (PGE).

The Agreement provided for Puget's sale to PGE of firm thermal energy during the period of January 20, 1981 to April 20, 1981. Pursuant to the Agreement, Puget sold to PGE 55,115,000 kilowatthours of firm thermal energy at a purchase price of 24.5 mills/kwh.

Puget requests an effective date of January 20, 1981, and therefore requests waiver of the Commission's notice requirements.

A copy of the filing was served upon PGE.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30753 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-8-000]

Southern California Edison Co.; Filing

October 16, 1981.

The filing Company submits the following:

Take notice that on October 5, 1981, Southern California Edison Company (Edison) tendered for filing an agreement entitled "Edison-Glendale Interruptible Transmission Service Agreement" which has been executed by Edison and the City of Glendale, California ("Glendale").

Under the terms and conditions of the agreement, Edison will make available to Glendale interruptible transmission service between several points of receipt and points of delivery.

The Agreement is proposed to become effective when executed by the Parties and accepted for filing by the Commission.

Copies of this filing were served upon the Public Utilities Commission of the State of California and the City of Glendale.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30754 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP75-302-003]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Amendment

October 19, 1981.

Take notice that on September 25, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc., (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75-302-003 an amendment to its petition to terminate order directing sale of natural gas and for authorization to transport natural gas under Section 311(c)(1) of the Natural Gas Policy Act of 1978 (NGPA) and § 284.107 of the Regulations filed December 31, 1980, so as to reflect the transportation of natural gas for the account of EOOE Gas Company (EOOE) which is being purchased from an alternate seller, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Tennessee states that in its petition filed December 31, 1980, it requested, *inter alia*, authorization to render a transportation service on behalf of EOOE pursuant to Section 311(a)(1) of the NGPA and § 284.107 of the Commission's Regulations. The gas to be transported, it is asserted, was to be purchased from Louisiana Resource Company (LRC) and would serve the requirements of the Town of Elizabeth, Louisiana, four agricultural customers and one industrial customer. It is explained that EOOE's option to purchase gas from LRC has expired and EOOE has entered into a contract to purchase gas from Faustina Pipe Line Company (Faustina) which gas it would have Tennessee transport.

Tennessee, therefore, proposes herein to transport up to 5,000 Mcf of natural gas per day for EOOE pursuant to a precedent agreement dated September 8, 1981, between the parties. It is asserted that the gas to be purchased from Faustina would be received by Tennessee from Faustina and delivered to United Gas Pipe Line Company which would transport such volumes to EOOE. The transportation service herein, it is stated, would be conditioned upon the availability of capacity sufficient to provide the service without detriment or disadvantage to Tennessee's existing customers which are dependent on Tennessee's general system supply.

Tennessee proposes a transportation rate which consists of a demand charge equal to the product of $.23 and the specified maximum daily transportation quantity and a monthly volume charge equal to the product of 3.17 cents and the total volume of gas delivered by Tennessee to United for EOOE during the month. It is further asserted that in the event the total volume of gas transported on any day exceeds the transportation quantity EOOE would pay .76 cents per Mcf of such excess volume of gas.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30755 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket Nos. CP74-167-000 and CP74-318-002]

Tennessee Gas Pipeline Co., a Division of Tenneco, Inc.; Petition To Amend

October 19, 1981.

Take notice that on October 5, 1981, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Petitioner), P.O. Box 2511, Houston, Texas 77001, filed in Docket Nos. CP74-167-000 and CP74-318-002 a petition to amend the orders issued March 25, 1974,[1] and October 31, 1974,[1] respectively, in the instant dockets pursuant to Section 7(c) of the Natural Gas Act so as to authorize revisions in natural gas service to the Connecticut Natural Gas Corporation (Connecticut Natural), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is stated that by order issued October 31, 1974, in Docket No. CP74-318 Petitioner was authorized, *inter alia*, to serve Connecticut Natural under its Rate Schedule CD-6 which provided for the sale and delivery of a contracted demand of 36,794 Mcf of natural gas per day as follows:

Delivery point	Daily volume limit
Greenwich	11,000
Putnam Lake	11,000
New Britain	19,000
Farmington	7,500
Bloomfield	12,500
North Bloomfield	6,500

[1] These proceedings were commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), they were transferred to the Commission.

It is stated that by order issued March 25, 1974, in Docket No. CP74-167 Petitioner was authorized, *inter alia*, to serve Connecticut Natural under its Rate Schedule SS-NE which provides for a natural gas storage service to Connecticut Natural with a daily storage quantity of 6,018 Mcf and a winter storage quantity of 541,620 Mcf. It is asserted that the daily volume limits by delivery point are consistent with the daily volume limits set forth in the October 31, 1974, order.

Pursuant to a precedent agreement dated August 6, 1981, Petitioner proposes a revision of the daily volume limit for the Putnam Lake, Bloomfield and North Bloomfield delivery points and the establishment of two new combined daily volume limits one for the Putnam Lake and Greenwich delivery points and the other for the Farmington, Bloomfield and North Bloomfield delivery points. Further, it is asserted that Connecticut Natural has requested that the daily volume limits by delivery point be identical for both the sales contract and the storage service contract. It is explained that the daily volume limits by delivery point are as follows:

Delivery point	Daily volume limit (Mcf)
Greenwich	11,000
Putnam Lake	15,500
New Britain	19,000
Farmington	7,500
Bloomfield	14,000
North Bloomfield	6,000

It is asserted that such revised service would not permit Connecticut Natural to receive any more natural gas from Petitioner than Connecticut Natural is now authorized to receive and the proposed change would not increase or decrease the annual volumetric limitation imposed on Petitioner's system. It is explained that the subject changes would provide Connecticut Natural with additional flexibility on its system.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30756 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP82-2-000]

Texas Eastern Transmission Corp.; Application

October 19, 1981.

Take notice that on October 1, 1981, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP82-2-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing a firm storage withdrawal service for certain of Applicant's Rate Schedule SS-II customers and the construction and operation of additional pipeline facilities required to render such service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to provide a firm storage withdrawal service for certain of its Rate Schedule SS-II customers at the following firm daily withdrawal quantities:

Customer	Firm daily withdrawal quantity dekatherm equivalent
Algonquin Gas Transmission Company	37,253
The Brooklyn Union Gas Company	7,961
Elizabethtown Gas Company	2,043
New Jersey Natural Gas Company	3,864
Philadelphia Electric Company	9,913
Philadelphia Gas Works	3,194
Public Service Electric and Gas Company	12,827
Total	77,055

Applicant states that it was authorized to render a long-term storage service under its Rate Schedule SS-II for twelve of its existing resale customers utilizing storage capacity from Consolidated Gas Supply Corporation (Consolidated). It is asserted that Rate Schedule SS-II provides that Applicant would withdraw its SS-II customer's requested quantities only when capacity is available on Applicant's system for transportation of storage gas but further provides that an SS-II customer may request that delivery of some portion of its maximum daily withdrawal quantity could be made on a firm basis. It is submitted that six customers indicated a need for additional firm service totaling approximately 128,000 dekatherms (dt) equivalent per day for the 1981-82 winter heating season for which Applicant received authorization designated as Phase II which provided 63,177 dt equivalent per day of firm service.

Applicant states that its SS-II customers have determined their requirements for firm withdrawal service for the 1982-83 winter heating season and accordingly precedent agreements have been executed with the seven SS-II customers for the firm daily withdrawal quantities scheduled above. It is asserted that installation of the proposed facilities on Applicant's Penn-Jersey system downstream of the Consolidated delivery point at Oakford, Pennsylvania, would provide 75,714 Mcf per day of increased capacity.

Applicant proposes the construction of 28 miles of 30-inch pipeline looping its existing 24-inch Line No. 12 and 30-inch Line No. 19 at six locations between Delmont and Bechtelsville Compressor Stations and 1.5 miles of 36-inch pipeline looping its existing 24-inch Line No. 12 and 30-inch Line No. 19 between Bechtelsville and Lambertville Compressor Stations. Applicant states that it would also expand two measuring and regulating stations. Applicant estimates the total cost of the proposed facilities is $39,083,000 which would be initially financed from funds on hand and/or from borrowings under its revolving credit agreement which may later be replaced with long-term financing.

It is explained that the costs associated with all facilities which must be added to Applicant's system to render the firm service would be borne by the SS-II customers requesting such service by means of the firm demand charge which would be rolled in with the Phases I and II cost of service with a uniform firm demand charge to be filed upon completion and placing in service of Phase III facilities for the 1982-83 winter heating season. Applicant estimates a firm demand charge of $12.24 per dt equivalent of firm daily withdrawal quantity per month.

It is asserted that the increased capacity on Applicant's Penn-Jersey system would assure uninterrupted deliveries of the firm withdrawal quantities in turn enabling the SS-II customers to schedule their winter withdrawals with certainty as to the elected firm quantities.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1981, file with the Federal Energy Regulatory Commission,

Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30757 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP81-533-000]

Texas Gas Transmission Corp.; Application

October 19, 1981.

Take notice that on September 28, 1981, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP81-533-000 an application pursuant to Section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities new Mamou, Evangeline Parish, Louisiana, and for permission and approval to abandon certain natural gas pipleine at the Mamou location, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes herein to contruct and operate two 1,109 horsepower reciprocating compressor engines near Mamou and 1,300 feet of related 12¾-inch pipeline between the mainline systems of Transcontinental Pipe Line Corporation (Transco) and Applicant. The estimated cost of the proposed facilities, it is asserted, is $2,631,220 which would be financed from funds on hand.

Applicant further proposes to abandon and remove approximately 1,284 feet of 6⅝-inch pipeline presently interconnecting the Transco and Applicant mainline systems at the Mamou location.

Applicant explains it requires the interconnection with Transco as an alternate delivery point for gas being purchased by Applicant from Consolidated Gas Supply Corporation (Consolidated). However, it is explained that because of incompatible pressures it is impossible at the present time to receive gas directly from Transco at any of the existing points of interconnection with Transco. The compressor facilities proposed would provide sufficient horsepower to render pressures compatible with those on Transco's system enabling Applicant to take volumes of the Consolidated gas into its system which it cannot take at the primary point of delivery in Crowley, Louisiana. It is further stated that the subject facilities would provide Applicant with a permanent point of delivery with Transco.

It is stated that because of the large volume of gas to be delivered at the Mamou point under the Consolidated sales agreement the existing 6⅝-inch pipeline connecting the two systems must be abandoned and replaced with 12¾-inch pipeline.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30759 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP81-536-000]

Texas Gas Transmission Corp.; Application

October 19, 1981.

Take notice that on September 29, 1981, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP81-536-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of six new taps in order to permit delivery of natural gas to existing utility customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate six new delivery points to provide natural gas service to the following:

Customer	Use	Supplier
Wallace McGiffin	Residential	Ohio Valley Gas, Inc.
Walter Artz	Residential	Terre Haute Gas Corporation.
Frank Ficas, Jr.	Residential	Southern Indiana Gas and Electric Company.
Rodna Adkins	Residential	Western Kentucky Gas Company.
Rockfield Elementary School.	Educational	Western Kentucky Gas Company.
Penn Owens	Argicultural	Mississippi Valley Gas Co.

Applicant states that it has a contractual obligation in right-of-way agreements with the first three customers listed above and that it would bear the cost of installation of the facilities necessary to render the proposed service. The total cost of facilities for the three right-of-way customers is estimated to be $3,600 which cost would be financed from funds on hand. It is indicated that for the remaining users, Applicant has no contractual obligation and that the cost of installation of connections would be reimbursed by either the natural gas supplier or the customer.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30758 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. RP82-3-000]

Transcontinental Gas Pipe Line Corp.; Proposed Changes in FERC Gas Tariff

October 16, 1981.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco), on October 13, 1981, tendered for filing certain revised tariff sheets to Second Revised Volume No. 1 and Original Volume No. 2 of its FERC Gas Tariff. The proposed changes would increase revenues from jurisdictional sales, transportation and storage services by approximately $156 million based upon the 12-month period ended June 30, 1981, as adjusted. The proposed effective date of this rate change is November 13, 1981.

Transco states that the principal causes of the rate increase are (1) increases in costs related to facilities; (2) increases in prepayments, including accrued "take or pay for" amounts during the test period for which Transco may be held liable; (3) increases in labor and other operating expenses and (4) an increase in the overall rate of return and related income taxes. These increased costs have been partially offset by decreased unit transmission costs due to increases in sales and transportation volumes.

In addition, *pro forma* tariff sheets were filed which would permit Transco to reflect in its GSS and S-2 storage rates any changes in the GSS rate of Consolidated Gas Supply Corporation or the X-28 rate of Texas Eastern Transmission Corporation, respectively. Further, because of uncertainty as to liability for certain "take or pay" amounts, Transco has submitted an alternate *pro forma* tracking mechanism that would permit Transco to recover costs related to any prepayment liability for which it may ultimately be held liable.

Copies of the filing were served upon the Company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20246, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 3, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30760 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-13-000]

Union Electric Co.; Filing

October 16, 1981.

The filing Company submits the following:

Take notice that on October 10, 1981, Union Electric Company (Union) tendered for filing a Wholesale Electric Service Agreement, dated July 12, 1971, between the City of Fredericktown, Missouri (Fredericktown) and Union.

Union states that because of an internal administrative error, this Agreement was never filed with the Commission.

Union states that the Agreement cancels the prior contract dated November 13, 1961, provides for increased contract capacity and was entered into because of increasing demands on Fredericktown's system.

Union further states that the transactions under the Agreement are subject to Union's FERC Electric Tariff, Rate Schedule W-3, currently on file with the Commission, and since there were no changes in rates, a statement of sales and revenue has not been included.

Union indicates that the Agreement became effective on September 17, 1972 and, since rates and revenues are not affected, Union requests that the filing be permitted to become effective as of that date.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30781 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER80-506]

Alabama Power Co.; Compliance Filing

October 15, 1981.

The filing Company submits the following:

Take notice that on October 6, 1981, Alabama Power Company filed a compliance report in accordance with the Commission's letter order dated September 18, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before November 2, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30782 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5371-000]

Ernest H. Altice; Application for Preliminary Permit

October 16, 1981.

Take notice that Ernest H. Altice (Applicant) filed on September 17, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5371 to be known as the West Side Power Project located on Packwood Ditch (Yakima River) in Kittitas County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Ernest H. Altice, 412 South 37th Street, Renton, Washington 98055.

Project Description—The proposed project would include rehabilitation of existing facilities including: (1) An intake structure; (2) forebay; and (3) powerhouse; (4) installing a turbine-generator system with 2.1 MW capacity and 12 to 15 million kWh average annual energy production; and (5) appurtenant facilities. The anticipated market for the power project is a Pacific Northwest utility. The project is located entirely on land privately owned by the Applicant.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time engineering, economic and environmental studies will be conducted to determine project feasibility and to support an application for a license to construct and operate the project. The estimated cost of conducting these studies and making the license application is $80,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 19, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 19, 1981.

Filing and Serice of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30790 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5376-000]

Boise Cascade Corp.; Application for Preliminary Permit

October 16, 1981.

Take notice that Boise Cascade Corporation (Applicant) filed on September 17, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5376 to be known as the Horseshoe Bend Hydroelectric Project located on Idaho Power Canal, Payette River in Boise County, Idaho. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Joseph S. Munson, Associate General Counsel, P.O. Box 50, Boise, Idaho 83728.

Project Description—The proposed project would require: (1) Reconstruction of the diversion dam on the Payette River; (2) clearing obstructions from the canal; (3) replacing the overflow spillway; (4) installing a turbine-generator with 1.5 MW capacity and 9,000 MWh annual energy output after renovating the powerhouse; and (5) associated work. The market for the power project is the Idaho Power Company. The project will be located entirely on privately owned land.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time the corporation plans engineering, economic and environmental studies to determine project feasibility and which would support an application for a license to construct and operate the project. The estimated cost of conducting these studies and making the license application is $20,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 18, 1981, either the competing application itself (see 18 CFR 4.33(a) and (d) (1980)) or a notice of intent (see 18 CFR 4.33(b) and (c)(1980)) to file a competing application.

Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene.— Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 18, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATIONS", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30791 Filed 10-22-81; 8:45 am]

BILLING CODE 6712-02-M

[Docket No. ER82-9-000]

Carolina Power & Light Co.; Filing

October 19, 1981.

The filing Company submits the following:

Take notice that on October 7, 1981, Carolina Power & Light Company (CP&L) filed with the Commission pursuant to § 35.12 of the Commission's regulations a Power Coordination Agreement with North Carolina Municipal Power Agency Number 3 (Power Agency). Under the terms of the Agreement, CP&L will interconnect its generation and transmission system with certain generating units in which Power Agency is purchasing interests and transmit electric power and energy to the participants in Power Agency. The Power Coordination Agreement is on file with the Commission and is available for public inspection.

CP&L states that the Power Coordination Agreement is one of three agreements between it and Power Agency which are concerned with the sale by CP&L to Power Agency of undivided ownership interests in nine generating units in existence or under construction. The other two agreements are a Purchase, Construction and Ownership Agreement and an Operating and Fuel Agreement.

In addition to the interconnection of facilities and the transmission by CP&L of electric power and energy to the participants of Power Agency, the Power Coordination Agreement provides for the following:

(1) Determination of amount of power and energy to be supplied from the jointly-owned facilities to participants of Power Agency.

(2) Determination of amount of power and energy sold from the jointly-owned facilities.

(3) Determination of amount of supplemental capacity and energy to be purchased by Power Agency from CP&L to meet the power requirements of participants of Power Agency.

(4) Determination of reserves purchased by Power Agency, deficiency energy and unused supplemental energy when needed by Power Agency to supply its electric needs during hours in which some or all of the jointly-owned facilities are not running.

(5) Sales by Power Agency of surplus energy.

(6) Transmission services and deliveries.

(7) The provision to Power Agency by CP&L of interim capacity as a substitute for capacity from a Mayo or Harris unit which is postponed by CP&L beyond certain agreed upon dates when postponement is shown by Power Agency to have increased its cost.

(8) Metering.

(9) Billing and payments.

(10) Default and resolution of disputes.

(11) Liability.

(12) Formulas to compute rates and charges of CP&L and Power Agency for all services.

CP&L further states that it expects to initiate service to Power Agency under the Power Coordination Agreement on or after a date in December, 1981 not as yet fixed on which the first closing on Power Agency's purchase of ownership interests will occur. CP&L requests that the Power Coordination Agreement be accepted for filing by November 2, 1981 to become effective on the date of initiation of service.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 9, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30792 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER82-12-000]

Central Power & Light Co., Filing

October 16, 1981.

The filing Company submits the following:

Take notice that on October 7, 1981, Central Power & Light Company (CP&L) filed an Emergency Electric Service Contract by and between CP&L and the City of Robstown, Texas (Robstown). In its filing, CP&L states that it is proposing to provide temporary electric service to Robstown under the Commission's Regulations and the Federal Power Act. CP&L states that Robstown cannot temporarily meet its energy requirements through its existing generation capacity.

The contract for emergency service will terminate on or before June 1983. Emergency service rendered shall be single or three phase 60 hertz, and will be delivered and metered at Robstown's city substation.

CP&L requests an effective date of June 1, 1981, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal

Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30775 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 4895-000]

Cheyenne Board of Public Utilities, Cheyenne, Wyoming; Application for Preliminary Permit

October 16, 1981.

Take notice that the Cheyenne Board of Public Utilities (Applicant) filed on June 17, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 4895 to be known as the Granite Springs Dam near Cheyenne, Wyoming located on Middle Crow Creek on the Granite Springs Reservoir in Laramie County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Joseph C. Lord, P.E., Banner Associates, Inc., 620 Plaza Court, P.O. Box 550, Laramie, Wyoming 82070.

Project Description.— The proposed project would consist of: (1) An existing granite block masonry dam, 88 feet high and 420 feet in length; (2) an existing reservoir with a surface area of 188 acres and a total storage capacity of 5,324 acre-feet; (3) a proposed powerhouse to include generating facilities with an installed capacity of 0.42 MW; (4) proposed transmission lines; and (5) appurtenant facilities. The applicant estimates that the average annual energy production will be 2.05 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The applicant estimates that the cost of the studies would be $7,200.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 18, 1981, either the competing application itself (see 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (see 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before December 18, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30793 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5152-000]

Cheyenne Board of Public Utilities, Cheyenne, Wyoming; Application for Preliminary Permit

October 16, 1981.

Take notice that the Cheyenne Board of Public Utilities (Applicant) filed on June 17, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5152 to be known as the Hog Park Dam near Encampment, Wyoming located on the Hog Park Reservoir on Hog Park Creek in Carbon County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Joseph C. Lord, P.E., Banner Associates, Inc., 620 Plaza Court, P.O. Box 550, Laramie, Wyoming 82070.

Project Description—The proposed project would consist of: (1) An existing earthfill embankment, 25 feet high and 500 feet in length; the height of the dam is to be raised to a height of 120 feet; (2) a proposed reservoir with a surface area of 695 acres and a total storage capacity of 29,133 acre-feet; (3) a proposed powerhouse to include generating facilities with an installed capacity of 0.2 MW; (4) proposed transmission lines; and (5) appurtenant facilities. The applicant estimates that the average annual energy production will be 0.62 GWh

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. the Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with the consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $6,900.

Competing Applications—Anyone

desiring to file a competing applications must submit to the Commission, on or before December 18, 1981, either the competing application itself (See 18 CFR § 4.33(a) and (d) (1980)) or a notice of intent (see 18 CFR 4.33(b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petition To intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest or petition to intervene must be received on or before December 18, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30794 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5151-000]

Cheyenne Board of Public Utilities, Cheyenne, Wyoming; Application for Preliminary Permit

October 16, 1981.

Take notice that the Cheyenne Board of Public Utilities (Applicant) filed on June 17, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5151 to be known as the Rob Roy Dam near Albany, Wyoming located on the Rob Roy Reservoir on Douglas Creek in Albany County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Joseph C. Lord, P.E., Banner Associates, Inc., 620 Plaza Court, P.O. Box 550, Laramie, Wyoming 82070.

Project Description—The proposed project would consist of: (1) an existing earthfill embankment, 95 feet high and 1,094 feet in length; the height is to be extended to 145 feet; (2) a proposed reservoir with a surface area of 801 acres and a total storage capacity of 35,434 acre-feet; (3) a proposed powerhouse to include generating facilities with an installed capacity of 0.25 MW; (4) proposed transmission lines; and (5) appurtenant facilities. The Applicant estimates that the average annual energy production will be 1.8 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with consultation with Federal, State and local agencies for information, comments and recommedations relevant to the project. The Applicant estimates that the cost of the studies would be $6,700.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 18, 1981, either the competing application itself (See 18 CFR § 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR § 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below; it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before December 18, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION" "PROTEST", OR "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plum, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Enegy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30795 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5154-000]

Cheyenne Board of Public Utilities, Cheyenne, Wyoming; Application for Preliminary Permit

October 16, 1981.

Take notice that the Cheyenne Board of Public Utilities (Applicant) filed on June 17, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5154 to be known

as the Lake Owen to Middle Crow Creek Pipeline near Laramie, Wyoming located on a pipeline running from Lake Owen to Middle Crow Creek in Albany County, Wyoming. The application is one file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Joseph C. Lord, P.E., Banner Associates, Inc., 620 Plaza Court, P.O. Box 550, Laramie, Wyoming 82070.

Project Description—The proposed project would consist of: (1) An existing 39-mile long, 26-inch diameter steel pipeline that drops approximately 720 feet and has a capacity of 18 cfs; (2) a proposed 30-inch steel pipeline that runs parallel to the existing 26-inch pipeline, having the same length and drop and a capacity of 25 cfs; (3) a proposed powerhouse to include generating facilities with an installed capacity of 870 kW; (4) proposed transmission lines; and (5) appurtenant facilities. The proposed project is on federal lands. The Applicant estimates the average annual energy production to be approximately 3.88 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with the consultation with Federal, state, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $11,800.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 18, 1981, either the competing application itself (see 18 CFR 4.33(a) and (d)(1980)) or a notice of intent (See 18 CFR 4.33(b) and (c)(1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before December 18, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30796 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5153-000]

Cheyenne Board of Public Utilities, Cheyenne, Wyoming; Application for Preliminary Permit

October 16, 1981.

Take notice that the Cheyenne Board of Public Utilities (Applicant) filed on June 17, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5153 to be known as the Hog Park Drop near Encampment, Wyoming located on Hog Park Creek Near Hog Park Reservoir in Carbon County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Joseph C. Lord, P.E., Banner Associates, Inc., 620 Plaza Court, P.O. Box 550, Laramie, Wyoming 82070.

Project Description—The proposed project would consist of: (1) An existing 30-inch, concrete pipeline with a length of 7530 feet, a drop of 325 feet, and a capacity of 85 cfs; (2) a proposed 48-inch, concrete pipeline to be constructed parallel to the existing 30-inch pipeline with the same length and drop and increasing the total capacity of the project to approximately 340 cfs; (3) a proposed powerhouse to include generating facilities with an installed capacity of 5.0 MW; (4) proposed transmission lines; and (5) appurtenant facilities. The proposed project is located on Federal lands. The Applicant estimates the average annual energy production to be 7.6 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with the consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The applicant estimates that the cost of the studies would be $7,500.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 18, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments,

protest, or petition to intervene must be received on or before December 18, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30797 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5155-000]

Cheyenne Board of Public Utilities Cheyenne, Wyoming; Application for Preliminary Permit

October 16, 1981.

Take notice that the Cheyenne Board of Public Utilities (Applicant) filed on June 17, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5155 to be known as the Water Treatment Plant No. 2 near Cheyenne, Wyoming located on Middle Crow Creek in Albany County, Wyoming. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Joseph C. Lord, P. E., Banner Associates, Inc., 620 Plaza Court, P.O. Box 550, Laramie, Wyoming 82070.

Project Description—The proposed project would consist of: (1) An existing pipeline from Crystal Reservoir with a 30-inch diameter, length of 14.5 miles, drop of 575 feet, and inflow capacity of 46.5 cfs; (2) proposed generating facilities with an installed capacity of 680 kW; (3) proposed transmission lines; and (4) appurtenant facilities. The Applicant estimates that the average annual energy production to be between 2.83 and 4.16 GWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time studies would be made to determine the engineering, environmental, and economic feasibility of the project. In addition, historic and recreational aspects of the project would be determined, along with the consultation with Federal, State, and local agencies for information, comments and recommendations relevant to the project. The Applicant estimates that the cost of the studies would be $9,900.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 18, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before December 18, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30798 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP81-534-000]

Cities Service Gas Co.; Application

October 16, 1981.

Take notice that on September 29, 1981, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP81-534-000 an application pursuant to Section 7(c) of the Natural Gas Act and § 157.7(c) of the regulations thereunder (18 CFR 157.7(c)) for a certificate of public convenience and necessity authorizing the construction during calendar year 1982 and operation of facilities to make miscellaneous rearrangements on its system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in the transportation and sales service presently rendered by Applicant.

Applicant states that the total cost of the proposed facilities would not exceed $300,000 and would be financed from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 5 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a

party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30763 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 3143-002]

City of Ann Arbor, Michigan; Application for Exemption for Small Hydroelectric Power Project Under 5 MW Capacity

October 19, 1981.

Take notice that on September 2, 1981, the City of Ann Arbor, Michigan (Applicant) filed an application under Section 408 of the Energy Security Act of 1980 (Act) (16 U.S.C. 2705 and 2708 *as amended),* for exemption of a proposed hydroelectric project from licensing under Part I of the Federal Power Act. The proposed small hydroelectric project (Project No. 3143) would be located on the Huron River in the City of Ann Arbor, County of Washtenaw, State of Michigan. Correspondence with the Applicant should be directed to: Mr. Dan Hanlon, Engineering Department, City of Ann Arbor, P.O. Box 8647, Ann Arbor, Michigan 48107.

Project Description—The proposed project would consist of: (1) An existing impoundment with a surface area of approximately 1,388 acres and a gross storage capacity of 5,425 acre-feet; (2) an existing 400-foot long and 28-foot high dam consisting of two earth embankments, on either side of two ogee overflow spillways which are separated by a third earth embankment; (3) proposed installation of three modular bulb units with a total installed capacity of 480 kW; (4) proposed steel penstocks which run over the dam as part of a siphon-intake system and will involve little modification to the dam; and (5) appurtenant facilities. The average annual energy production is estimated to be 2.1 GWh.

Purpose of Project—All project energy produced will be sold to the Detroit Edison Power Company by the applicant.

Agency Comments—The U.S. Fish and Wildlife Service, The National Marine Fisheries Service, and the State of Michigan, Department of Natural Resources, Wildlife Division are requested, for the purposes set forth in Section 408 of the Act, to submit within 60 days from the date of issuance of this notice appropriate terms and conditions to protect any fish and wildlife resources or to otherwise carry out the provisions of the Fish and Wildlife Coordination Act. General comments concerning the project and its resources are requested; however, specific terms and conditions to be included as a condition of exemption must be clearly identified in the agency letter. If an agency does not file terms and conditions within this time period, that agency will be presumed to have none. Other Federal, State, and local agencies are requested to provide any comments they may have in accordance with their duties and responsibilities. No other formal requests for comments will be made. Comments should be confined to substantive issues relevant to the granting of an exemption. If an agency does not file comments within 60 days from the date of issuance of this notice, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Competing Application—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before November 28, 1981 either the competing license application that proposes to develop at least 7.5 megawatts in that project, or notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than 120 days from the date that comments, protests, etc. are due. Applications for preliminary permit will not be accepted.

A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or petitions to intervene must be received on or before November 28, 1981.

Filing and Service or Responsive Documents—Any filings, must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Captiol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB, 825 North Capitol Street, NE., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30776 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5390-000]

City of Cove, Oregon; Application for Preliminary Permit

October 19, 1981.

Take notice that the City of Cove, Oregon (Applicant) filed on September 21, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5390 to be known as the Mill Creek Project located on Mill Creek and Bridge Creek, near the City of Cove, in Union County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Dean Puckett, Mayor, P.O. Box 8, Cove, Oregon 97824.

Project Description—The proposed project would consist of: (1) A concrete headgate on Bridge Creek; (2) a concrete headgate on Mill Creek; (3) a 2.5-mile long ditch; (4) a 700-foot long plastic pipe; (5) a 3,600-foot long and 18-inch diameter steel penstock; (6) an existing wood-frame powerhouse containing one generating unit rated at 600 kW; and (7) a transmission line.

The average annual energy generation is estimated to be 3.2 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 12 months, during which time it would conduct engineering, economic, environmental, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies.

The cost of the work to be performed under the preliminary permit is estimated to be $40,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 19, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone may submit comments, a protest, or a petitions to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before December 19, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30777 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. RP80-146-004]

Columbia Gas Transmission Corp., Proposed Changes in FERC Gas Tariff

October 14, 1981.

Take notice that on October 1, 1981, Columbia Gas Transmission Corporation (Columbia) tendered for filing the following substitute revised tariff sheet to its FERC Gas Tariff:

Substitute Seventy-Sixth Revised Sheet No. 16.

Said tariff sheet bears an issue date of October 1, 1981 and a proposed effective date of November 1, 1981.

Columbia states that the subject filing is being made pursuant to Article XVI of the Stipulation and Agreement in Docket No. RP78-19, *et al.*, which was approved by Commission letter order issued July 3, 1979. Said Article provides that Columbia shall take action by November 1, 1981 to convert the rates in all of its sales zones to a dry dekatherm basis. By filing made on September 25, 1981, Columbia submitted certain tariff sheets, including Seventy-Sixth Revised Sheet No. 16, reflecting the coversion of its existing rates to a dry dekatherm basis, effective November 1, 1981. Columbia states that the sole purpose of the instant tariff filing is to correct an error contained in said September 25, 1981 filing.

Columbia states that in making the aforesaid September 25, 1981 filing it was its intention that the rates charged its wholesale coustomers for purchasing gas under its CDS and G Rate Schedules in its Zone 4 (the only zone in which Columbia makes sales under its G Rate Schedule) remain the same. However, the September 24, 1981 filing inadvertently reflected different rates for the CDS and G Rate Schedules. Accordingly, Columbia states that it has made the instant filing in order to properly reflect the Zone 4 rates under these two rate schedules.

Copies of the entire filing were served upon each of Columbia's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, Union Center Plaza Building, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.18 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before October 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of Columbia'a filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30764 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. TA81-2-44-005 (PGA81-16)]

Commercial Pipeline Company, Inc.; Proposed Change in FERC Gas Tariff

October 14, 1981.

Take notice that on October 1, 1981, Commercial Pipeline Company, Inc., (Commercial) tendered for filing Third Substitute Thirty-Fifth Revised Sheet No. 3A Superseding Second Substitute Thirty-Fifth Revised Sheet No. 3A to its FERC Gas Tariff First Revised Volume No. 1.

Commercial states that its substitute tariff sheets were filed to reflect a new surcharge adjustment, effective May 23, 1981. The Commission by letter order issued July 30, 1981, directed Commercial to reflect in the new surcharge adjustment three item: (1) The overcollections of supplier costs that occurred during the months of May 1980 through October 1980; (2) the correct pipeline supplier rate during the month of April 1980; and (3) the recalculation of carrying charges on the revised monthly balances.

Commercial also states that the new surcharge adjustment in its tariff sheet reflects a proper computation of Commercial's "Rate After Current Adjustment" from its base rates and

cumulative adjustments in its 33rd Revised Sheet No. 3A.

Copies of this filing were served upon each of Commercial's jurisdictional customers and upon the Kansas Corporation Commission and the Missouri Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 29, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30785 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP81-528-000]

Consolidated Gas Supply Corp.; Application

October 19, 1981.

Take notice that on September 22, 1981, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP81-p528-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural as for resale to Texas Gas Transmission Corporation (Texas Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes pursuant to a limited-term surplus gas sales agreement dated September 17, 1981, to sell up to 93,685,000 dekatherms (dt) equivalent of natural gas to Texas Gas on an interruptible basis for a period from February 1, 1982, through January 31, 1985. Applicant would deliver the subject gas to Texas Gas at the existing measuring and regulating station located at the northern terminus of the Blue Wate pipeline system near Egan, Acadia Parish, Louisiana, the existing measuring and regulating station located at the interconnection of Transcontinental Gas Pipe Line Corporation and Texas Gas in Evangeline Parish, Louisiana, and such other points as may be mutually agreeable.

Applicant would sell the subject gas under its "E" rate including all adjustments except the GRI adjustment which rate is currently $3.2540 per dt equivalent.

It is asserted that the subject sale would provide Applicant with a ready market capable of absorbing gas which may on a short term basis exceed storage capability and the requirements of its traditonal markets. It is further asserted that Applicant would be able to make this sale without impairing service to its existing customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or aprotest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30778 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP81-205-001]

Delhi Gas Pipeline Corp.; Petition To Amend

October 16, 1981.

Take notice that on September 21, 1981, Delhi Gas Pipeline Corporation (Petitioner), Fidelity Union Tower, Dallas, Texas 75201, filed in Docket No. CP81-205-001 a petition to amend the order issued July 24, 1981, in Docket No. CP81-205-000 pursuant to § 284.127 of the Commission's Regulations so as to authorize a point in Leon County, Texas, from which Petitioner would receive gas from United Gas Pipe Line Company (United), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

It is asserted that by order issued July 24, 1981, Petitioner was authorized to transport gas for the account of United for a term of 20 years. It is submitted that petitioner advised the Commission of 15 delivery points from United to Petitioner covering 9 counties within the State of Texas. Petitioner states that it failed to include a delivery point from United in the Bear Grass Field area in Leon County, Texas, and proposes herein to include such delivery point from United.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30786 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER80-434]

Duke Power Co.; Compliance Filing

October 15, 1981.

The filing Company submits the following:

Take notice that on September 25, 1981, Duke Power Company (Duke) filed

a compliance report pursuant to the Commission's letter order of September 14, 1981. The compliance report reflects that Duke made no fuel conservation energy sales during the period from October 1, 1981 to September 14, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before November 2, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30787 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP82-4-000]

El Paso Natural Gas Co.; Application

October 19, 1981.

Take notice that on October 2, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492 El Paso, Texas 79978, filed in Docket No. CP82-4-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for the account of Texas Gas Transmission Corporation (Texas Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes pursuant to a transportation agreement dated May 8, 1981, to transport up to 10,000 Mcf of natural gas per day for Texas Gas. Applicant states it would receive the subject gas from Northwest Pipeline Corporation at the Ignacio receipt point Ignacio, Colorado, and would deliver equivalent volumes to Transcontinental Gas Pipe Line Corporation at three existing delivery points in Waller County, Texas, Fort Bend County, Texas, and Harris County, Texas.

Applicant states that if its pipeline capacity is insufficient to transport all quantities of gas tendered by Texas Gas it would allocate *pro rata* its available transportation capacity among all such shippers including Texas Gas according to the quantities tendered by such shippers on such day.

It is stated that as compensation for the back-haul transporation service Texas Gas would pay Applicant 1.0 cent per Mcf of gas transported. In addition, it is stated that Texas Gas would pay a monthly charge equal to the product of the applicable contract quantity times the rate in effect and reflected from time to time as the San Juan Triangle Facilities Demand Charge as set forth in Applicant's FERC Gas Tariff, Third Revised Volume No. 2.

It is asserted that the proposed service would provide Texas Gas with a means of receiving supplies which are distant from its system.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. any person wishing to be come a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30779 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5297-000]

Forte Brothers, Inc.; Application for Preliminary Permit

October 16, 1981.

Take notice that Forte Brothers, Inc. (Applicant) filed on August 31, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5297 to be known as the Manville Dam Hydroelectric Project located on the Blackstone River in the towns of Lincoln and Cumberland, Providence County, Rhode Island. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. James A. Forte, Forte Brothers, Inc., 14 Whipple Street, Cumberland, Rhode Island 02864, and Mr. Michael P. DeFrancesco, Ronald M. Ash & Associates, Inc., 210 Lonsdale Avenue, Pawtucket, Rhode Island 02860.

Project Description—The proposed run-of-the-river project would consist of: (1) An existing 160-foot long and 19-foot high granite masonry dam owned by the Applicant; (2) an existing reservoir of negligible storage capacity with a surface area of 58 acres at surface elevation 89.40 feet m.s.l. (spillway crest); (3) an existing intake and flow control structure immediately upstream of the left (east) abutment of the dam; leading to (4) an existing 35-foot diameter brick arch tunnel about 1000 feet long, the upstream 200-foot length to be used as a flow structure to feed (5) a new penstock leading to (6) a new powerhouse with an installed capacity of 1,240 kW; (7) a new tailrace; and (8) other appurtenances. Applicant estimates annual generation would average 5,431,000 kWh. Project energy would be sold to Blackstone Valley Electric Company.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years during which time Applicant would investigate project design alternatives, financial feasibility, environmental effects of project construction and operation, and project power potential. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for FERC license. Applicant estimates that the cost of the studies under permit would be $20,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 19, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent See 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later then the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before December 19, 1981.

Filing and Service of Responsive Document—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kennth F. Plumb,

Secretary.

[FR Doc. 81-30799 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER 80-466]

Georgia Power Co.; Compliance Filing

October 15, 1981.

The filing Company submits the following:

Take notice that on October 5, 1981, Georgia Power Company filed a compliance report in accordance with the Commission's letter order dated September 18, 1981.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before November 2, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30798 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. RP80-134-003]

Great Lakes Gas Transmission Co.; Proposed Change in Gas Tariff

October 14, 1981.

Take notice that on October 5, 1981, Great Lakes Gas Transmission Company (Great Lakes), in compliance with the Commission's order issued September 4, 1981, tendered for filing tariff sheets, proposed to be effective March 1, 1981, and identified as follows:

First Revised Volume No. 1

Second Substitute Tenth Revised Sheet No. 4

Original Volume No. 2

Second Substitute Sixteenth Revised Sheet No. 53
Second Substitute Seventh Revised Sheet No. 77
Second Substitute First Revised Sheet No. 223
Second Substitute First Revised Sheet No. 245

First Revised Volume No. 1

First Revised Sheet No. 56-A1

Original Volume No. 2

First Revised Sheet No. 53-E1
First Revised Sheet No. 78E
Fourth Revised Sheet No. 123
First Revised Sheet No. 123-A

Great Lakes states that the tariff sheets reflect the base tariff rates and the monthly company use of the gas adjustment provision.

Great Lakes also tendered for filing Substitute Thirty-Ninth-A Revised Sheet No. 57 to First Revised Volume No. 1. This tariff is a substitute for the tariff sheet filed with the Commission on September 30, 1981; it is to become effective November 1, 1981.

Copies of this filing were served on all Great Lakes's customers and the Public Service Commissions of Minnesota, Michigan and Wisconsin.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30789 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ES77-40-001]

Gulf States Utilities Co.; Application

October 15, 1981.

Take notice that on October 13, 1981, Gulf States Utilities Company (Applicant) filed Amendment No. 6 to its application seeking a supplemental order pursuant to Section 204 of the Federal Power Act authorizing the Applicant (1) to enter into a change in the conversion price, (2) to delete the earnings covenant of the Trust Indenture and (3) to make such other changes as deemed necessary to Applicant's $50,000,000 of Convertible Debentures authorized by Commission Order issued on September 20, 1977.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 27, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30780 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 2801-001]

Mary Heather; Application for Amendment of License

October 19, 1981.

Take notice that Mary Heather (Licensee) filed on September 30, 1981, an application for amendment of the license (pursuant to the Federal Power Act, 16 U.S.C. 791(r)-825(r)) for the Glendale Project No. 2801 located on the Housatonic River in the town of

Stockbridge, Massachusetts. Correspondence with the Applicant should be directed to: Mary Heather, Housatonic Energy Conservation Association, Stockbridge, Massachusetts 01262.

Licensee proposes to amend Article 22 of the license for the Glendale Project issued November 23, 1979. Article 22 requires the Licensee to complete construction and installation of hydroelectric generating facilities at the project within 2 years from the date of issuance of the license. Licensee has requested that Article 22 be amended to require that construction be completed in 4 years. The additional time has been requested because of delays resulting from current high interest rates to finance the remaining work, adverse weather during the fall of 1980, and a commitment to hire local personnel for construction. 90% of the work needed to restore the project has been accomplished.

Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's rules of practice and procedure, 18 CFR, 1.8 or 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determing the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's rules. Any coments, protest, or petition to intervene must be filed on or before November 29, 1981. The Commission's address is: 825 North Capitol Street, NE., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30781 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER81-341-001]

Kentucky Utilities Co.; Filing

October 16, 1981.

The filing Company submits the following:

Take notice that on August 21, 1981, Kentucky Utilities Company (KU) filed revisions to its contract for wholesale electric service to the City of Paris, Kentucky. KU requests an effective date of October 20, 1981, and states that the change will result in significantly increased rates.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 6, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30782 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5304-000]

Modesto Irrigation District; Application for Preliminary Permit

October 19, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on August 31, 1981, and application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5304 to be known as the Mill Creek Power Project located on Mill Creek in Tehama County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: A. Lee DeLano, P.O. Box 4060, Modesto, California 95252.

Project Description—The proposed project would consist of: (1) A 5-foot high concrete diversion structure; (2) a 60-inch diameter, 16,00-foot long conduit; (3) a 36-inch diameter and 3600-foot long steel penstock; (4) a powerhouse with total installed capacity of 3600 kW; and (5) a 2.5-mile long transmission line. The Applicant estimates that the average annual energy output would be 26 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare an FERC license application. No new roads would be required to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $45,000.

Competing Applications—This application was filed as a competing application to the Mill Creek Project No. 5122 filed on July 22, 1981, by Mac Hydro Power Company, Inc. under 18 CFR § 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before October 26, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (see 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant.) If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 19, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission.

Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30783 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5273-000]

Modesto Irrigation District; Application for Preliminary Permit

October 19, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on August 24, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for Project No. 5273 to be known as the Dinkey Creek—Cow Creek Project located on Dinkey and Cow Creeks in Fresno County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: A. Lee DeLano, Modesto Irrigation District, 1231 11th Street, P.O. Box 4060, Modesto, California 95352.

Project Description—The proposed project would consist of: (1) 5-foot high diversion structure on Dinkey Creek; (2) a 5-foot high diversion structure on Cow Creek; (3) a 20,500-foot long conduit; (4) a 36-inch diameter and 4500-foot long steel penstock; (5) a powerhouse containing one or more generating units with a combined capacity of 3,850 kW; and (6) a 1500-foot long transmission line. The Applicant estimates that the average annual energy output would be 34 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would conduct engineering, environmental, economic, and feasibility studies, and prepare to FERC license application. No new roads would be required, to conduct the studies. The cost of the work to be performed under the preliminary permit is estimated to be $45,000.

Competing Applications—This application was filed as a competing application to Dinkey Creek-Cow Creek Project No. 5121 filed on July 22, 1981, by Mac Hydro-Power Company, Inc. Anyone desiring to file a competing application must submit to the Commission, on or before November 16, 1981, either the competing application itself (See 18 CFR 4.33 (a) and (d) (1980)) or a notice of intent (see 18 CFR 4.33 (b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 13, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30748 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP81-529-000]

Montana-Dakota Utilities Co.; Application

October 19, 1981.

Take notice that on September 23, 1981, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP81-529-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for the account of Husky Oil Company (Husky) and the construction and operation of facilities necessary therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that pursuant to a gas transportation and purchase agreement dated May 21, 1981, Applicant proposes to transport natural gas for the account of Husky produced in the Marianne Field, Sweetwater County, Wyoming, and the Garland Field, Park County, Wyoming. It is asserted that Applicant would receive the gas produced in the Garland Field directly into its system but would receive the gas produced from the Marianne Field from Colorado Interstate Gas Company (CIG) at a point of existing interconnection with CIG in the Madden Field, Fremont County, Wyoming. It is asserted that the subject gas would be used by Husky as process gas and boiler fuel at its refinery in Cody, Wyoming.

Applicant would, it is stated, transport up to 5,000 Mcf of natural gas per day on a best-efforts basis and delivery such gas to Husky in the Elk Basin Field, Park County, Wyoming.

Applicant further proposes to construct and operate the facilities necessary to deliver the gas into Husky's facilities in the Elk Basin Field which would consist of two taps and meter stations at an estimated cost of $79,000 which would be reimbursed by Husky.

It is asserted that Applicant would have a continuing option to purchase up to 25 percent of the volumes delivered from the Marianne Field, up to 50 percent of the volumes delivered from the Garland Field, and up to 25 percent of any gas that may be produced by Husky in the future and delivered to Applicant. Applicant states that it does not intend to exercise its option at this time.

It is stated that Husky agrees to pay Applicant an initial transportation rate of 25.266 cents per Mcf for all gas delivered and that Applicant would

retain 1 percent of the gas as compensation for lost and unaccounted-for gas.

It is submitted that Applicant would pay Husky a price equal to the price per Mcf that Husky pays for such gas from the wells plus applicable transportation and processing charges.

It is asserted that the proposed service would enable Husky to obtain the natural gas needed to fuel its Cody refinery while utilizing excess capacity on Applicant's system.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30785 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP81-516-000]

Montana-Dakota Utilities Co.; Application

October 19, 1981.

Take notice that on September 16, 1981, Montana-Dakota Utilities Co. (Applicant), 400 North Fourth Street, Bismarck, North Dakota 58501, filed in Docket No. CP81-516-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and continued operation of certain natural gas facilities or in the alternative for a declaratory order pursuant to § 1.7(c) of the Commission's rules of practice and procedure (18 CFR 1.7(c)), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

It is stated that pursuant to a sale and purchase agreement executed on August 8, 1980, Applicant has agreed to purchase the six-inch Thermopolis Lateral line in Hot Springs County, Wyoming, 28 miscellaneous farm taps along the Thermopolis Lateral line, and new sale-for-resale delivery points associated with the Thermopolis Lateral from Wyoming Gas Company (Wyoming Gas). Applicant asserts that Wyoming Gas purchase approximately 95 percent of Applicant's currently authorized sales volumes primarily to serve the City of Thermopolis, Wyoming. Applicant also asserts that recently there has been significant exploration and drilling activity in the Golden Eagle, Enos Creek, Grass Creek, and Gooseberry Creek areas, northwest of Thermopolis. As a result of this activity, Applicant submits that it had agreed to purchase production from some producers from the Dolezal/Government Well in the Golden Eagle Field, Park County, Woyming.

Applicant proposes to continue operation of the Thermopolis Laterial and appurtenant facilities primarily as a gas supply facility while continuing its certificated sale-for-resale to Wyoming Gas for service to the city of Thermopolis. Applicant states that by the sale and purchase agreement of August 8, 1980, it also agreed to purchase the Grass Creek and Golden Eagle gathering system from Wyoming Gas. Applicant avers that the use of the Thermopolis Lateral line to supply Thermopolis would diminish while use of the line to transport gas from the Golden Eagle Field to Applicant's main line would increase greatly.

In the alternative, Applicant seeks a declaratory order that its acquisition of the Thermopolis Lateral line, the 28 miscellaneous delivery taps along the line and various appurtenant facilities was covered by its budget certificate in Docket No. CP80-194 and that certificate authorization is needed only for the new delivery points. Applicant submits that although construction of a new gas supply facility parallel to the existing Thermopolis Lateral line would be covered by Applicant's budget certificate it would cost approximately $800,000 whereas the acquisition of the existing line was $434,414. Applicant maintains that its customers and Applicant itself would benefit from the savings realized in acquiring the existing line in lieu of constructing a new one.

Furthermore, Applicant submits that the regulatory problem related to permitting the acquisition of the Thermopolis Lateral line under Applicant's budget certificate is the opportunity for claiming an "acquisition adjustment" or for surreptitiously increasing the resulting main line transmission capacity. Applicant explains that it does not urge that the budget certificate be meant to authorize increases in main line capacity. Moreover, Applicant states that the instant request for declaratory order applies only to those instances where any acquisition adjustment is not claimed until the pipeline's next general rate case so that all the risk of justifying the adjustment is borne by the pipeline. Applicant further asserts that it has reflected the cost of the Thermopolis Lateral line on its books at its acquisition cost subject to Commission review in Applicant's currently pending general rate case in Docket No. RP81-71-000. Applicant avers that the savings realized from the acquisition have been passed on to the public.

Applicant also proposes to construct and operate a new border station at Thermopolis, Wyoming, so as to effectuate the proposed operation of the Thermopolis Lateral facilities. The cost of the proposed construction is estimated by Applicant to be $43,600 which would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the

Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30799 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket Nos. RP 11-007, etc.]

Natural Gas Pipeline Company of America, et al.; Filing of Pipeline Refund Reports and Refund Plans

October 16, 1981.

Take notice that the Pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before November 2, 1981. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

APPENDIX

Filing date	Company	Docket No.	Type filing
Sept. 28, 1981	Natural Gas Pipeline Company	RP80-11-007	Report.
Sept. 30, 1981	Tennessee Natural Gas Lines, Inc.	RP81-143-000	Report.
Oct. 5, 1981	Arkansas Louisiana Gas Company	RP81-101-003	Report.
Oct. 5, 1981	Michigan-Consolidated Gas Company	RP81-8-001	Report.
Oct. 6, 1981	Mountain Fuel Supply Company	CP76-285-013	Report.

[FR Doc. 81-30800 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ER81-780-000]

Pacific Power & Light Co.; Filing

October 14, 1981.

The filing Company submits the following:

Take notice that Pacific Power & Light Company (Pacific) on September 28, 1981, tendered for filing, in accordance with § 35.12 of the Commission's regulations, the Residential Purchase and Sale Agreement between Pacific and the Bonneville Power Administration (Bonneville). The Agreement provides for the exchange of power between Bonneville and Pacific.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective October 1, 1981, which it claims is the date of commencement of service.

Copies of the filing were supplied to Bonneville, the Idaho and Montana Public Utility Commissions, the Oregon Public Utility Commissioner and the Washington Utilities and Transportation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 26, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30770 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP82-6-000]

Tarpon Transmission Co.; Application

October 19, 1981.

Take notice that on October 2, 1981, Tarpon Transmission Company (Applicant), 4665 First International Building, Dallas, Texas 75270, filed in Docket No. CP82-6-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas from Offshore Block 392, Eugene Island Area, South Addition, offshore Louisiana, for Trunkline Gas Company (Trunkline), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation agreement between Applicant and Trunkline dated February 15, 1977, as amended July 10, 1981, Applicant proposes to tansport gas from Block 392, Eugene Island Area, South Addition for Trunkline. Applicant further proposes an adjustment to Trunkline's minimum daily obligations to reflect the volumes from Block 392. Applicant states that the minimum daily obligations during the primary term of the transportation agreement are as follows:

	1,000 cubic feet
1982	86,800
1983	65,300
1984	20,700
1985	3,900

It is explained that by order issued in Docket No. CP77-315 Applicant was authorized to construct a 16-inch pipeline from Block 380 in the Eugene Island Area to an interconnection point with Trunkline in Ship Shoal Block 274. Applicant states that it was also authorized to construct a side-valve on that line that could later serve as the delivery point for gas originating in Block 392. Applicant states, therefore, that the transportation of gas from Block 392 can commence promptly as any necessary facilities would be constructed pursuant to Trunkline's budget authority.

Applicant proposes to charge its currently effective rate of 18.1 cents per Mcf for transportation of the volumes to be transported from Eugene Island Block 392.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30787 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP81-532-000]

Texas Gas Transmission Corp.; Application

October 16, 1981.

Take notice that on September 25, 1981, Texas Gas Transmission Corporation (Applicant), 3800 Frederica Street, Owensboro, Kentucky 42301, filed in Docket No. CP81-532-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of three rural delivery points near Eunice, Louisiana, to render direct sales of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate three rural delivery points to render natural gas service to J. W. Zaunbrecher, Winston Atteberry and Arthur Loewer. It is stated that all three customers would utilize the gas for agricultural purposes.

Applicant explains that it would be able to render such service within the existing aggregate quantity entitlements set forth on Sheet No. 152 of its FPC Gas Tariff, Third Revised Volume No. 1, as Miscellaneous Small Sales. It is further asserted that Applicant would be reimbursed for the cost and installation of such facilities by the individual customers.

Applicant submits that although it has no right-of-way obligation to these customers, it wishes to serve these customers as they have accommodated and assisted Applicant in gaining access to the company's facilities for repair and maintenance purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30771 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP81-521-000]

Transcontinental Gas Pipe Line Corp.; Application

October 19, 1981.

Take notice that on September 17, 1981, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77251, filed in Docket No. CP81-521-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and appurtenant facilities offshore Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to contruct and operate approximately 3.03 miles of 8-inch pipeline extending from the producer's "B" platform in Mustang Island Block 757, offshore Texas, to the producer's "A" platform in Mustang Island Block 762 to attach new gas supplies from Mustang Island Block 757 which Transco Gas Supply Company anticipates it would purchase from Atlantic Richfield Company and sell to Applicant. It is asserted that the subject gas would be transported onshore through the proposed facilities, facilities proposed to be constructed by Applicant extending from Block 762 "A" platform to an under water tie-in with other proposed facilities in Mustang Island Block 758, certain proposed facilities to be jointly owned by Applicant, Southern Natural Gas Company, Natural Gas Pipeline Company of America and Northern Natural Gas Company, Division of InterNorth, Inc. extending from Block 758 to Matagorda Island Block 686, and the existing Matagorda Offshore Pipeline System extending from Block 686 to an onshore connection with Florida Gas Transmission Company.

It is asserted that proved reserves at this location should be about 13,200,000 Mcf with maximum deliverability of approximately 15,000 Mcf per day.

Applicant estimates the cost of the proposed facilities to be $3,308,230 which would be financed initially throught short-term loans and available cash with permanent fanancing to be undertaken as part of an overall long-term financing program at a later date.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in a accordance with the requirements of the Commission's rules of practice and procedures (18 CFR 1.8 or 1.10), and the regulations under the National Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determine the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes tha a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be presented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30786 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 4460-000]

Tri-Cities of Arnold, Lower Burrell and New Kensington, Pennsylvania, and A. Richard Marcus and Associates; Application for Preliminary Permit

October 19, 1981.

Take notice that Tri-Cities of Arnold, Lower Burrell and New Kensington, Pennsylvania, and A. Richard Marcus and Associates (Applicant) filed on April 2, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)) for proposed Project No. 4460 to be known as Allegheny Lock and Dam #4 Hydro Project located on the Allegheny River in Allegheny and Westmoreland Counties, Pennsylvania. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Richard Marcus, 1228 Bennington Avenue, Pittsburgh, Pennsylvania 15217. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Allegheny Lock and Dam No. 4 and would consist of: (1) New penstocks near the left dam abutment; (2) a new powerhouse containing generating units having a total rated capacity of 14,700 kW; (3) a tailrace; (4) a new transmission line; and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 128,800,000 kWh.

Purpose of Project—Project energy would be utilized by the municipalities and also would be sold to public utilities and industrial users.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be between $50,000 and $75,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications. This application was filed as a competing application to Noah Corporation's Application for Project No. 3494 filed on September 23, 1980, under 18 C.F.R. (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments protest, or petition to intervene must be received on or before November 16, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made a response to this notice of application for preliminary permit for Project No. 4460. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each

representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30601 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. CP81-539-000]

United Gas Pipe Line Co.; Application

October 16, 1981.

Take notice that on September 30, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-539-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued sale of natural gas to Norco Gas and Fuel Company (Norco) as successor in interest to LaPlace Gas and Fuel Company, Inc. (LaPlace), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it presently sells gas to LaPlace for resale to the Town of LaPlace, Louisiana. It is asserted that the distribution properties of LaPlace have been acquired by Norco pursuant to a service agreement dated August 28, 1981. Applicant, therefore, proposes to continue the sale of gas at this location to Norco.

It is asserted that the maximum daily quantity of 2,032 Mcf would not change and that Norco would continue to be served under Applicant's Rate Schedule G-S.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 5, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30772 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. ST80-106-001]

United Texas Transmission Co.; Extension Reports

October 16, 1981.

The companies listed below have filed extension reports pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Part 284 of the Commission's regulations giving notice of their intention to continue transportation and sales of natural gas for an additional term of up to 2 years. These transactions commenced on a self-implementing basis without case-by-case Commission authorization. The Commission's regulations provide that the transportation or sales may continue for an additional term if the Commission does not act to disapprove or modify the proposed extension during the 90 days preceding the effective date of the requested extension.

The table below lists the name and addresses of each company selling or transporting pursuant to Part 284; the party receiving the gas; the date that the extension report was filed; and the effective date of the extension. A letter "B" in the Part 284 column indicates a transportation by an interstate pipeline which is extended under § 284.105. A letter "C" indicates transportation by an intrastate pipeline extended under § 284.125. A "D" indicates a sale by an intrastate pipeline extended under § 284.146.

Any person desiring to be heard or to make any protest with reference to said extension report should on or before November 6, 1981 file with the Federal Energy Regulatory Commission, Washington D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants party to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

Docket No.	Transporter/seller	Recipient	Date filed	Part 284, subpart—	Effective date
ST80-106-001	United Texas Transmission Co., P.O. Box 1478, Houston, TX 77001.	United Gas Pipe Line Co.	Sept. 17, 1981	C	Dec. 18, 1981.

[FR Doc. 81-30773 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5354-000]

Utah Power & Light Co.; Application for Preliminary Permit

October 19, 1981.

Take notice that Utah Power & Light Company (Applicant) filed on September 11, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)) for Project No. 5354 to be known as the Soldiers Creek Project located on the Strawberry River in Wasatch County, Utah. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Sidney G. Baucom, Executive Vice President & General Counsel, Utah Power & Light Company, 1407 West North Temple, Salt Lake City, Utah 84116.

Project Description—The proposed project would utilize the U.S. Bureau of Reclamation's existing Soldier Creek Dam and Reservoir. The project would consist of: (1) A proposed powerhouse with a new penstock; and (2)

appurtenant facilities. The installed capacity would be approximately 500 kW with an average annual energy production of 2,580,000 kWh. Project energy would be used by the Applicant for public utilty purposes.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would conduct studies of the hydraulic, structural, economic, environmental, historic, and recreational aspects of the project. Depending upon the outcome of the studies, the Applicant would decide whether to proceed with an application for a FERC license. Applicant estimates the cost of project design and studies under the permit would be $25,000.

Competing Applications—This application was filed as a competing application to Central Utah Water Conservancy District's application for Project No. 4424-000 filed on March 27, 1981, Inc. under 18 CFR 4.33 (1980). Public Notice of the filing of the initial application has already been given and the due date for filing competing applications or notices of intent has passed. Therefore, no further competing applications or notices of intent to file competing applications will be accepted for filing.

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of Practice and Procedures, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before November 19, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30789 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Docket No. TA82-1-50-000]

Valley Gas Transmission, Inc.; Purchased Gas Cost Adjustment Filing

October 14, 1981.

Valley Gas Transmission, Inc. ("Valley"), on September 30, 1981 submitted for filing as part of its FERC Gas Tariff, Original Volume No. 1, its proposed "Twenty-First Revised Sheet No. 2A." The proposed effective date is November 1, 1981.

Valley states that this tariff sheet is filed pursuant to its currently effective Purchased Gas Cost Adjustment Provision. The proposed changes involve Valley's "Current Surcharge Adjustment" and "Current Gas Cost Adjustment." The adjustments are supported by computations attached to the filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before October 23, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30774 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

[Project No. 5338-000]

Western Power Inc.; Application for Preliminary Permit

October 16, 1981.

Take notice that Western Power Incorporated (Applicant) filed on September 8, 1981, an application for preliminary permit (pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r) for Project No. 5338 to be known as the Excelsior Mountain Power project located on West Cady Creek in Snohomish county, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Thomas R. Childs, Western Power, Inc., 2136 James Street, Bellingham, Washington 98225.

Project Description—The proposed project would consist of: (1) A 5-foot high diversion structure on West Cady Creek; (2) a 8400-foot long, 54-inch diameter diversion conduit; (3) a 2200-foot long, 42-inch diameter penstock; (4) a powerhouse with an installed capacity of 7300 kW; and (5) a 1300-foot long, 69-kV transmission line from the powerhouse to the Storm Ridge Power Project transmission line. The Applicant estimates that the average annual energy production would be 39.65 million kWh.

Proposed Scope of Studies Under Permit—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months, during which it would conduct environmental, engineering and economic feasibility studies and also prepare an FERC license application. No new roads will be needed to conduct these studies. The Applicant estimates that the cost of undertaking these studies would be $225,000.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before December 17, 1981, either the competing application itself (see 18 CFR 4.33(a) and (d) (1980)) or a notice of intent (see 18 CFR 4.33(b) and (c) (1980)) to file a competing application. Submission of a timely notice of intent allows an interested person to file an acceptable competing application no later than the time specified in § 4.33(c).

Agency Comments—Federal, State, and local agencies are invited to submit comments on the described application. (A copy of the application may be obtained by agencies directly from the Applicant). If an agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions To Intervene—Anyone may submit comments, a protest, or a petition to intervene in accordance with the requirements of the rules of practice and procedure, 18 CFR 1.8 or 1.10 (1980). In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a petition to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protest, or petition to intervene must be received on or before December 17, 1981.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATION," "PROTEST," or "PETITION TO INTERVENE," as applicable, and the Project Number of this notice. Any of the above named documents must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208 RB at the above address. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-30802 Filed 10-22-81; 8:45 am]

BILLING CODE 6717-02-M

Office of Hearings and Appeals

Implementation of Special Refund Procedures

AGENCY: Office of Hearings and Appeals, DOE.

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 $4,073,532.67 obtained by the DOE under the terms of consent orders entered into with Olin Corporation and Andarko Production Company. The funds were provided by the firms in order to settle enforcement proceedings brought by the Office of Enforcement.

DATE AND ADDRESS: Comments must be filed on or before November 23, 1981, 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 consipicuously a reference to case numbers BEF-0079 and BEF-0085.

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 $4,073,532.67 obtained by the DOE under the terms of consent orders entered into with Olin Corporation and Anadarko Production Company. The funds were provided to the DOE by the firms in order to settle all claims and disputes between the firms and the DOE regarding the first sales prices of natural gas liquids (NGLs) charged by the firms during the period between August 1, 1973 and December 31, 1978. In the consent orders, 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 to distribute the contents of the escrow accounts funded by Olin and Anadarko. The DOE has tentatively decided that Applications for Refund should be accepted from the initial purchasers of NGLs from either of the firms during the relevant audit period. In addition, the DOE determined that Applications for Refund also should be accepted from persons who brought products produced with or from the NGLs sold by the firms during the relevant time periods. The Proposed Decision and Order provides 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 NGLs charged by Olin or Anadarko, 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 NGLs charged by Olin and Anadarko. 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 particularly 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 Treasury 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 October 16, 1981.

George B. Breznay,

Director, Office of Hearings and Appeals.

October 16, 1981.

Proposed Decision and Order of the Department of Energy

Special Refund Procedures

Name of Petitioner: Office of Enforcement, Economic Regulatory Administration: In the Matters of Olin Corporation and Anadarko Production Company.

Dates of Filing: September 1, 1981, September 4, 1981.

Case Numbers: BEF–0079, BEF–0085.

Under the regulations of the Department of Engery, the Economic Regulatory Administration'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 Petitions for the Implementation of Special Refund Procedures in connection with consent orders entered into with Olin Corporation (Olin) and Anadarko Production Company (Anadarko). Pursuant to the consent orders, the firms agreed to refund $3,738,926.71 and $334,605.96, respectively, in settlement of enforcement proceedings concerning violations of the DOE price regulations they are 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 OHA regarding their distribution.

I. Background

Both Olin and Anadarko are "gas plant operators" within the meaning of 10 CFR 212.162. During the relevant time periods, the firms were 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 natural gas liquids (NGLs).

In its audit of Olin, the OE found possible violations with respect to first sales of NGLs during the period from September 1, 1973 through December 31, 1978. During that period Olin sold its output of NGLs to two firms: Phillips Petroleum Corporation and Enterprise Products Company. In order to settle all claims and disputes between the parties, Olin agreed to pay $3,738,926.71 to the DOE. The parties further agreed that this fund would be distributed by the DOE pursuant to 10 CFR, Part 205, Subpart V. On February 8, 1980, the DOE published notice of the Olin 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. 45 FR. 8696 (1980). No claim was filed.

In its audit of Anadarko, the OE found possible violations with respect to first sales of NGLs during the period from August 1973 through December 1978. During that period Anadarko sold its output of NGLs to four firms: Farmland Industries; Bultman, Inc.; Derby Refining Company; and Sauvage Gas Company. In order to settle all claims and disputes between the parties, Anadarko agreed to pay $334,605.96 to the DOE. The parties further agreed that this fund would be distributed by the DOE pursuant to 10 CFR, Part 205, Subpart V. On February 21, 1980, the DOE published notice of the Anadarko 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. 45 FR 11527 (1980). No claim was filed.

II. Jurisdiction

The procedural regulations of the Department of Energy set forth guidelines according to which the Office of Hearings and Appeals may formulate and implement a plan for distributing funds received as a result of a DOE 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. 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 cases, there is a significant degree of difficulty inherent in identifying the persons who were injured by the alleged overcharges. Moreover, even where injured persons can be identified, it is difficult to ascertain the amounts that such persons should receive. Until recently, NGLs 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. In view of these impediments, we believe that the persons entitled to refunds are not readily identifiable, and the amounts of the refunds that such persons should receive are not readily ascertainable. Consequently, we have determined that Subpart V provides the most useful mechanism to effect restitution to persons injured by alleged pricing violations. We have therefore decided to exercise jurisdiction over the funds received by the DOE in settlement of the enforcement proceedings underlying the Petitions for Implementation of Special Refund Proceedings filed by the OE in these two cases.

III. Authority To Fashion Refund Procedures

In several recent decisions 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), 46 FR 17639 (1981) (hereinafter referred to as *Alcoa); Office of Enforcement,* No. BEF–0030 (May 1, 1981) (proposed decision), 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.

751 (1976). Natural gas liquids 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 Crop. 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 NGLs was first vested in the Cost of Living Council under the Economic Stabilization Act (ESA), 12 U.S.C. 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) section 5, 15 U.S.C. 765 (1974); Department of Energy Organization Act (DOE Act), section 301(a), 42 U.S.C. 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 decisions, 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 express 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. 753(b)(1)(F).

IV. *Proposed Refund Procedures*

To fulful the objectives expressed in the statutes and regulations discussed above, and the consent orders themselves, the procedures to be implemented in these cases 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 monies obtained through DOE enforcement proceedings is the primary focus of Subpart V. 10 CFR 205.280; *see 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 Subpart 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 submit Applications for Refund and successfully demonstrate their entitlement to 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) (hereinafter referred to as *Belridge); Fagadau*, slip op. at 6; *Alcoa*, slip op. at 6; *Vickers* at 185,397-99. 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, 205.287(c) of the DOE regulations provides that "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 NGLS by Olin or Anadarko. To the extent that the first purchasers of NGLS from these firms 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 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 NGLs from the first purchasers.

In order to establish entitlements to a refund, a person claiming to be an injured party must satisfactorily demonstrate that it purchased, during the relevent time period, a specific quantity of NGLs, or products which were produced with or from the NGLs sold by Olin or Anadarko. Privity with either the firms or one of their 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 one of the natural gas processors. 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 demonstrate 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 this type of showing 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. We therefore established in that case a threshold level of purchases below which applicants, primarily smaller firms and individuals, would not be required to make a detailed showing of injury. For those applicants whose claims did not exceed that threshold, 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.* We will consider using the same type of treatment for smaller claimants in this proceeding, and we similarly 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 NGLs purchased by the applicant to the total amount of those products sold by Olin or Anadarko 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 for 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 orders 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 to 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 orders. As a final matter, we note that Applications for Refund filed on behalf of groups of claimants identifying themselves as adversely affected purchasers also will be considered 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 NGLs sold by Olin and Anadarko have been filed and the share of the settlement fund to which they are entitled has been determined, the settlement fund provided by the firms, 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 believe it premature to establish a second-stage procedure at this time. 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 will propose 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 the final Decision, we will summarize and address briefly the comments received concerning the proposed second-stage procedures, and solicit additional comments regarding the distribution of the funds remaining after payment of first-stage claims. In this way, we will have several opportunities to resolve the outstanding issues before reaching a final decision on the second stage distribution process.

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 sales prices of NGLs changed by Olin and Anadarko. 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 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 consumers 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, Fogadau,* and *Belridge* we observed that first purchasers of NGLs generally are in the best position to assist the DOE in distributing refunds to those persons who are likely to have been injured by the alleged overcharges. *Alcoa,* slip op. at 9; *Fogadau,* slip op. at 9; *Belridge,* slip op. at 9. In this case as well, we believe that the first purchasers of NGLs from Olin or Anadarko 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 the firms' first purchasers. We invite those firms to develop and submit to us a proposal which contains a plan for identifying those parties who 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 purchases from the respective natural gas processor can be isolated in the appropriate distribution system, the plans should limit the proposed refunds to customers who were downstream purchasers of the NGLs covered by the consent orders.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 NGLs were used by agricultoral producers, the plan may propose to distribute funds through agricultural cooperatives in the affected areas rather than to individuals. *See, e.g., Belridge,* slip op. at 10; *Fogadau,* 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 had available for distribution $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 therefore would not expect a first purchaser to develop a restitutionary plan for these amounts.

In view of these considerations, we propose to deposit in the United States Treasury the portion of the settlement fund which, because of practical difficulties like disproportionate administrative costs would otherwise go undistributed. 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 205.287(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 plan selected for those funds.

Although we believe that Olin's and Anadarko'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 other parties from submitting proposals containing 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 settlement funds provided by Olin Corporation and Anadarko Production Company in the amounts of $3,738,926.71 and $334,605.96, respectively, will be distributed in accordance with this Decision.

[FR Doc. 81-30704 Filed 10-22-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[TSH-FRL-1965-3; OPTS-53029]

Premanufacture Notices; Monthly Status Report for August 1981

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substances Control Act (TSCA) requires EPA to publish a list in the **Federal Register** at the beginning of each month reporting the premanufacture notices (PMN's) pending before the Agency and the PMN's for which the review period has expired since publication of the last monthly summary. This is the report for August 1981.

DATE: Written comments are due no later than 30 days before the applicable notice review period ends on the specific chemical substance.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460, (202-755-5687).

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS-794), Office of Toxic Substances, Environmental Protection Agency, Rm. E-208, 401 M St., SW., Washington, DC 20460, (202-426-2601).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA (90 Stat. 2012 (15 U.S.C. 2604)) requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture or import commences. A "new" chemical substances is any substance that is not on the Inventory of existing substances complied by EPA under section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. Notices of availability of the Inventory were published in the **Federal Register** on May 15, 1979 (44 FR 28558-Initial) and July 29, 1980 (45 FR 50544-Revised). The requirement to submit PMNs for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979. EPA has 90 days to review a PMN once the Agency receives it (section 5(a)(1)). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may, for good cause, extend the review period up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

The monthly status report published in the **Federal Register** as required under section 5(d)(3), will identify: (a) PMNs received during the month; (b) PMNs received previously and still under review at the end of the month; (c) PMNs for which the notice review period has ended during the month; (d) chemical substances for which EPA has received a notice of commencement to manufacture; and (e) PMNs for which the review period has been suspended. Therefore, EPA is publishing the August 1981 PMN Status Report.

Interested persons may submit written comments on the specific chemical substance no later than 30 days before the applicable notice review period ends to the Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-409, 401 M St., SW., Washington, DC 20460. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-53029]" and the specific PMN number. Nonconfidential portions of the PMNs, written comments received on individual PMNs, and other documents in the public record may be seen in Rm. E-106 at the above address between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding legal holidays.

Dated: October 15, 1981.

Edward J. Cull,

Acting Director, Management Support Division.

PREMANUFACTURE NOTICES MONTHLY STATUS REPORT, AUGUST 1981

PMN No.	Identity/generic name	FEDERAL REGISTER citation	Expiration date
	I. Forty-one Premanufacture Notices Received During the Month		
81-373	Benzendiazonium, 4,4'-bis(o-chloro)-di-chloride	46 FR 40801 (8/12/81)	Nov. 1, 1981.
81-374	Generic name: Dimethyl benzyl fatty quaternary amine	46 FR 40918 (8/13/81)	Do.
81-375	Generic name: Alkyl aluminum halide	46 FR 42329 (8/20/81)	Do.
81-376	Generic name: Alkyl aluminum halide	46 FR 42329 (8/20/81)	Do.
81-377	Generic name: Polyamido polymethacrylate copolymer	46 FR 41857 (8/18/81)	Do.
81-378	Poly(1,4 butane/neopentyl adipate)	46 FR 40803 (8/12/81)	Do.
81-379	Generic name: Amine sulfide	46 FR 42329 (8/20/81)	Do.
81-380	Generic name: Alkylmethyl silicone glycol copolymer	46 FR 42330 (8/20/81)	Nov. 4, 1981.
81-381	Generic name: Substituted phenyl butenone	46 FR 42191 (8/19/81)	Do.
81-382	Generic name: Polymer of disubstituted benzene, disubstituted benzene and substituted acrylic acid.	46 FR 42330 (8/20/81)	Nov. 5, 1981.
81-383	Sodium salt of the sulfonated reaction products of 1-amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-((3'propanesulfonic acid)oxo) anthracene.	46 FR 42330 (8/20/81)	Nov. 9, 1981.
81-384	1-amino-4-(phenylamino)-9,10-dihydro-9,10-dioxo-2-((3'propanesulfonic acid)oxo) anthracene, sodium salt.	46 FR 42331 (8/20/81)	Do.
81-385	Generic name: Copper Phthalocyaninetrisulfonic Acid, Salt	46 FR 42751 (8/24/81)	Nov. 10, 1981.
81-386	Generic name: Polyacrylate homopolymer	46 FR 42910 (8/25/81)	Do.
81-387	Generic name: Polymer of alkyl methacrylates and N-substituted methacrylamide	46 FR 44046 (9/2/81)	Nov. 11, 1981.
81-388	Generic name: Polyether urethane prepolymer	46 FR 44047 (9/2/81)	Nov. 10, 1981.
81-389	Alkylphenol modified xylene-formaldehyde resins	46 FR 42751 (8/24/81)	Nov. 9, 1981.
81-390	Phenol-modified xylene-formaldehyde resins	46 FR 42751 (8/24/81)	Do.
81-391	Generic name: Acrylic polymer	46 FR 44047 (9/2/81)	Nov. 11, 1981.
81-392	Generic name: Trialkoxysilyl alkyl acrylamine	46 FR 44047 (9/2/81)	Nov. 10, 1981.
81-393	Generic name: Substituted dithiocarbamic acid salt	46 FR 44048 (9/2/81)	Nov. 12, 1981.
81-394	Generic name: Capped urethane	46 FR 43300 (8/27/81)	Nov. 16, 1981.
81-395	Generic name: Capped urethane	46 FR 43300 (8/27/81)	Do.
81-396	Generic name: Diester of mixed dibasic acids	46 FR 44050 (9/2/81)	Nov. 15, 1981.
81-397	Benzenesulfonic acid, 4-(2-((4-sulfooxyethyl)sulfonyl)2,6-dimethoxyphenyl)azo)acetoacetamido)-2-methyl-5-methoxy-.	46 FR 44050 (9/2/81)	Do.
81-398	Generic name: Polymer of vinyl acetate and acrylate esters	46 FR 44049 (9/2/81)	Nov. 16, 1981.
81-399	Generic name: Polymer of propenoic acid, alkyl propenoates, and glycol monomethacrylate	46 FR 44049 (9/2/81)	Do.
81-400	Generic name: Substituted carbocycle azo substituted sulfocarbocycle azo substituted carbopolycycle.	46 FR 44049 (9/2/81)	Do.
81-401	Generic name: C.I. Disperse Red 332. (Impurity of)	46 FR 44286 (9/3/81)	Do.
81-402	Generic name: C.I. Disperse Yellow 226	46 FR 44286 (9/3/81)	Do.
81-403	Generic name: C.I. Disperse Red 332	46 FR 44287 (9/3/81)	Do.
81-404	Generic name: C.I. Disperse Violet 96	46 FR 44287 (9/3/81)	Do.
81-405	Coconut-diethylene glycol-adipicisophthalic resin	46 FR 44496 (9/4/81)	Nov. 21, 1981.
81-406	Benzenemethanamine, benzene-ethenyl-N-methanophosphoric acid/disodium salt, polymer with diethyl benzene.	46 FR 44496 (9/4/81)	Do.
81-407	Generic name: Polyether polyaminoalcohol	46 FR 44496 (9/4/81)	Nov. 22, 1981.
81-408	Generic name: Alkenyl pyridine	46 FR 44496 (9/4/81)	Do.
81-409	Polymer of an alkenoic acid, alkyl alkenoate and a substituted alkyl alkenoate	46 FR 44497 (9/4/81)	Do.
81-410	Generic name: Salt of Bis(substituted carbomonocyclic) substituted carbopolycycle	46 FR 44497 (9/4/81)	Nov. 23, 1981.
81-411	Generic name: Polymer of benzene carboxylic acids and alkanediols	46 FR 44497 (9/4/81)	Do.
81-412	Generic name: Polymeric alkenoic acid ester of substituted hydroxyalkyl, aryl ether	46 FR 45997 (9/16/81)	Nov. 25, 1981.
81-413	Acylate-methacrylate copolymer	46 FR 45412 (9/11/81)	Nov. 24, 1981.

PMN No.	Identity/generic name	FEDERAL REGISTER citation	Expiration date
	II. Sixty One Premanufacture Notices Received Previously and Still Under Review at the End of the Month		
80-238	Glycerine, 1-alkanoate, 3-substituted alkanoate	45 FR 65662 (10/3/80)	Sept 29, 1981.
81-313	Generic name: Chromophore substituted poly(oxyalkylene)	46 FR 37324 (7/20/81)	Sept. 24, 1981.
81-314	Generic name: Adduct of anhydride and a polyester	46 FR 37324 (7/20/81)	Do.
81-315	Propoxylated hydrazines	46 FR 44948 (9/2/81)	Do.
81-316	Generic name: Quaternary ammonium derivative of unsaturated amide	46 FR 37325 (7/20/81)	Sept. 28, 1981.
81-317	Generic name: Copolymer of an unsaturated amide with quaternary ammonium derivative of an unsaturated amide.	46 FR 37325 (7/20/81)	Do. 1981.
81-318	Generic name: Modified phenolic novolak resin	46 FR 37325 (7/20/81)	Do.
81-319	2,4-dimethyl-4 phenyltetrahydrofuran	46 FR 45996 (9/16/81)	Sept. 27, 1981.
81-320	Generic name: 1,1-Methylenebis (4-isocyanatocyclohexane), polymer with 1,3-benzenedicarboxylic acid, polymer with substituted alkane, and 2-ethyl-2-(hydroxymethyl)-1,3-propanediol.	46 FR 37968 (7/23/81)	Sept. 30, 1981.
81-321	Generic name: 1,3-Benzenedicarboxylic acid, polymer with substituted alkane and 2-ethyl-2-(hydroxymethyl)-1,3-propanediol.	46 FR 37968 (7/23/81)	Do.
81-322	Generic name: 1,3-Benzenedicarboxylic acid, polymer with 2,2'-[1,2-ethanediethyl bis (oxy)] bis (ethanol), 1,6-hexanedioic acid, and substituted alkane.	46 FR 37969 (7/23/81)	Do.
81-323	Generic name: 2-Hydroxyethylpropenoate, polymer with 1,1-methylenebis[4-isocyanatocyclohexane] and 1,3-benzenedicarboxylic acid, polymer with substituted alkanes.	46 FR 37969 (7/23/81)	Do.
81-324	Generic name: Modified polyester based on carbomonocyclic anhydride and alkano diols	46 FR 37969 (7/23/81)	Do.
81-325	Starch, diethylaminoethyl ether hydrochloride, 2 sullo-2-carboxyethyl ether, calcium salt	46 FR 38578 (7/28/81)	Do.
81-326	Generic name: Alkyl sulfonic acid, organic-inorganic salt	46 FR 38578 (7/28/81)	Do.
81-327	Generic name: Polymer of an alkanedioic acid, an alkanediol and a substituted alkanoic ester	46 FR 38579 (7/28/81)	Oct. 5, 1981.
81-328	Generic name: Isocyanate modified polyester	46 FR 38579 (7/28/81)	Do.
81-329	Generic name: Isocyanate modified polyester	46 FR 38579 (7/28/81)	Do.
81-330	Generic name: Acrylic modified alkyd resin	46 FR 38580 (7/28/81)	Do.
81-331	Generic name: Acrylic modified alkyd resin	46 FR 38580 (7/28/81)	Do.
81-332	Generic name: High solids polyester resin derived from a mixture of phthalic acids and monobasic acids.	46 FR 38580 (7/28/81)	Do.
81-333	1(3H)-isobenzofuranone,3-[4-(diethylamino)-2-hydroxy-phenyl]-3-[2-ethoxy-5-(phenylamino)Phenyl]-.	46 FR 38580 (7/28/81)	Oct. 7, 1981.
81-334	Spiro[isobenzofuran-1 (3H), 9'-9[H]xathen]-3-one, 6'-(diethylamino)-2'-(phenylamino)	46 FR 38581 (7/28/81)	Do.
81-335	Generic name: Heteromonocycle modified maleated resin and tall oil fractions	46 FR 38581 (7/28/82)	Do.
81-336	Generic name: Ester of hydrozamic acid	46 FR 39889 (8/5/81)	Do.
81-337	Epoxy resin modified with substituted organic acid	46 FR 39890 (8/5/81)	Oct. 11, 1981
81-338	Generic name: Modified phenolic novolak resin	46 FR 39890 (8/5/81)	Sept. 22, 1981
81-339	Generic name: Modified phenolic novolak resin	46 FR 39890 (8/5/81)	Do.

PMN No.	Identity/generic name	Federal Register citation	Expiration date
81-340	Generic name: Modified phenolic novolak resin	46 FR 39890 (8/5/81)	Do.
81-341	Diethylenetriamine, phenol, formaldehyde polymer	46 FR 39890 (8/5/81)	Oct. 10, 1981.
81-342	Generic name: Benzene dicarboxylic acid, disubstituted	46 FR 39890 (8/5/81)	Oct. 11, 1981.
81-343	Generic name: Benzendicarboxylic acid, disubstituted	46 FR 39891 (8/5/81)	Do.
81-344	Generic name: Polymer of: bis-benzene derivative, mixed alkane diols, aliphatic triol, and aromatic diisocyanate.	46 FR 39891 (8/5/81)	Oct. 12, 1981
81-345	Generic name: Amine terminated epoxy curing agent	46 FR 39891 (8/5/81)	Do.
81-346	Polymer of acrylic acid, acrylonitrile, butyl acrylate, 2-hydroxyethyl acrylate, methylacrylate, and 2-ethylhexyl acrylate.	46 FR 39891 (8/5/81)	Do.
81-347	Polymer of: methyl methacrylate, hydroxy propyl methacrylate, 2-ethyl hexyl acrylate, isobutoxy methyl acrylamide.	46 FR 39892 (8/5/81)	Do.
81-348	Generic name: Substituted unsaturated alkene, isomer mix	46 FR 39892 (8/5/81)	Oct. 14, 1981.
81-349	2-naphthalenesulfonic acid, 7-amino-4-hydroxy-3-(4-(2-sulfooxyethyl) sulfonyl)2-hydroxyphenyl)azo	46 FR 39886 (8/5/81)	Oct. 15, 1981.
81-350	Generic name: Oxsiamide derivative	46 FR 39886 (8/5/81)	Do.
81-351	Dimethyl ester, 1,4-benzenedicarboxylix acid polymer with 2,2-dimethyl-1,3-propanediol, 1,2-propanediol and hexanedioic acid.	46 FR 39886 (8/5/81)	Do.
81-352	Generic name: Epoxy urethane copolymer	46 FR 39886 (8/5/81)	Do.
81-353	Generic name: Mixed alkali metal and substituted amine salt of acid substituted sulfoheterocycle azo sulfocarbocycle azo substituted heterocycle sulfonin acid.	46 FR 39887 (8/5/81)	Oct. 19, 1981.
81-354	Generic name: Mixed alkali metal and substituted amine salt of substituted sulfocarbocycle azo sulfocarbocycle azo substituted carbocyclesulfonic acid.	46 FR 39887 (8/5/81)	Do.
81-355	Generic name: Condensation polymer of aromatic sulfonic acid and urea/triazine	46 FR 39887 (8/5/81)	Do.
81-356	Urea, 1-(3,4-dichlorophenyl)-2-thio	46 FR 39887 (8/5/81)	Do.
81-357	2-benxothiazolamine, 6-nitro-sulfate	46 FR 39888 (8/5/81)	Do.
81-358	Polymer of tetrabromophthalic anhydride, isophthalic acid, neopentyl glycol, propylene glycol, dipropylene glycol and maleic anhydride.	46 FR 39888 (8/5/81)	Do.
81-359	Cooper para-toluenesulfonate hydrate	46 FR 39888 (8/5/81)	Do.
81-360	Phosphonic acid, [(dimethylamino)-methylene] bis-,monoammonium salt	46 FR 39892 (8/5/81)	Oct. 22, 1981
81-361	Generic name: Aliphatic carbamate ester	46 FR 39893 (8/5/81)	Do.
81-362	Naphthalene sulfonic acid, dilisononyl-,compound with 2,2',2''-nitrilotris[ethanol] (1:1)	46 FR 39889 (8/5/81)	Oct. 25, 1981.
81-363	Generic name: Aliphatic acid ester	46 FR 40324 (8/7/81)	Do.
81-364	Generic name: Cycloaliphatic furan, tetrahydro	46 FR 40324 (8/7/81)	Do.
81-365	2-nitronaphthalene-4,8-disulfonic acid, diammonium salt	46 FR 39889 (8/5/81)	Do.
81-366	Generic name: Sulfo phenyl azo naphthalenol, 2,2',2''-nitrilotris [ethanol]salt	46 FR 40324 (8/7/81)	Do.
81-367	Generic name: Polymer of an alkoxy methyl amino resin	46 FR 40323 (8/7/81)	October 26, 1981
81-368	Generic name: Metallic beta diketonate	46 FR 40323 (8/7/81)	Do.
81-369	Generic name: Aliphatic polyamide	46 FR 40801 (8/12/81)	Do.
81-370	Generic name: Amine modified epoxy resin	46 FR 40801 (8/12/81)	Do.
81-371	Generic name: Polyester diol of halogenated compound and polyethylene glycol	46 FR 40325 (8/7/81)	Do.
81-372	Generic name: C.I. Direct Black 173	46 FR 40325 (8/7/81)	Do.

PMN No.	Identity/generic name	Federal Register citation	Expiration date
III. Forty-Eight Premanufacture Notices for Which the Notice Review Period Has Ended During the Month. (Expiration of the Notice Review Period Does Not Signify That the Chemical Had Been Added to the Inventory)			
81-218	Adipic acid-dipropylene glycollinseed oil fatty acid-trimethylol propane polymer	46 FR 29524 (6/2/81)	Aug. 3, 1981.
81-219	N-[2-(4-Aminophenyl)ethyl] methanesulfonamide	46 FR 30884 (6/11/81)	Do.
81-220	Generic name: Trisubstituted-benzisoquinoline	46 FR 30884 (6/11/81)	Do.
81-221	Generic name: Disubstituted-heteropolycyclic salt	46 FR 30884 (6/11/81)	Do.
81-222	Generic name: Oligomer of, alkanedioic acid, dimer fatty acids, substituted and unsubstituted alkanediols, and benzene dicarboxylic acids.	46 FR 31345 (6/15/81)	Aug 6, 1981
81-223	Butanonitrile, 3-hydroxy-2—methylene	46 FR 31939 (6/18/81)	Do.
81-224	Generic name: Neutralized polymer of styrene, alkyl acrylates, and substituted alkyl methacrylates	46 FR 31345 (6/15/81)	Do.
81-225	Polymer of acrylic acid, butyl acrylate, glycidyl methacrylate, 2-hydroxyethyl acrylic, and vinylidene chloride.	46 FR 31939 (6/18/81)	Do.
81-226	Polymer of acrylic acid, acrylonitrile, butylacrylate, 2-hydroxyethel acrylate, and vinylidene chloride.	46 FR 31939 (6/18/81)	Do.
81-227	1,1,2,2-Tetrahydroperfluoro alkyl (C8–C14) acrylate	46 FR 31939 (6/18/81)	Do.
81-228	Ethylthiosulfuric acid, 2-((1,1,2,2-tetrahydroperfluorooctyl)oxycarbonyl)amino-, sodium salt	46 FR 31939 (6/18/81)	Do.
81-229	Generic name: Polymer of aliphatic polyols, carbomonocyclic anhydrides, and aromatic diacid	46 FR 31345 (6/15/81)	Aug. 9, 1981.
81-230	Generic name: Polyester of aliphatic polyols and aliphatic and aromatic diacids	46 FR 31345 (6/15/81)	Do.
81-231	Generic name: [[2-methylsubstituted)ethyl]substituted)heterocyclic]benzene	46 FR 30884 (6/11/81)	Aug. 10, 1981.
81-232	Generic name: Substitutedalkanoic acid derivative	46 FR 30884 (6/11/81)	Do.
81-233	Generic name: Substitutedalkanoic acid	46 FR 30884 (6/11/81)	Do.
81-234	Generic name: Disubstitutedalkanamide	46 FR 30884 (6/11/81)	Do.
81-235	Generic name: Disubstitutedalkanamide	46 FR 30884 (6/11/81)	Do.
81-236	Generic name: Organohalo modified silica	46 FR 32494 (6/23/81)	Aug. 11, 1981.
81-237	Generic name: Silicon modified unsaturated oil based alkyd resin	46 FR 31345 (6/15/81)	Do.
81-238	Generic name: Polyhalo alkanoic acid chloride	46 FR 31345 (6/15/81)	Do.
81-239	Generic name: Carboxylated arylalkane alkadiene copolymer	46 FR 32494 (6/23/81)	Do.
81-240	N,N'-Bis(2-ethylhexyloxycarbonylphenyl)-formamidine	46 FR 31941 (6/18/81)	Do.
81-241	Generic name: Polymer of phenol, formaldehyde, and substituted benzene	46 FR 32494 (6/23/81)	Aug. 12, 1981.
81-242	Sodium 2,2,3,3-tetrafluoropropionate	46 FR 31941 (6/18/81)	Aug. 16, 1981.
81-244	Generic name: Ester of dioic acid and substituted diols	46 FR 31941 (6/18/81)	Do.
81-245	Generic name: Carbocyclic sulfonic acid salt	46 FR 31941 (6/18/81)	Do.
81-246	Generic name: Hydroxyl terminated saturated polyester	46 FR 31941 (6/18/81)	Do.
81-247	Generic name: Polyurethane acrylate blocked	46 FR 31941 (6/18/81)	Aug. 17, 1981.
81-248	Generic name: Poly(methyl vinyl ether/mono methyl maleate)	46 FR 31941 (6/18/81)	Do.
81-249	Generic name: Pentasubstitutedpentanamide	46 FR 32494 (6/23/81)	Do.
81-250	Generic name: Disubstitutedbenzeneamine	46 FR 32494 (6/23/81)	Do.
81-251	2-Chloro-4-trifluoromethyl-5-thiazolecarboxylic acid, phenylmethyl ester	46 FR 35345 (7/8/81)	Aug. 20, 1981.
81-252	Generic name: Disubstituted thiazolecarboxylic acid ester	46 FR 35345 (7/8/81)	Do.
81-253	N-[2-(4-hydrozinophenyl)ethyl]-methasulfonamide hydrochloride	46 FR 35342 (7/8/81)	Do.
81-254	Generic name: Polymer product of a methacrylate ester and a polyhydroxy compound	46 FR 35342 (7/8/81)	Aug. 24, 1981.
81-255	Generic name: Di(2-propenyl)3,4,5,6-tetrabromo 1,2-benzene-dicarboxylate	46 FR 35345 (7/8/81)	Aug. 25, 1981.
81-256	Generic name: Poly(2-hydroxypropyl) monoheterocyclictriamine	46 FR 35345 (7/8/81)	Aug. 27, 1981.
81-257	Generic name: Silicone polyol	46 FR 35342 (7/8/81)	Do.
81-258	Generic name: Linseed-isophthalic polyester/amide	46 FR 35342 (7/8/81)	Do.
81-259	Generic name: Linseed isophthalic-hydroxy acid polyester	46 FR 35342 (7/8/81)	Do.
81-260	Generic name: Trimethylolpropane neopentylglycol phthalic anhydride siloxanes and silicones, di-me, methoxy ph, polymers with ph silsesquioxanes, methoxy-terminated.	46 FR 35342 (7/8/81)	Do.

PMN No.	Identity/generic name	Federal Register citation	Expiration date
81-261	Generic name: Amine derivative	46 FR 34409 (7/1/81)	Aug. 31, 1981.
81-262	Generic name: 2,5-Bis(alkyldithio)-1,3,4,-thiadiazole	46 FR 35347 (7/8/81)	Do.
81-263	Generic name: Polyurethane millable gum	46 FR 35347 (7/8/81)	Do.
81-264	Generic name: Pyridine derivative	46 FR 34409 (7/1/81)	Do.
81-265	Adipic acid, diethylenetriamine, tall oil fatty condensate, acetic acid salt	46 FR 34409 (7/1/81)	Do.
81-266	Generic name: Polymer of alkanedioic acid epoxy ester	46 FR 34409 (7/1/81)	Do.

PMN No.	Chemical identification	Federal Register citation	Date of commencement
	IV. Fifteen Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture		
80-269	Generic name: Dinooalkyl ester of glycerine	45 FR 74559 (11/10/80)	Aug. 1, 1981.
80-369	Generic name: Polyester diurethane methacrylate resin based on the reaction of a dialkyl dio/ adipic acid polyester diol with toluene diisocyanate and hydroxyethyl methacrylate.	46 FR 12837 (2/18/81)	June 11, 1981.
81-14	Polymer of tetrabromophthalic anhydride, isophthalic acid, ethylene glycol, propylene glycol, and maleic anhydride.	46 FR 12316 (2/13/81)	Aug. 10, 1981.
81-19	Polymer of acrylic acid, acrylonitrile, butyl acrylate, 2-hydroxyethyl acrylate, and methyl acrylate	46 FR 12838 (4/15/81)	No date.
81-38	± 82% Bicyclo[3.2.1]octan-8-ol,1.5-dimethyl-,acetate; ± 11% Bicyclo[3.3.0]octan-2-ol,1,5-dimethyl-, acetate; and ± 6% Bicyclo[3.3.1] nonan-1-ol,5-methyl-,acetate.	46 FR 16124 (3/11/81)	Apr. 29, 1981.
81-100	Generic name: Hydroxymethylheteromonocycle	46 FR 20765 (4/7/81)	Aug. 17, 1981.
81-148	Generic name: Carbocyclic sulfonic acid salt	46 FR 24991 (5/4/81)	July 19, 1981.
81-151	Generic name: Copolymer of styrene and mixed alkyl acrylates	46 FR 24992 (5/4/81)	Aug. 1, 1981.
81-162	Generic name: Hydroxyalkoxy alkyl alkane	46 FR 24992 (5/4/81)	July 6, 1981.
81-163	Generic name: Acrylated alkoxylated aliphatic glycol	46 FR 25694 (5/8/81)	Do.
81-169	Generic name: Copolymer of styrene and mixed alkyl acrylates	46 FR 25694 (5/8/81)	Aug. 1, 1981.
81-172	Generic name: Poly(amide-ester) resin X2-821	46 FR 25695 (5/8/81)	Aug. 15, 1981.
81-189	Generic name: Unsaturated polyester	46 FR 29005 (5/22/81)	July 29, 1981.
81-226	Polymer of acrylic acid, acrylonitrile, butylacrylate, 2-hydroxyethyl acrylate, and vinylidene chloride	46 FR 51940 (6/18/81)	No date.
81-302	Generic name: Substituted benzenesulfonamide	46 FR 39212 (7/31/81)	Sept. 16, 1981.

PMN. No.	Identity/generic name	Federal Register citation	Dated suspended
	V. Six Premanufacture Notices for Which the Review Period Has Been Suspended		
80-137	Benzeneamine, 4,4'-methylene bis [*N*-(1-methybutylidene)	45 FR 48243 (7/18/80)	Sept. 22, 1980.
80-138	Benzeneamine, 4,4'-methylene bis [*N*-(1-methybutylidene)	45 FR 48243 (7/18/80)	Do.
80-146	Phosphorodithioic acid *O,O'*-di (isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters, zinc salt.	45 FR 49153 (7/23/80)	Sept. 17, 1980.
80-147	Phosphorodithioic acid *O,O'*-di (isohexyl, isoheptyl, isooctyl, isononyl, isodecyl) mixed esters	45 FR 49153 (7/23/80)	Do.
80-182	Generic name: Alkanedioic acids mixed alkanolamine salt	45 FR 54425 (8/15/80)	Oct. 30, 1980.
80-264	Generic name: Benzeneamine, [*N*-(1-methylhexylidene)-*N*-(1-methyl butylidene)-4,4'-methylene bis]	45 FR 73127 (11/4/80)	Dec. 24, 1980.

[FR Doc. 81-30435 Filed 10-22-81; 8:45 am]

BILLING CODE 6560-31-M

[ER-FRL-1967-3]

Availability of Environmental Impact Statements Filed Pursuant to 40 CFR 1506.9

Responsible Agency: Office of Federal activities, EPA.

Information Contact: Ms. Kathi Wilson (202) 245-3006.

EIS's Filed During the Week of: October 13 to 16, 1981.

Comment Due Dates: Drafts—December 7, 1981; Finals—November 23, 1981.

USDA: Forest Service: Final—Mount St. Helens Land Management Plan, Cowlitz, Lewis and Skamania Counties, Washington (EPA EIS #810859).

Corps of Engineers: Draft—Tensas River Basin Flood Control, Louisiana (EPA EIS #810855).

Department of the Army: Final—Fort Knox Ongoing Mission, Hardin, Meade and Bullit Counties, Kentucky (EPA EIS #810848).

DOE: Bonneville Power Administration: Final Supplement—NW Montana/North Idaho Support and Libby Integration, Lincoln County, Montana and Bonner and Boundary Counties, Idaho (EPA EIS #810858).

Department of Housing and Urban Development (HUD): Draft—The Ridges Housing Development, Mortgage Insurance, Mesa County, Colorado (EPA EIS #810851).

HUD: 104H: Final—Westside Revitalization Project, CDBG, Santa Barbara County, California (EPA EIS #810853).

DIO: Office of Surface Mining: Draft—Antelope Mine, Mining and Reclamation Plan, Converse County, Wyoming (EPA EIS #810849).

DIO: Bureau of Land Management: Draft—St. George Basin OCS Oil and Gas Lease Sale No. 70, Alaska (EPA EIS #810857).

DOI: Bureau of Reclamation: Draft Supplement—Creston Generating Station, Spokane County, Washington (EPA EIS #810846).

DOT: Federal Highway Administration (FHWA): Final—TN-34, TN-137 to the Bluff City Bypass, Washington and Sullivan Counties, Tennessee (EPA EIS #810852).

DOT: FHWA: Final—Salem-Peabody Connector and Salem-Beverly Bridge Construction, Essex County, Massachusetts (EPA EIS #810860).

DOT: FHWA: Final—Notre Dame Bridge Replacement, Hillsborough County, New Hampshire (EPA EIS #810861).

DOT: Federal Aviation Administration: Final—Torrance Municipal Airport Navigation Aids, Los Angeles County, California (EPA EIS #810854).

EPA: Region 3: Draft—Central Pennypack Watershed Wastewater Facilities Plan, Grant, Montgomery County, Pennsylvania: EXTENDED REVIEW: 12/15/81 (EPA EIS #810856).

EPA: Region 4: Final—Farmland Phosphate Mine, NPDES, Hardee County, Florida (EPA EIS #810850).

Nuclear Regulatory Commission: Final—Grand Gulf Nuclear Station, Units 1 and 2, License, Claiborne County, Mississippi (EPA EIS #810847).

Dated: October 20, 1981.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 81-30728 Filed 10-22-81; 8:45 am]

BILLING CODE 6560-37-M

[ER-FRL-1967-3]

Jasper Mill, Jasper County, Tex.; Intent To Prepare an Environmental Impact Statement

AGENCY: Environmental Protection Agency, Dallas Region.

INFORMATION CONTACT: Mr. Clinton B. Spotts, Regional EIS Coordinator, U.S. Environmental Protection Agency, Region 6, 1201 Elm Street, Dallas, Texas 75720, Tele: (214) 767-2716 or (FTS) 729-2716.

SUMMARY: Pursuant to EPA regulations for new source NPDES permits and the preparation of EIS's (40 CFR Part 6), EPA is preparing a Draft EIS for wastewater discharges from the proposed Jasper Mill Project for an unbleached Kraft linerboard mill located in Jasper County, Texas and proposed by Champion International Corporation. A detailed Notice of Intent that describes the project and indentifies potential environmental impacts can be obtained from the person identified above. EPA will hold a meeting to determine the scope of the Draft EIS on November 19, 1981 at 7:30 p.m. at the Kirbyville, High School Cafeteria, 1110 S. Margaret Street, Kirbyville, Texas.

Dated: October 20, 1981.

Paul C. Cahill,

Director, Office of Federal Activities.

[FR Doc. 81-30729 Filed 10-22-81; 8:45 am]

BILLING CODE 6560-37-M

GENERAL SERVICES ADMINISTRATION

General Services Administration Advisory Board; Establishment

Establishment of Advisory Committee. This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) and advises of the establishment of the General Services Administration Advisory Board. The Administrator of General Services has determined that establishment of this committee is in the public interest.

Designation. General Services Administration Advisory Board.

Purpose. The purpose of the committee will be to advise the Administrator of General Services on GSA's key organization and management policy issues.

Contact for Information: The Office of Policy and Management Systems is the organization within GSA sponsoring this committee. For additional information, contact Charles S. Davis, III, or Roger Dierman on 523-1141, 18th and F Streets, NW., Washington, D.C. 20405.

Dated: October 16, 1981.

Ray Kline,

Deputy Administrator of General Services.

[FR Doc. 81-30709 Filed 10-22-81; 8:45 am]

BILLING CODE 6820-34-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 81F-0284]

Calgon Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Calgon Corp. has filed a petition proposing that the food additive regulations be amended for the safe use of 1,2-dibromo-2,4-dicyanobutane as a preservative in pigment slurries and paper coatings in the manufacture of paper and paperboard that may contact food.

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

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3581) has been filed by Calgon Corp., Calgon Center, Box 1346, Pittsburgh, PA 15230, proposing that § 176.170 *Components of paper and paperboard in contract with aqueous and fatty foods* (21 CFR 176.170) be amended to provide for the safe use of 1,2-dibromo-2,4-dicyanobutane as a preservative in pigment slurries and paper coatings in the manufacture of paper and paperboard that may contact food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: October 14, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-30382 Filed 10-22-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0277]

Emery Industries, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces that Emery Industries, Inc., has filed a petition proposing that the food additive regulations be amended to broaden the specifications for dimers, trimers, and/or their partial methyl esters prepared from unsaturated $^{c}18$ fatty acids used as surface lubricants in the manufacture of metallic articles intended for food-contact use.

FOR FURTHER INFORMATION CONTACT: Anthony P. Brunetti, 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. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3579) has been filed by Emery Industries, Inc., 1400 Carew Tower, Cincinnati, OH 45202, proposing that § 178.3910 *Surface lubricants used in the manufacture of metallic articles* (21 CFR 178.3910) be amended to broaden the specifications for dimers, trimers, and/or their partial methyl esters prepared from unsaturated $^{c}18$ fatty acids used as surface lubricants in the manufacture of metallic articles intended for food-contact use.

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 the 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: October 14, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-30372 Filed 10-22-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0293]

ICI Americas, Inc.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration announces that ICI Americas, Inc., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of polyethersulfone resins produced by the reaction of dichlorodiphenylsulfone, dihydroxydiphenylsulfone, and potassium carbonate as articles or components of articles intended for repeated use in contact with food.

FOR FURTHER INFORMATION CONTACT: Michael E. Kashtock, Bureau of Foods (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3582) has been filed by ICI Americas, Inc., Wilmington, DE 19897, proposing that § 177.2440 *Polyethersulfone resins* (21 CFR 177.2440) be amended to provide for the safe use of polyethersulfone resins produced by the reaction of dichlorodiphenylsulfone, dihydroxydiphenylsulfone, and potassium carbonate as articles or components of artices intended for repeated use in contact with food.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significantly impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: October 14, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-30371 Filed 10-22-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81F-0303]

WestVACO Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announcing that the WestVACO Corp., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of mono-, di-, tri-(1-methyl-1-phenyl ethyl)- phenol, ethoxylated, sulfated, ammonium salt with an average of 12 to 16 moles of ethylene oxide as a component of paper and paperboard in contract with aqueous and fatty foods.

FOR FURTHER INFORMATION CONTACT: Geraldine E. Harris, 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. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 1B3554) has been filed by WestVACO Corp., Box 70848, Charleston Heights, SC 29405, proposing that the food additive regulations be amended in § 176.170 (21 CFR 176.170) to provide for the safe use of mono-, di-, tri-(1-methyl-1-phenyl ethyl)-phenol, ethoxylated, sulfated, ammonium salt with an average of 12 to 16 moles of ethylene oxide as a component of paper and paperboard in contact with aqueous and fatty foods.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c) (proposed December 11, 1979; 44 FR 71742).

Dated: October 14, 1981.

Sanford A. Miller,

Director, Bureau of Foods.

[FR Doc. 81-30381 Filed 10-22-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81M-0307]

Interface Biomedical Laboratories Corp.; Premarket Approval of Negatively Charged, Glutaraldehyde Tanned Copolymeric Collagen Heterograft (N.C.G.T. ™ Graft)

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Negatively Charged, Glutaraldehyde Tanned Copolymeric Collagen Heterograft (N.C.G.T. ™ Graft) sponsored by Interface Biomedical Laboratories Crop., Brooklyn, NY. After reviewing the recommendation of the Circulatory Systems Devices Panel, FDA notified the sponsor that the application was approved for N.C.G.T. ™ Grafts of 6-millimeter diameter and greater, because the device has been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by November 23, 1981.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On October 3, 1980, Interface Biomedical Laboratories Corp., Brooklyn, NY, submitted to FDA an application for premarket approval of the Negatively Charged, Glutaraldehyde Tanned Copolymeric Collagen Heterograft (N.C.G.T. ™ Graft). The application was reviewed by the Circulatory Systems Devices Panel, an FDA advisory committee, which recommended approval of the application. On September 8, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is availalble for public inspection at the Bureau of Medical Devices. Contract Charles Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

Opportunity for Administrative Review

Section 515(d)(3) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition under section 515(g) of the act (21 U.S.C. 360e(g)) for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and of FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish a notice of its decision in the **Federal Register**. If FDA grants the petition, the notice will state the issue to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before November 23, 1981, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 14, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-30509 Filed 10-22-81; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 81M-0318]

Marlin Industries; Premarket Approval of Marlin Salt System ™

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing its approval of the application for premarket approval under the Medical Device Amendments of 1976 of the Marlin Salt System ™ for all soft (hydrophilic) contact lenses, sponsored by Marlin Industries, Tarzana, CA. After reviewing the recommendation of the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, Food and Drug Administration notified the sponsor that the application was approved because the device had been shown to be safe and effective for use as recommended in the submitted labeling.

DATE: Petitions for administrative review by November 23, 1981.

ADDRESS: Requests for copies of the summary of safety and effectiveness data and petitions for administrative review may be sent to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Charles Kyper, Bureau of Medical Devices (HFK-402), Food and Drug Administration, 8757 Georgia Ave., Silver Spring, MD 20910, 301-427-7445.

SUPPLEMENTARY INFORMATION: On June 16, 1980, Marlin Industries, Tarzana, CA, submitted to FDA an application for premarket approval of the Marlin Salt System ™ for all soft (hydrophilic contact lenses. The application was reviewed by the Ophthalmic Device Section of the Ophthalmic; Ear, Nose, and Throat; and Dental Devices Panel, and FDA advisory committee, which recommended approval of the application. On September 29, 1981, FDA approved the application by a letter to the sponsor from the Acting Director of the Bureau of Medical Devices.

Before enactment of the Medical Device Amendments of 1976 (the amendments) (Pub. L. 94-295, 90 Stat. 539-583), salt tablets for preparing solutions for use in heat disinfection of hydrophilic contact lenses were regulated as new drugs. Because the amendments broadened the definition of the term "device" in section 201(h) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 321(h)), salt tablets are now regulated as class III devices (premarket approval). As FDA explained in a notice published in the **Federal Register** of December 16, 1977 (42 FR 63472), the amendments provide transitional provisions to insure continuation of premarket approval requirements for class III devices formerly regulated as new drugs. Furthermore, FDA requires, as a condition to approval, that sponsors of applications for premarket approval of soft contact lenses or the solutions prepared from salt tablets for the above use comply with the records and reports provisions of Subpart D of Part 310 (21 CFR Part 310) until these provisions are replaced by similar requirements under the amendments.

A summary of the safety and effectiveness data on which FDA's approval is based is on file in the Dockets Management Branch (address above) and is available upon request from that office. A copy of all approved final labeling is available for public inspection at the Bureau of Medical Devices. Contact Charles Kyper (HFK-402), address above. Requests should be identified with the name of the device and the docket number found in brackets in the heading of this document.

The labeling of the Marlin Salt System ™ states that the solution prepared from the salt tablets is designed for use in heat disinfection of all soft contact lenses. Sponsors of any soft (hydrophilic) contact lenses that have been approved for marketing are advised that whenever FDA publishes a notice in the **Federal Register** of the agency's approval of a new solution for use with an approved soft contact lens, the sponsor of each lens shall correct its labeling to refer to the new solution, at the next printing or at such other time as FDA prescribes by letter to the sponsor. A sponsor that fails to update the restrictive labeling may violate the misbranding provisions of section 502 of the act (21 U.S.C. 352) as well as the Federal Trade Commission Act (15 U.S.C. 41-58), as amended by the Magnuson-Moss Warranty-Federal Trade Commission Improvement Act (Pub. L. 93-637). Furthermore, failure to update the restrictive labeling to refer to new salt tablets that may be used with an approved lens may be grounds for withdrawing approval of the application for the lens, under section 515(e)(1)(F) of the act (21 U.S.C. 360e(e)(1)(F)).

Opportunity for Administrative Review

Section 515(d)(3) of the act (21 U.S.C. 360e(d)(3)) authorizes any interested person to petition, under section 515(g) of the act (21 U.S.C. 360e(g)), for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 (21 CFR Part 12) of FDA's administrative practices and procedures regulations or a review of the application and FDA's action by an independent advisory committee of experts. A petition is to be in the form of a petition for reconsideration of FDA action under § 10.33(b) (21 CFR 10.33(b)). A petitioner shall identify the form of review requested (hearing or independent advisory committee) and shall submit with the petition supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through

administrative review. After reviewing the petition, FDA will decide whether to grant or deny the petition and will publish notice of its decision in the Federal Register. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may, at any time on or before November 23, 1981, file with the Dockets Management Branch (address above), four copies of each petition and supporting data and information, identified with the name of the device and the docket number found in brackets in the heading of this document. Received petitions may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: October 16, 1981.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 81-30699 Filed 10-22-81; 8:45 am]

BILLING CODE 4110-03-M

National Institutes of Health

Arteriosclerosis, Hypertension, and Lipid Metabolism Advisory Committee; Meeting

Notice is hereby given of a change in the meeting of the Arteriosclerosis, Hypertension, and Lipid Metabolism Advisory Committee, sponsored by the National Heart, Lung, and Blood Institute, National Institutes of Health, which was published in the Federal Register on September 10, 1981, 46 FR 45198.

This meeting was to have been an entirely open meeting to convene at 9:00 a.m. on October 27, 1981. The meeting will continue to be held in Building 31, C-Wing, Conference Room 9, National Institutes of Health, Bethesda, Maryland 20250. Attendance by the public is limited to a space available basis.

In accordance with the provisions set forth in Sections 52b(c)(6), Title 5, U.S.C., and Section 10(d) of Pub. L. 92-463, the meeting of the Arteriosclerosis, Hypertension, and Lipid Metabolism Advisory Committee will be closed to the public from 3:00 p.m. on October 27 to adjournment for the review, discussion, and evaluation of an individual contract proposal. This proposal and the discussion could reveal personal information concerning individuals associated with the application, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 4A21, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-4236, will provide summaries of the meeting and rosters of the committee members.

Dr. G. C. McMillan, Associate Director, Arteriosclerosis, Hypertension and Lipid Metabolism Program, NHLBI, Room 4C-12, Federal Building, National Institutes of Health, Bethesda, Maryland 20205, (301) 496-1613, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, Heart and Vascular Diseases Research, National Institutes of Health)

Note.—NIH programs are not covered by OMB Circular A-95 because they fit the description of "programs not considered appropriate" in section 8(b) (4) and (5) of that Circular.

Dated: October 20, 1981.

Thomas E. Malone,

Deputy Director, NIH.

[FR Doc. 81-30851 Filed 10-22-81; 8:45 am]

BILLING CODE 4110-08-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-81-1095]

President's Commission on Housing; Schedule of Meetings

The President's Commission on Housing announces a tentative schedule of meetings of the Commission and its Committees, through February 16, 1982 (Appendix A). A revised schedule will be published monthly but because of the possibility of changes between publications, members of the public should call the Commission offices to confirm the date, location and time for each meeting. Additional information on Committee meetings scheduled in December, January and February will be published as soon as it is available. All Commission and Committee meetings are open to the public.

Further information may be obtained by calling Jean M. Freeze, President's Commission on Housing, 730 Jackson Place, N.W., Washington, D.C. 20503, (202) 395-5832.

(Sec. 10(a)(2), Federal Advisory Committee Act, as amended (5 U.S.C. App. I))

Issued at Washington, D.C., October 19, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

APPENDIX A—THE PRESIDENT'S COMMISSION ON HOUSING

[Tentative Schedule of Meetings Thru February 16, 1982]

Date	Commission/committee	Place	Time
Thurs., Oct. 29, and Fri., Oct. 30.	Committee on Government Regulation and the Cost of Housing.	Board of Public Works, Los Angeles City Hall, Room 353, 200 N. Spring Street, Los Angeles, Calif..	9:00 a.m.-4:00 p.m.; 9:00 a.m.-4:30 p.m.
Mon., Nov. 30, and Tues., Dec. 1.	Committee on Government Regulation and the Cost of Housing.	County Council Chambers—1st Floor, St. Louis County Govt. Ctr., 7910 Forsyth Blvd., Clayton, Missouri 63105.	9:00 a.m.-4:00 p.m.; 9:00 a.m.-12:15 p.m.
Wed., Dec. 2, and Thurs., Dec. 3.	Committee on Government Regulation and the Cost of Housing.	New York, New York (location to be announced).	To be announced.
Fri., Dec. 4	President's Commission on Housing (full commission).	New Executive Office Bldg., Room 2010, Washington, D.C.	9:00 a.m.
Thurs., Jan. 7	President's Commission on Housing (full commission).	New Executive Office Bldg., Room 2010, Washington, D.C.	9:00 a.m.
Tues., Feb. 16	President's Commission Housing (full commission).	New Executive Office Bldg., Room 2010, Washington, D.C.	9:00 a.m.

[FR Doc. 81-30716 Filed 10-22-81; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Receipt of Designated Tribal Agents for Service of Notice

October 8, 1981.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary, Indian Affairs by 209 DM 8.

The Indian Child Welfare Act of 1978 provides that Indian tribes may designate an agent for service of notice of proceedings, under the Indian Child Welfare Act, 25 CFR Part 23 Subpart B, other than the tribal chairman. The Secretary of the Interior shall publish, in the **Federal Register** on an annual basis, the name and address of the designated agents.

This is the second list of Designated Tribal Agents for service of notice. This list also includes the listing of designated tribal agents, received by the Secretary of the Interior prior to the date of this publication.

Akhiok Alaska—Village of Akhiok, KANA, President, Director of Social Services and Director of Health, Box 172, Kodiak, Alaska 99615, (907) 486–5725

Cheyenne River Sioux Tribe, Gilbert LeBeau, Eagle Butte, S.D. 57625, (605) 964–6602

Crow Creek Sioux, Fort Thompson, S.D. 57339: (1) Winifred Boub (605) 245–2311; (2) Donald Eagle (605) 245–2221; (3) Ambrose McBride (605) 245–2221; (4) Duane Big Eagle (605) 245–2221

Delaware Tribe of Western Oklahoma, Bonnie F. Stephenson, Tribal Administrator, Delaware Tribal Office, P.O. Box 825, Anadarko, OK 73005, (405) 247–2448

Devils Lake Sioux Tribe, Carl McKay, Devils Lake Sioux Tribe, Ft. Totten, N.D. 58335, (701) 766–4221

English Bay Village Council, Homer, Alaska: (1) The North Pacific Rim, 903 West Northern Lights Blvd., Ste. 203, Anchorage, AK 99503, (907) 276–2121; (2) Vincent Kvasnikoff, President, English Bay Village Council, English Bay VIA, Homer, AK 99603, (907) 235–8292

Eyak Village Council, Agnes Nichols, President, Eyak Village President, Box 878, Cordova, AK 99574, (907) 424–3619

Hopi, Linda Suetopka, Clerk of the Court, Hopi Tribal Court, P.O. Box 156, Keams Canyon, AZ 86034

Hoonah Indian Association, Central Council, Tlingit and Haida Indian Tribes of Alaska, Sealaska Plaza, Ste. 200, Juneau, AK 99801

Jicarilla Apache Tribe, Chief Tribal Judge, Jicarilla Apache Tribal Court, P.O. Box 221, Dulce, N.M. 87528, (505) 759–3366

Ketchikan Indian Corporation, Westina Cowan, KIC Social Worker, P.O. Box 6855, 429 Deermount Avenue, Ketchikan, AK 99901

Kodiak Alaska—Natives of Kodiak, Inc., KANA, President, Director of Social Services and Director of Health, Box 172, Kodiak, AK 99615, (907) 486–5725

Lower Brule Tribe, Rose McCauley, Juvenile Probation Officer, Lower Brule, S.D. 57548, (605) 473–5528

Metlakatla, Frieda Haldane, Juvenile Probation Officer, Box 8, Melakatla, AK 99926, (907) 886–4021

Mt. Marathon Native Association, Seward, AK: (1) North Pacific Rim, 903 West Northern Lights Blvd., Ste. 203, Anchorage, AK 99503, (907) 276–2121; (2) Mt. Marathon Native Association, Box 1457, Seward, AK 99664, (907) 224–3666

Nambe Pueblo, Ms. Karen Quintana, Route 1, Santa Fe, N.M. 87501, (505) 455–7692

Navajo Nation, Navajo Tribal Government's, Division of Social Welfare, Window Rock, AZ 86515, (602) 871–4595

Oglala Sioux Tribe, Juvenile Court Judge, Oglala Sioux Tribal Court, Pine Ridge, S.D. 57770

Omaha Tribe of Nebraska, Willard D. Phillips, Tribal Councilman, Box 143, Macy, NE 68039

Ouzinkie Village, Alaska, KANA, President, Director of Social Services and Director of Health, Box 172, Kodiak, AK 99615, (907) 486–5725

Picuris Pueblo, Ms. Mary Louise Keesing, Pueblo Tribal Secretary, P.O. Box 228, Penasco, N.M. 87553, (505) 587–2519

Port Graham Village Council, Homer, AK: (1) North Pacific Rim, 903 West Northern Lights Blvd., Ste. 203, Anchorage, AK 99503, (907) 276–2121; (2) Walter Maganack, Sr., Village President, Port Graham VIA, Homer, AK 99603, (907) 433–8001

Port Lions, Alaska—Tribal Council, KANA, President, Director of Social Services and Director of Health, Box 172, Kodiak, AK 99615, (907) 486–5725

Pueblo of Acoma, Bonnie Martinez, Tribal Court Clerk, P.O. Box 347, Pueblo of Acoma, N.M. 87034, (505) 552–6632

Pueblo of San Felipe, Mrs. Jeanette Trancosa, P.O. Box 308, Algodones, N.M. 87001, (505) 867–2439

Ramah Navajo Community, David Martine, Ramah Navajo Social Services, P.O. Drawer I, Pinehill CPO, Pinehill, N.M. 87321, (505) 783–5011

San Ildefonso Pueblo, Mr. P. Bert Naranjo, Tribal Judge, Rte. 5, Box 315–A, Santa Fe, N.M. 87501, (505) 455–2273

San Juan Pueblo, Mr. Johnny Abeyta, P.O. Box 1099, San Juan Pueblo, N.M. 87566, (505) 852–4400

Santa Clara Pueblo: (1) Honorable Frankie V. Gutierrez, Tribal Judge; (2) Ms. Pasqualita Frenier, Director of Social Services Program; (3) Mr. Joseph Abeyta, Sr., Social Services, P.O. Box 580, Espanola, N.M. 87532, (505) 753–7326

Sault Ste. Marie Tribe of Chippewa Indians: (1) Joseph K. Lumsden, Tribal Chairman, 206 Greenough Street, Sault Ste. Marie, MI 49783; (2) Martha Snyder, Social Worker, P.O. Box 432, Manistique, MI 49854; (3) Kathy Fike, 206 Greenough Street, Sault Ste. Marie, MI 49783

Sisseton-Wahpeton Sioux Tribe, Chief Judge, Sisseton-Wahpeton Tribal Court, Sisseton, S.D. 57262

Tatitlek Village Council: (1) Noth Pacific Rim, 903 West Northern Lights Blvd., Ste. 203, Anchorage, AK 99503, (907) 276–2121; (2) Gary Kompkoff, President, Tatitlek Village Council, General Delivery, Tatitlek, AK 99677, (907) 257–8001

Tesuque Pueblo, Mr. Louis Hena, Rte. 1, Box 1, Santa Fe, N.M. 87501, (505) 983–2667

The Three Affiliated Tribes, Fort Berthold Child Welfare Worker, the Child Welfare Program, Three Affiliated Tribes, Fort Berthold Reservation, New Town, N.D. 58748

Turtle Mountain Tribe, Shirley Malateere, Tribal Judge, Belcourt, N.D. 58316, (701) 477–6121

Valdez Native Association, Valdez, Alaska: (1) North Pacific Rim, 903 West Northern Lights Blvd., Ste. 203, Anchorage, AK 99503, (907) 276–2121; (2) Helen Dunlap, President, Valdez Native Association, Box 1108, Valdez, AK 99686, (907) 835–4951

White Mountain Apache Tribe, Administrative Manager of the White Mountain Apache Tribe, P.O. Box 700, White River, AZ 85941, (602) 338–4346

Winnebago Tribe of Nebraska, Ms. Neola E. Walker and Community Services Staff, Winnebago Tribe, Winnebago, NE 68071

Yankton Sioux Tribe, Harold McBride, Box 577, Wagner, S.D. 57380, (605) 384–3691

Kenneth Smith,

Assistant Secretary—Indian Affairs.

[FR Doc. 81-30717 Filed 10-22-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

[AA-44897]

Alaska Native Claims Selection

On June 11, 1981, Cook Inlet Region, Inc., filed selection application AA-44897 under the provisions of Sec. 22(f) of the Alaska Native Claims Settlement Act (43 U.S.C. 1601, 1621) (ANCSA) and Sec. 1302(h) of the Alaska National Interest Lands Conservation Act (94 Stat. 2475) (ANILCA), for those lands listed in Appendices C and D of the "Beaver Creek Settlement Agreement."

Cook Inlet Region, Inc., and the Secretary of the Interior entered into the "Beaver Creek Settlement Agreement" on May 18, 1981. The agreement provided for the exchange of those lands herein approved for conveyance, for selections or selection rights which Cook Inlet Region, Inc., had, or may have had for certain lands in the Kenai National Wildlife Refuge under Sec. 12 of the Act of January 2, 1976 (43 U.S.C. 1601, 1611(e)) and Secs. I.A. and I.B. of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area, as clarified on August 31, 1976 (90 Stat. 1935). (A copy of the agreement is filed in BLM case file AA-44897).

The selection application of Cook Inlet Region, Inc., as to the lands described below is properly filed and meets the requirements of ANCSA. 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 subsurface estate of the lands described in Sec. I below, and the subsurface estate of the coal, oil and gas of the lands described in Sec. II below are considered proper for acquisition by Cook Inlet Region, Inc., and are hereby approved for conveyance:

I. Subsurface Estate

Seward Meridian, Alaska (Partially Surveyed)

T. 6 N., R. 10 W.,
Secs. 13, 14, and 15;
Secs. 22 to 28, inclusive;
Secs. 32 to 36, inclusive.
Containing approximately 9,600 acres.

II. Subsurface Estate of Coal, Oil and Gas

Seward Meridian, Alaska (Partially Surveyed)

T. 6 N., R. 10 W.,
Sec. 2, W½NW¼
Sec. 3, E½SE¼
Sec. 10, S½, NE¼, S½NW¼;
Secs. 11, 18, 19, and 29;
Sec. 30, E½.
Containing approximately 3,569 acres.

Seward Meridian, Alaska (Unsurveyed)

T. 6 N., R. 9 W.,
Secs. 18 and 19;
Sec. 21, N½, SE¼;
Secs. 30, 31, 32, and 33.
Containing approximately 4,265 acres.

T. 8 N., R. 9 W.,
Sec. 10, NE¼NW¼;
Sec. 22, NE¼NE¼.
Containing approximately 80 acres.

T. 7 N., R. 10 W.,
Sec. 35, SE¼SW¼.
Containing approximately 40 acres.
Aggregating approximately 17,554 acres.

Conveyance of the subsurface estate of the coal, oil and gas of the lands described in Sec. II above shall contain the following reservation to the United States:

All other minerals, including but not limited to common varieties of minerals.

The grant of the subsurface estate of the coal, oil and gas described in Sec. II above shall be subject to:

The provisions of Sec. I.B.(1) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area; namely the convenants that: The right to extract coal shall be conditioned upon the opening by the Secretary for the extraction of coal of that portion of the Refuge in which these lands are located, and provided further, that coal shall only be extracted in a liquid or gaseous state; all activities related to the extraction of oil, gas, and coal which affect the surface of the Kenai National Wildlife Refuge shall be conducted in accordance with a surface use plan approved by the Secretary. Such extraction shall be undertaken in accordance with the most advanced technology commercially available at that time and causing the least practicable temporary and permanent harm to the fish and wildlife habitats of the Refuge; and any surface damage caused by the exercise of the rights herein must be repaired or reclaimed by Cook Inlet Region, Inc., its successors and assigns, as rapidly as practicable without unreasonable interference with the rights of extraction.

The grant of the subsurface estate described in Sec. I above and the subsurface estate of the coal, oil and gas described in Sec. II above 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;

3. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1621(g)), that the above described lands which were withdrawn by Executive Order 8979 of December 16, 1941, is amended by Public Land Order No. 3400, on May 22, 1964, and are now a part of the Kenai National Wildlife Refuge, remain subject to the laws and regulations governing use and development of such Refuge so long as they remain a part of said Refuge;

4. The terms and conditions of the "Beaver Creek Settlement Agreement" of May 18, 1981. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management case file AA-44897. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513; and

5. The terms of the following described oil and gas leases:

Legal Description
Seward Meridan, Alaska
Serial Number A-028118
T. 6 N., R. 10 W., Secs. 3, 4, and 9; Sec. 10, N½, SW¼.
Serial Number A-028405
T. 8 N., R. 9 W., Secs. 2, 3, 10, and 11.
Serial Number A-028406
T. 8 N., R. 9 W., Sec. 15, W½; Sec. 22; Sec. 26, N½, SW¼; Sec. 27; Sec. 34, N½.
Serial Number AA-13277
T. 6 N., R. 10 W., Sec. 10, SE¼.

All of the lands contained in lease AA-13277 and a portion of the lands contained in leases A-028118, A-028405, and A-028406 are herein approved for conveyance. Therefore, in accordance with the provision of Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613), the United States will waive

administration of lease AA-13277 and transfer it to Cook Inlet Region, Inc., when conveyance to the subsurface estate of the coal, oil and gas is issued. Administration of the remaining leases will continue to be by the United States.

Pursuant to the "Beaver Creek Settlement Agreement", Cook Inlet Region, Inc.'s entitlement under Section I.B.(2) of the Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area will be reduced by 9,640 acres upon conveyance of the interests described herein.

The subsurface estate of the lands described in Sec. I above will be removed from within the boundaries of the Kenai National Wildlife Refuge upon conveyance to Cook Inlet Region, Inc.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Daily News.

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. Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 100, 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 23, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509.

Ann Johnson,

Chief, Branch of ANCSA Adjudication.

[FR Doc. 81-30725 Filed 10-22-81; 8:45 am]

BILLING CODE 4310-84-M

[AA-29382]

Alaska Native Claims Selection

The document entitled "Terms and Conditions for Land Consolidation and Management in the Cook Inlet Area" was ratified by Public Law (Pub. L.) 94-204 (89 Stat. 1145, 1151) on January 2, 1976, and clarified on August 31, 1976. Section II of the Terms and Conditions authorized reconveyance by the United States to Cook Inlet Region, Inc., of lands conveyed by the State of Alaska to the United States. On November 15, 1977, Sec. 3(a) of Pub. L. 95-178 (91 Stat. 1369) authorized the Secretary of the Interior to identify and reserve within two years after initial conveyance of such lands to Cook Inlet Region, Inc., any easement he could have lawfully reserved prior to conveyance and to issue immediately thereafter a revised conveyance reflecting such reservation.

On November 13, 1979, Patent No. 50-80-0010 was issued to Cook Inlet Region, Inc., for 160 acres of the surface and subsurface estates of lands conveyed to the United States by the State of Alaska. The lands were conveyed pursuant to Sec. 14(e) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(e) (ANCSA), and Sec. 12(c) of Pub. L. 94-204 (89 Stat. 1145, 1152), as amended by Sec. 3(a) of Pub. L. 95-178 (91 Stat. 1369), and are described as follows:

Patent No. 50-80-0010 of November 13, 1979

Seward Meridian, Alaska (Surveyed)

T. 19 N., R. 3 E.,

Sec. 14, NW¼.

Containing 160 acres.

There are no easements to be reserved pursuant to Sec. 17(b) of ANCSA. When this decision becomes final, a revised conveyance document will be issued to Cook Inlet Region, Inc., for the above-described lands with no Sec. 17(b) easements reserved. The revised conveyance document will remain subject to all other rights, terms, conditions, and covenants contained in Patent No. 50-80-0010.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the **Federal Register** and once a week, for four (4) consecutive weeks, in the Anchorage Daily News.

Any party claiming 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. Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 100, 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 23, 1981 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. Further information on the manner of and requirements for filing an appeal may be obtained from the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513.

If an appeal is taken, the party to be served with a copy of the notice of appeal is: Cook Inlet Region, Inc., P.O. Drawer 4-N, Anchorage, Alaska 99509.

Ann Johnson,

Chief, Branch of ANCSA Adjudication.

[FR Doc. 81-30728 Filed 10-22-81; 8:45 am]

BILLING CODE 4310-84-M

[PHX 075419, etc.]

Arizona; Order Providing for Opening of Public Lands

Corrections

In FR Doc. 81-28351, published at page 47871, on Wednesday, September 30, 1981 make the following corrections:

(1) On page 47871, in the middle column, under *"PHX 075419"*, in the sixteenth line "Sec. 2, Lot 1; sec. 16." should be corrected to read

"Sec. 2, Lot 1,
Sec. 16,"

(2) In the third column, under *"PHX 078044"*, in the fifteenth line "Sec. 32; sec. 36, N½, SW¼, W½SE¼." should be corrected to read

"Sec. 32.
Sec. 36, N½, SW¼, W½SE¼."

(3) On page 47872, in the second column, under *"A6025"*, in seventh line from the bottom "Sec. 15, S½NE¼, S½NW¼;", should be corrected to read "Sec. 15, S½, NE¼, S½NW¼."

BILLING CODE 1505-01-M

Outer Continental Shelf; Request for Comments on Effects From Drilling Discharges

AGENCY: Bureau of Land Management, Interior.

ACTION: Request for comments on significant acute and cumulative effects from discharge of drilling muds and cuttings in the Outer Continental Shelf marine environment and the environmental and safety implications on discharge alternatives.

SUMMARY: The Bureau of Land Management has requested the National Academy of Sciences, through its Marine Board, to conduct an assessment of the state of knowledge of the environmental significance of the fates and effects of discharged drilling muds and cuttings in the marine environment and the implications of the identified effects on discharge alternatives. By this notice, public comments are sought concerning the identification of significant impacts associated with drilling muds discharges.

DATE: Comments and information must be received on or before December 14, 1981.

ADDRESS: Written comments should be submitted to the Branch of Offshore Studies (623), Bureau of Land Management, Washington, D.C. 20240. Envelopes or packages should be marked "Request for Comments on Effects from Drilling Discharges."

FOR FURTHER INFORMATION CONTACT: James Cimato, Bureau of Land Management, (202) 343-7744.

SUPPLEMENTAL INFORMATION: The Secretary of the Interior is authorized under the Outer Continental Shelf Lands Act Amendments of 1978 (43 USC 1801) to design studies which " * * * predict impacts on the marine biota * * * from the introduction of drill cuttings and drilling muds in the area * * * " The Bureau of Land Management, in consultation with the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, has requested that the Marine Board of the National Academy of Sciences, evaluate the state of knowledge on the environmental significance of the fates and effects of discharged drilling muds and cuttings in the marine environment and the implications of the identified effects on disposal alternatives. The proposed effort is intended to establish a credible teachnical base on which resource management decisions can be made and to assist in the identification of areas needing additional research. The effort will draw heavily from the following reports:

1. Dames and Moore, 1981. Fates and Effects of Drilling Fluids and Cuttings Discharges in Lower Cook Inlet, Alaska, and on Georges Bank. Prepared for the Bureau of Land Management through an Interagency Agreement with the National Oceanic and Atmospheric Administration. A limited number of copies will be made available by the Bureau of Land Management, Branch of Offshore Studies (telephone 202-343-7744).

2. Petrazzuolo, G. 1981. Preliminary report: An Environmental Assessment of Drilling Fluids and Cuttings Released onto the Outer Continental Shelf. Vol. 1, Technical Assessment. Vol. 2 Tables, Figures and Appendix A. Prepared by the Oceans Programs Branch and the NPDES Technical Support Branch, Environmental Protection Agency. This report is currently under internal review and will be made available through the National Technical Information Service when finalized.

Of particular interest to the Acedemy in the conduct of the requested work are the perceptions of those outside the Federal government as to the fates and effects of drilling muds and cuttings in the marine environment, and the implications of those effects on discharge control strategies. To assist the Marine Board in this area, comments are sought from industry, academia, state governments, environmental groups, and other interested parties.

The following list of concerns includes the types of questions the study will address. The list is by no means exhaustive, and comments pointing to other relevant areas of concern are welcome. All contributed comments must be thoroughly documented.

Fates and Effects

1. What is the range over which the composition of drilling mud components vary under routine use? What is known about the composition of spent fluids?

2. Where drilling mud components can be distinguished from natural background in the marine environment, what have been the observed effects?

3. Can the results and conclusions drawn from relevant past and ongoing reserach programs be extrapolated to various different hydrodynamic regimes?

4. Should the existence and/or significance of cumulative effects be demonstrated by focusing research on a specific set of environmental conditions (e.g. a low energy, semi-enclosed bay)?

Engineering Implications

1. To what extent and under what circumstances should operational discharges be controlled?

2. Where discharges are to be controlled, what engineering strategies should be utilized?

3. What is the likely effect of these engineering contols on environmental safety, the safety of operations, and the overall risk of offshore development?

Ed Hastey,
Associate Director, Bureau of Land Management.
October 14, 1981.

[FR Doc. 81-30710 Filed 10-22-81; 8:45 am]
BILLING CODE 4310-84-M

[W-0236533]

Wyoming; Termination of Classification

October 13, 1981.

1. The following described lands were classified pursuant to the Small Tract Act of June 1, 1938, as amended (43 U.S.C. 682a) by Classification Order Wyoming 36 dated November 12, 1962, for leave and sale for residence purpose only.

Sixth Principal Meridian, Wyoming

T. 36 N., R. 110 W.,
Sec. 21, lots 3, 4, 6, 7, 14.

The area described contains 12.56 acres in Sublette County, Wyoming.

2. The classification segregated the above lands from all appropriations under the public lands laws, including location under the mining laws, except as to applications under the mineral leasing laws and the Small Tract Act.

3. The Small Tract Act was repealed by Section 702 of the Federal Land Policy and Management Act of October 21, 1976, (43 U.S.C. 1701), accordingly the classification is no longer applicable. Therefore, pursuant to the authority contained in 43 CFR 2400.0-4 and the authority delegated by Bureau of Land Management Order 701, the classification is hereby terminated.

4. At 7:45 a.m. on November 23, 1981, the lands shall be open to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 7:45 a.m. on November 23, 1981, shall be considered as simultaneously filed at that time. Those received thereafter, shall be considered in the order of filing.

5. The lands will be open to location under the United States Mining Laws at 7:45 a.m. on November 23, 1981. They have been and will continue to be open to application 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, 2515 Warren Avenue, P.O. Box 1828, Cheyenne, Wyoming 82001.

F. William Eikenberry,

Associate State Director.

[FR Doc. 81-30706 Filed 10-22-81; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Industrial Water Service Contract Negotiations Lake Oahe, South Dakota; Intent To Negotiate and Hold Public Hearing on the Proposal for Industrial Water Service Contract and To Adopt Final Environmental Impact Statement Prepared by the Bureau of Land Management

The Department of the Interior, through the Bureau of Reclamation, intends to begin contract negotiations with Energy Transportation Systems, Inc. (ETSI). ETSI has requested up to 50,000 acre-feet of water service annually from Lake Oahe in South Dakota. The water will be transported by pipeline to Wyoming based on water rights granted by legislation enacted September 24, 1981, by a special session of the South Dakota Legislature. This initiative by South Dakota allows the United States to begin contract negotiations with ETSI. The proposed contract will be drafted pursuant to the Reclamation Project Act of August 4, 1939 (53 Stat. 1187), and the Flood Control Act of 1944 (58 Stat. 887).

ETSI was organized to plan, construct, and operate a pipeline which would transport coal in slurry form from the Powder River Basin in Wyoming to the middle southern area of the United States to service electric utilities.

The Bureau of Land Management has prepared a draft and a final environmental impact statement (Int. FEIS 81-26) on the ETSI coal slurry pipeline transportation project. The FEIS was filed with the Environmental Protection Agency on July 9, 1981, and the waiting period which began on July 17, 1981, was extended for another 30 days through September 16, 1981. ETSI had planned to utilize groundwater from a well field, tapping the Madison Formation near Lusk, Wyoming, however, Lake Oahe was identified as the alternate backup water source in the FEIS. The newly enacted South Dakota legislation, which will enable ETSI to obtain water rights from the Missouri River, will foreclose the Madison Formation as a principal water source for ETSI.

The FEIS is considered adequate to cover the proposed water service contract and that FEIS covering the use of 20,000 acre-feet of water is hereby adopted by the Bureau of Reclamation for its compliance pursuant to the National Environmental Policy Act of 1969 for the proposed contract.

ETSI's application for a contract requests 20,000 acre-feet of water per year for its identified coal slurry project. An additional 30,000 acre-feet of water per year is to be utilized in the future when the project is completed. Contract negotiations will be limited to providing the initial 20,000 acre-feet of industrial water requested and will be contingent on approvals required by State and Federal laws and policies. ETSI may provide pipeline capacity to service municipal, domestic, and rural water users in western South Dakota.

Terms and conditions of industrial water service contracts of this type have been completed in similar contract actions for industrial water service from Lake Sakakawea in North Dakota. Contract negotiations are expected to be completed routinely through exchange of correspondence and no formal negotiation sessions are anticipated. However, a public meeting will be held at the Kings Inn in Pierre, South Dakota, beginning on November 24, 1981. The purpose of the meeting will be to accept comments from the public on the draft contract.

The 30-day public comment period will remain open through December 24, 1981. Requests for copies of the contract and details on the public meeting may be obtained from the Regional Director, Bureau of Reclamation, Attention Code UM-440, P.O. Box 2553, Billings, Montana 59103. Information may also be obtained from Mr. William Crosby by telephone at (406) 657-6413. All written correspondence and the proposed contract will be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

If there is little or no public interest as a result of this notice and local press releases, no further notice concerning the availability of the proposed contract will be published in the **Federal Register.**

Dated: October 19, 1981.

Garrey E. Carruthers,

Assistant Secretary, Land and Water Resources.

[FR Doc. 81-30731 Filed 10-22-81; 8:45 am]

BILLING CODE 4310-09-M

Minidoka Powerplant Rehabilitation and Enlargement, Minidoka Project, Idaho; Public Hearing

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for Minidoka Powerplant Rehabilitation and Enlargement, Minidoka Project, Idaho (INT DES 81-40, dated September 18, 1981). The draft environmental statement covers impacts of constructing a new 30 MW powerplant, automation of the existing unit 7, modification of the existing 34.5 kV and 188 kV switchyards, new recreation facilities, and protection and enhancement of fish and wildlife.

A public hearing will be held in Rupert, Idaho, at the City Hall on December 1, 1981, from 7:00 p.m. until all presentations have been made, to receive views and comments from interested organizations or individuals relating to the environmental impact of this project. Oral statements at the hearing will be limited to a period of 10 minutes. Speakers will be encouraged not to trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional oral comments after all persons desiring to comment have been heard. The speaking order at the hearing will be determined by the order in which the letter requests are received by the Bureau. Requests for scheduled presentation will be accepted up until 4:00 p.m. on November 27. Requests to make oral statements will also be accepted at the hearing, and persons making those requests will be permitted to speak for 10 minutes on a first-come first-served basis after each person who submitted a letter request has been permitted to make an initial presentation.

Organizations or individuals desiring to present their statements at the hearing should write to the Regional Director, Attention Code 150, Pacific Northwest Region, Bureau of Reclamation, Department of the Interior, Box 043, 550 West Fort Street, Boise, Idaho 83724, or telephone (208) 334-1926 and announce their intention to participate. Written comments for the hearing record from those unable to

attend and from those wishing to supplement their oral presentation at the hearing should be received by December 17, 1981, so that they can be included in the hearing record.

Dated: October 19, 1981.

Aldon D. Nielsen,

Acting Assistant Commissioner.

[FR Doc. 81-30732 Filed 10-22-81; 8:45 am]

BILLING CODE 4310-09-M

National Park Service

San Antonio Missions Advisory Commission; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the San Antonio Missions Advisory Commission will be held at 1:30 p.m., Tuesday, November 10, 1981, at the Federal Building, 727 E. Durango, Rm. A206, San Antonio, Texas.

The San Antonio Missions Advisory Commission was established pursuant to Pub. L. 95-629, Title II, November 10, 1978. The purpose of the commission is to advise the Secretary of the Interior or his designee on matters relating to the park and with respect to carrying out the provisions of the statute establishing the San Antonio Missions National Historical Park.

Matters to be discussed at this meeting include:

—Park Operations Update
—Report on Public Review of Environmental Assessment
—Advisory Commission Appointments—start of Nominating Process for initial 7 positions
—Report on NPS/Archdiocesen Cooperative Agreement
—Status Report on the City of San Antonio's Zoning Plan for the Missions National Historical Park Protection Area

The meeting will be opened to the public, however, facilities and space for accommodating members of the public will be limited and persons will be accommodated on a first come, first serve basis.

Any member of the public may file a written statement concerning the matters to be discussed with the Superintendent, San Antonio Missions National Historical Park.

Persons wishing further information regarding this meeting or who wish to submit a written statement may contact Jose A. Cisneros, Superintendent, 727 E. Durango, Room A612, San Antonio, Texas 78206, telephone (512) 229-6000.

Minutes of the meeting will be available for public review four weeks after the meeting at the office of the San Antonio Missions National Historical Park.

Dated: October 16, 1981.

Donald A. Dayton,

Acting Regional Director, Southwest Region.

[FR Doc. 81-30683 Filed 10-22-81; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-1 (Sub-130)

Chicago and North Western Transportation Co.—Abandonment—Near Norfolk, in Madison County, NE; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that the Commission, Review Board Number 3, has issued a certificate authorizing the Chicago and North Western Transportation Company to abandon its line of railroad known as the Norfolk Spur extending from railroad milepost 1.2 in Norfolk to railroad milepost 2.9 near Norfolk, a distance of 1.7 miles, in Madison County, NE, subject to certain conditions. Since no investigation was instituted, the requirement of Section 1121.38(b) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice. The offer, as filed, shall contain information required pursuant to Section 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 30 days from the service date (10-23-81) of the certificate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-30680 Filed 10-22-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29747]

Baltimore & Ohio Railroad Co.; Exemption

October 19, 1981.

The Baltimore and Ohio Railroad Company (B&O) owns all the outstanding common stock of The Staten Island Railroad Corporation (SIRC) and Maryland and West Virginia Company (M&WV). B&O intends to transfer its control of SIRC to M&WV through the sale of all its stock in SIRC to M&WV for $25,000,000.

The transaction is within the same corporate family and comes within the exemption described at 49 CFR 1111.5(c)(3). It will not result in any adverse or significant changes in service levels, operations or the competitive balance with carriers outside the corporate family.

As a condition to use of the exemption, any SIRC employees affected by the change of control shall be protected pursuant to the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.* 360 ICC 60 (1979). This will satisfy the statutory requirements of 49 U.S.C. 10505(g)(2).

By the Commission, Gary J. Edles, Director, Office of Proceedings.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-30695 Filed 10-22-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-6, (Sub-No. 101)]

Burlington Northern Railroad Co.—Abandonment—Between Sioux Falls and Irene, SD; Findings

The Commission has issued a certificate authorizing Burlington Northern Railroad Company to abandon its 36.39 mile rail line between Sioux Falls (milepost 150.68) and Irene (milepost 187.07) in Minnehaha, Lincoln, Turner and Yankton, Counties, SD. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A finacially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, DC 20423, no later than 10 days from publication of this Notice.

Any offer previously made must be remade within this 10 day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1121.38.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-30698 Filed 10-22-81; 8:45 am]

BILLING CODE 7035-01-M

Intent To Engage in Compensated Intercorporate Hauling Operations

This is to provide notice as required by 49 U.S.C. 10524(b)(1) that the named corporations intend to provide or use compensated intercorporate hauling operations as authorized in 49 U.S.C. 10524(b). (1) Parent corporation and address of principal office: American Hospital Supply Corporation, One American Plaza, Evanston, Illinois 60201. (2) Wholly-owned subsidiaries which will participate in the operations: (a) The following companies are all incorporated in Canada: McGaw Supply Ltd., including the following divisions: McGaw Manufacturing; American Hospital Supply/Canada; Canlab; Denco. (b) American Hospital Supply, a division of American Hospital Supply Corporation, an Illinois corporation, with principal offices in Illinois. (1) *Parent Company and Address of Principal Office:* Babson Bros. Co., 2100 S. York Road, Oak Brook, Illinois 60521. (2) *Wholly-Owned Subsidiaries Which Will Participate in the Operations and State of Incorporation:* (i) Babson Bros. Trucking Co., an Illinois corporation; (ii) Pfanstiehl Detergents Chemicals, Inc., an Illinois corporation. (1) Parent corporation and address of principal office: Gary Energy Corporation, Four Inverness Ct. East, Englewood, CO 80112. (2) Wholly-owned subsidiaries which will participate in the operations, and address of their respective principal offices: (i) Gary Transport Company, Four Inverness Ct. East, Englewood, CO 80112; (ii) Gary Refining Company, Four Inverness Ct. East, Englewood, CO 80112. (1) The parent corporation is Hessick Inc. and its principal office is at 33 New York Avenue, N.E., Washington, D.C. 20002. (2) The wholly-owned subsidiary which will participate in the operations is Vienna Fuel Co., Inc. which is incorporated under the laws of the Commonwealth of Virginia. (1) Parent corporation—Household Merchandising, Inc. 1700 South Wolf Road, Des Plaines, Illinois 60018. (2) Wholly-owned subsidiaries of Household Merchandising, Inc. which will participate in the operations and addresses of their respective principal offices: (A) Coast-to-Coast Stores (Central Organization), Incorporated, 10801 Red Circle Drive, Minnetonka, Minnesota 55343; (B) Huffman-Koos Co., Route 4 at Main Street, North Hackensack, New Jersey 07661; (C) T. D. S. Transportation, Inc., 1700 South Wolf Road, Des Plaines, Illinois 60018; (D) T. G. & Y. Stores Co., 3815 North Santa Fe, Oklahoma City, Oklahoma 73125; (E) Vons Grocery Co., 10150 Lower Azusa Road, El Monte, California 91731; (F) White Stores, Inc., 3910 Call Field Road, Wichita Falls, Texas 76308. (3) Divisions of Household Merchandising, Inc. which will participate in the operations and addresses of their respective principal offices: (A) American Furniture, 105 North Oregon Street, El Paso, Texas 79901; (B) Barker Bros., 818 West Seventh Street, Los Angeles, California 90017; (C) Ben Franklin, 1700 South Wolf Road, Des Plaines, Illinois 60018; (D) Colby's Home Furnishings, 1001 Skokie Boulevard, Northbrook, Illinois 60062. (1) The parent is John F. Woodhead and his address is P.O. Box 142, Hudson, Wisconsin 54016. (2) The following corporations are wholly owned by John F. Woodhead and will participate in the operation: (i) Allstate Industries, Inc., a Minnesota corporation. (ii) Waconia Manufacturing Industries, a Minnesota corporation. (iii) Hudson Express, Inc., a Wisconsin corporation.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-30694 Filed 10-22-81; 8:45 am]

BILLING CODE 7035-01-M

Long- and Short-Haul Application for Relief (Formerly Fourth Section Application)

October 20, 1981.

This application for long- and short-haul relief has been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of the notice.

No. 43941, Southwestern Freight Bureau, Agent (No. B-139), reduced rates on sugar, beet or cane, from stations in Colorado, Kansas and Nebraska to Houston, TX (also returned shipments in the reverse direction), in Supplement 44 to its tariff ICC SWFB 4412, effective November 14, 1981. Grounds for relief: Market Competition.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-30697 Filed 10-22-81; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29587]

Consolidated Rail Corp.—Abandonment of 51 Out-of-Service Lines—Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 1093

Decided: October 16, 1981.

Consolidated Rail Corporation (Conrail) has submitted a letter to the Commission, dated August 31, 1981, withdrawing its petition in this proceeding. Notice of the proposed exemption appeared at 46 FR 34714, July 2, 1981. It states that the recent enactment by Congress of the Northeast Rail Service Act of 1981 (Pub. L. 97-35 enacted August 13, 1981)(NRSA) makes it necessary and desirable for it to review its plans with respect to abandonment applications. Conrail has indicated that it may abandon some or all of these lines under NRSA procedures. Accordingly, we are terminating this proceeding.

It is ordered:

This proceeding is terminated effective upon publication of this notice in the Federal Register.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-30699 Filed 10-22-81; 8:45 am]

BILLING CODE 7035-01-22

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 become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2. Members Carleton, Fisher, and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–3–193

Decided: October 15, 1981.

MC 158675, filed October 8, 1981. Applicant: REMICK TRUCKING LTD., 215 E. 37th, Boise, ID 83704. Representative: Timothy R. Stivers, P.O.B. 1576, Boise, ID 83701 (208) 343–3071. Transporting for or on behalf of the United States government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 158694, filed October 8, 1981. Applicant: PRIORITY DISPATCH, INC., 7040 Rockville Rd., Indianapolis, IN 46224. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204 (317) 638–1301. Transporting *shipments weighing 100 pounds or less* if transported in motor vehicles in which no one package exceeds 100 pounds, between points in the U.S.

MC 158705, filed October 9, 1981. Applicant: STRUE PERSSON, 10021 NE., 22nd, Bellevue, WA 98004. Representative: George R. LaBissoniere, 15 S. Grady Way, Suite 233, Renton, WA 98055 (206) 228–3807. 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–3–195

Decided: October 16, 1981.

W–414 Sub 11, filed September 28, 1981. Applicant: THE OHIO RIVER COMPANY, a corporation, 1400 580 Bldg., Cincinnati, OH 45202. Representative: Richard A. Zellner, 800 National City E. 6th Bldg., Cleveland, OH 44114 (216) 621–0150. Transporting by water, by non-self propelled vessels with the use of separate towing vessels, in the transportation of *general commodities*, generally and by towing vessels in the performance of general towage, (1) between ports and points along the Tennessee and Cumberland Rivers and their tributary waterways (including the Barkley Canal), and (2) between ports and points along the Tennessee and Cumberland Rivers, respectively, and their tributary waterways, on the one hand, and, on the other, ports and points on rivers and waterways that the Ohio River Company is authorized to serve pursuant to its Eighth Amended Certificate and Order No. W–414 served July 26, 1976.

MC 50185, (Sub-1), filed October 9, 1981. Applicant: CROZIER BROS. VAN LINES, INC., 460 Tarrytown Rd., White Plains, NY 10607. Representative: Robert J. Gallgher, 1000 Connecticut Ave., NW., Washington, DC 20036 (202) 785–0024. Transporting *household goods*, as defined by the Commission, between points in NY, VT, NH, MA, RI, CT, PA, NJ, DE, MD, VA, NC, SC, GA, FL, and DC, on the one hand, and, on the other, points in OH, WV, MI, IN, KY, WI, IL, MO, KS, OK, AR, TN, MS, AL, LA, and TX.

MC 69834 (Sub-24), filed October 8, 1981. Applicant: PRICE TRUCK LINE, INC., 2945 North Market, Wichita, KS 67219. Representative: Paul V. Dugan, 2707 West Douglas, Wichita, KS 67213 (316) 943–2325. Transporting (1) *chemicals*, (2) *compressed gases*, (3) *drilling mud additives*, (4) *hardware*, (5) *building materials*, (6) *machinery*, (7) *tools*, (8) *floor covering*, (9) *appliances*, (10) *metal products*, (11) *Wheels, gears, and bearings*, (12) *plastic products*, (13) *rubber molds*, (14) *tobacco products*, (16) *paper products*, and (15) *food and related products*, between points in Sedgwick, Butler, Harvey, Marion, Sumner, Harper, and Cowley Counties, KS, on the one hand, and, on the other, points in the U.S.

MC 82965 (Sub-6), filed October 9, 1981. Applicant: AMADOR STAGE LINES, INC., 213—13th St., Sacramento, CA 958520707. Representative: William D. Taylor, 100 Pine St., Suite 2550, San Francisco, CA 94111, (415) 986–1414. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in CA, and extending to points in the U.S. (including AK but excluding HI).

MC 142974 (Sub-7), filed October 9, 1981. Applicant: SURE TRANSPORT, INC., Building 7, Room 128, Fifth Ave., Davisville, RI 02854. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, VA 01103, (413) 732–1136. Transporting *such commodities* as are dealt in by a manufacturer or distributor of paper and paper products and plastic and plastic products, between points in the U.S., under continuing contract(s) with Glas-Kraft Inc., of Slatersville, RI.

MC 145724 (Sub-2), filed October 9, 1981. Applicant: HASTINGS TRANSPORTATION, INC., East on Hwy 6, Hastings, NE 68901. Representative: Thomas H. Dahlk, 1000 Woodmen Tower, Omaha, NE 68102, (402) 342–5550. Transporting (1) (a) *lumber and wood products*, and (b) *building materials*, between points in the U.S., under continuing contract(s) with Continental Timber, Inc. and Valley Truss & Supply, Inc. both of Valley Center, KS and (2) (a) *rubber and plastic products*, and (b) *chemicals and related products*, between points in the U.S., under continuing contract(s) with

Bruckman Rubber Co. of Hastings, NE and Lenco, Inc. of Waverly, NE.

MC 156075, filed October 9, 1981. Applicant: STANSPEC TRANSPORTATION CO., INC., 13600 Deise Ave., Cleveland, OH 44110. Representative: Lewis S. Witherspoon, 2455 North Star Rd., Columbus, OH 43221, (614) 486–0448. Transporting (1) *metal products*, (2) *furnaces*, (3) *machinery*, (4) *pipe*, and (5) *commodities which because of their size or weight require the use of special handling or equipment*, between Cleveland, OH, on the one hand, and, on the other, points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, MD, MA, MI, MN, MS, MO, MT, NE, NJ, NM, NY, NC, ND, OK, PA, RI, SC, SD, TN, TX, VA, WV, WI, WY, and DC.

MC 158695, filed October 8, 1981. Applicant: GREENBUSH SERVICE CO., a corporation, Greenbush, VA 23357. Representative: Luther Wharton (same address as applicant), (804) 665–5613. Transporting *household goods*, as defined by the Commission, between points in Accomack and Northampton Counties, VA, on the one hand, and, on the other, points in MD.

MC 158715, filed October 9, 1981. Applicant: WILLIAM F. BRAUN MILK HAULING, INC., 202 N. Second, Hecker, IL 62248. Representative: Linda S. Braun, 320 Country Village Lane, Hecker, IL 62248 (618) 473–2917. Transporting (1) *malt beverages*, and (2) *empty containers*, between points in the U.S., under continuing contract(s) with Vesci, Inc., of Granite City, IL.

MC 46054 (Sub-86), filed September 2, 1981, and previously noticed in the **Federal Register** issue of September 18, 1981. Applicant: BROWN EXPRESS, INC., P.O. Box 9244, San Antonio, TX 78204. Representative: Phillip Robinson, P.O. Box 2207, Austin, TX 78768 (512) 476–6391. Transporting *general commodities* (except classes A and B explosives), between points in Cameron, Hidalgo and Webb Counties, TX, on the one hand, and, on the other, points in AL, AR, IA, IL, IN, KS, KY, LA, MI, MS, MO, OH, OK, TN, those in NY on and west of Interstate Hwy 81, those in PA on and west of Interstate Hwy 79, and those in WV on and west of a line beginning at the PA–WV State line and extending along Interstate Hwy 79 to junction Interstate Hwy 77, than along Interstate Hwy 77 to the WV–VA State line.

Note.—Applicant intends to tack this authority to its existing regular route authority.

Note.—The purpose of this republication is to correctly reflect the tacking notation.

Volume No. OPY–4–406

Decided: October 13, 1981.

MC 123927 (Sub-5), filed October 1, 1981. Applicant: P. L. DUNCAN & SONS, INC., Rt 1, Box 448, Columbia, Va 23038. Representative: William E. Duncan (same address as applicant) (804) 375–3481. 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 service, between points in the U.S.

MC 158637, filed October 5, 1981. Applicant: HUGH DICKSON, d.b.a. HUGH DICKSON BROKERAGE COMPANY, Bay Minette, AL 36507. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401 (205) 578–2836. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 158667, filed October 6, 1981. Applicant: RODCO LEASING, INC., P.O. Box 285, 257 Bliss Street, West Springfield, MA 01090. Representative: Rodney D. Keenan (same address as applicant) (413) 734–7321. As a broker of *general commodities* (except household goods), between points in the U.S.

[FR Doc. 81-30003 Filed 10-22-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance rquirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board No. 2, Members Carleton, Fisher, and Williams.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract."

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volume No. OPY–3–192

Decided: October 15, 1981.

MC 42604 (Sub-8), filed October 9, 1981. Applicant: GEORGE HUSACK, INC., 167 Locust Drive, Schnecksville, PA 18078. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966 (215) 357–7220. Transporting (1) *coal and coal products*, between

points in Berks, Carbon, Lackawanna, Luzerne, Montgomery, Northumberland, and Schuylkill Counties, PA, on the one hand, and, on the other, points in DE, MD, NY and DC, and (2) *waste or scrap materials not identified by industry producing*, between points in CT, DE, MA, MD, NJ, NY, OH, PA, and RI.

MC 50915 (Sub-1), filed October 8, 1981. Applicant: RICHARD CORIELL & CO., INC., 36 Sunnyslope, Millington, NJ 07946. Representative: Robert J. Gallagher, 1000 Connecticut Ave., N.W., Washington, DC 20036 (202) 785-0024. Transporting *household goods*, as defined by the Commission, (1) between points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, OH, MD, DE, VA, NC, SC, GA, FL, and DC, on the one hand, and, on the other, points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, MD, DE, VA, WV, NC, SC, GA, FL, AL, MS, TN, KY, OH, MI, IN, IL, WI, and DC, and (2) between points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, MD, DE, VA, WV, NC, SC, GA, FL, AL, MS, TN, KY, OH, MI, IN, IL, WI, and DC, on the one hand, and, on the other, points in MN, IA, MO, AR, LA, TX, OK, KS, NY, ND, SD, MT, WY, CO, NM, AZ, UT, ID, WA, OR, NV, and CA.

MC 67234 (Sub-45), filed October 7, 1981. Applicant: UNITED VAN LINES, INC., One United Drive, Fenton, MO 63026. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105, (314) 727-0777. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with United Intermode, Inc., of Fenton, MO.

MC 82044 (Sub-2), filed September 28, 1981. Applicant: ILLIANA MOTOR SERVICE, INC., 4431 South Halsted St., Chicago, IL 60609. Representative: Harold Tatro (same address as applicant), (312) 268-7021. Transporting (1) *general commodities* (except classes A and B explosives), between points in AR, AZ, CO, ID, IL, IN, IA, KS, LA, MI, MO, MN, MT, NE, NM, NV, ND, OH, OK, OR, SD, TX, UT, WA, WI, and WY, on the one hand, and, on the other, points in CA, restricted to traffic having a prior or subsequent movement by air or water, and (2) (a) *furniture and fixtures*, (b) *metal products*, and (c) *machinery*, between the facilities of American Folding Products, Mercury Bathroom Products, Inc., and Midwest Folding Products, at Chicago, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 99735 (Sub-8), filed October 9, 1981. Applicant: SMITH & WATERS, INC., Nation Rd., Ware Shoals, SC 29692. Representative: William B. Patrick, Jr., P.O. Box 1207, Greenwood, SC 29648, (803) 229-2511. Transporting *general commodities* (except classes A and B explosives), between points in GA, NC and SC.

MC 135865 (Sub-10), filed October 8, 1981. Applicant: APPLEGATE DRAYAGE COMPANY, 325 N. 5th St., Sacramento, CA 95814. Representative: Michael T. Applegate (same address as applicant), (916) 443-4652. Over regular routes, transporting *general commodities* (except classes A and B explosives), (1) Between Stockton and Fresno, CA, over CA State Hwy 99, (2) Between Fresno, CA, and junction CA State Hwy 180 and Interstate Hwy 5, over CA State Hwy 180, (3) Between junction CA State Hwy 180 and Interstate Hwy 5 and Stockton, CA, over Interstate Hwy 5, (4) Between Chowchilla and Los Banos, CA, over CA State Hwy 152, (5) Between Mendota and Tracey, CA, over CA State Hwy 33, (6) Between Los Banos and Turlock, CA, over CA State Hwy 165, and (7) Between Merced and Gustine, CA, over CA State Hwy 140.

MC 141175 (Sub-8), filed October 8, 1981. Applicant: GARLEPIED TRANSFER, INC., 319 Butterworth St., Jefferson, LA 70181-0624. Representative: G. H. Knapp, Jr. (same address as applicant) (504) 733-2091. Transporting *bananas*, between Galveston, TX and Gulfport, MS, on the one hand, and, on the other, points in the U.S.

MC 149014 (Sub-6), filed October 7, 1981. Applicant: EAGLE LINES INC., P.O. Box 902, Merrimack, NH 03054. Representative: Henry Sepessy, 10 Canterbury Way, Merrimack, NH 03054, (603) 424-7939. Transporting *chemicals and related products*, between points in the U.S.

MC 153264, filed October 9, 1981. Applicant: JERRY AND GAYLE TRUCKING, INC., P.O. Box 1016, Yuma, AZ 85364. Representative: Richard J. Herbert, 934 W. McDowell Rd., Phoenix, AZ 85007, (602) 257-9604. Transporting *beverages*, between points in the U.S., under continuing contract(s) with Sun Valley Beverage Company, Inc., of Yuma, AZ.

MC 153335 (Sub-1), filed October 9, 1981. Applicant: AMERICAN HIGHWAY CARRIERS, INC., P.O. Box 6, Hammond, IN 46320. Representative: James Robert Evans, 145 W. Wisconsin Ave., Neenah, WI 54956, (414) 722-2848. Transporting *pulp, paper and related products*, between Chicago, IL, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, OH, PA, TN and WI.

MC 155234 (Sub-1), filed October 6, 1981. Applicant: STOW TRANSPORT, INC., 3275 Kent Rd., Stow, OH 44224. Representative: Gary Boecker (same address as applicant), (216) 688-6262. Transporting (1) *general commodities* (except classes A and B explosives), between Portage, Stark, Summit, Medina, Lorain, Lake and Cuyahoga Counties, OH, on the one hand, and, on the other, points in the U.S. and (2) *general commodities* (except classes A and B explosives), between the facilities utilized by the Ferro Corporation and Mercantile Development, Inc., at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 155885 (Sub-2), filed October 6, 1981. Applicant: GARFIELD TRANSFER CO., INC., d.b.a. Garfield Truck Lines, P.O. Box 800, Renton, WA 98055. Representative: Michael A. Jonson, 300 Central Bldg., Seattle, WA 98104, (206) 624-2521. Transporting *general commodities*, between points in WA, OR, ID, and MT.

Note.—To the extent the authority authorizes the transportation of classes A and B explosives, it shall expire 5 years from its date of issuance.

MC 158624, filed October 5, 1981. Applicant: RED K TRANSPORT, INC., 2425 Peace Tree Street, Cape Girardeau, MO 63701. Representative: Guy H. Boles, 400 State Street, Madison, IL 62060, (314) 451-2323. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of electrical equipment and sound warning devices, between points in White and Clay Counties, IL and Mississippi County, AR, on the one hand, and, on the other, points in the U.S.

MC 158655, filed October 9, 1981. Applicant: GRAND EXPRESS, INC., 4750 Clyde Park, S.W., Grand Rapids, MI 49509. Representative: Daniel C. Sullivan, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, (312) 263-1600. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of appliances, building materials, and mobile homes, between points in Ottawa County, MI, on the one hand, and, on the other, points in the U.S.

MC 158644, filed October 5, 1981. Applicant: HIGH PLAINS TRANSPORTATION, INC., P.O. Box 26291, Lakewood, CO 80226. Representative: David E. Driggers, 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, CO 80264. Transporting *food and related products*, between points in CO and TX, on the one hand, and, on the other, points in OK, TX, KS, NE, SD, ND, CO, MN, IA, MO, AR, TN, KY, IL, IN, WI and OH.

MC 158645, filed October 6, 1981. Applicant: GLEN ELLYN STORAGE

CORP., 384 Duane Street, Glen Ellyn, IL 60137. Representative: Robert J. Gallagher, 1000 Connecticut Avenue, NW., Suite 1200, Washington, D.C., 20036 (202) 785–0024. Transporting *household goods,* (1) between points in IL, IN, OH, MI, IA, KY, MO, TN, WI, MN, and PA, and (2) between points in IL, IN, OH, MI, IA, KY, MO, TN, WI, MN, and PA, on the one hand, and, on the other, points in AR, KS, NE, and OK.

MC 158664, filed October 6, 1981. Applicant: COOPER'S CHARTER BUS SERVICE, 3459 Sale Drive, Virginia Beach, VA 23464. Representative: Robert O. Cooper, Sr. (same address as applicant) (804) 420–7904. Transporting *passengers and their baggage,* in charter and special operations, between points in VA, on the one hand, and, on the other, points in the U.S.

MC 158684, filed October 8, 1981. Applicant: BECK OIL COMPANY, INC., 3rd and Jordan St., Mt. Vernon, IL 62864. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701 (217) 544–5468. Transporting *petroleum and petroleum products,* between points in IN, MO and KY, on the one hand, and, on the other, points in IL.

MC 158714, filed October 9, 1981. Applicant: DEN TRUCKING CO., INC., P.O. Box 163, Andreas, PA 18211. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966 (215) 357–7220. Transporting *coal and coal products,* between points in Carbon, Lackawanna, Luzerne, Northumberland and Schuylkill Counties, PA, on the one hand, and, on the other, points in CT, DE, MA, MD, NH, NJ, NY, PA, RI, VA, VT and DC.

FF–574, filed October 9, 1981. Applicant: EMERALD CITY INTERNATIONAL, 23028 100th Ave., W., Edmonds, WA 98020. Representative: Jerrold D. Effenberger (same address as applicant) (206) 771–2303. As a freight forwarder, transporting (1) *used household goods,* as defined by the Commission, (2) *baggage,* and (3) *used automobiles,* between points in the U.S., including AK and HI, restricted to traffic having a prior or subsequent movement by air or water.

Volume No. OPY–3–194

Decided: October 15, 1981.

MC 142974 (Sub-5), filed September 25, 1981. Applicant: SURE TRANSPORT, INC., Industrial Center, P.O. Box G, Lincoln, RI 02865. Representative: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103 (413) 732–1136. Transporting *such commodities* as are dealt in by a manufacturer and distributor of metals and metal products, between points in the U.S., under continuing contract(s) with L.I.G. America, Inc., of Freehold, NJ, and its subsidiaries Arconium Corp., Fry Metals, Inc., A. J. Oster, Inc., and Sims Corp., all of Providence, RI.

MC 142974 (Sub-6), filed September 25, 1981. Applicant: SURE TRANSPORT, INC., Industrial Center, P.O. Box G, Lincoln, RI 02865 Representatve: David M. Marshall, 101 State St., Suite 304, Springfield, MA 01103 (413) 732–1136. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with W. R. Grace & Co., and its Construction Division, of Cambridge, MA.

[FR Doc. 81–30602 Filed 10–22–81; 8:45 am]
BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. Bristol-Myers Co.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b) through (h), that a proposed final judgment, stipulation, and competitive impact statement have been filed with the United States District Court for the District of Columbia in *United States v. Bristol-Myers Company.* The complaint in this case alleged that the defendants conspired to restrain trade and monopolize commerce in semisynthetic penicillins in violation of the Sherman Act by restrictively licensing patents relating to ampicillin and other semisynthetic penicillins and by fraudulent procuring and enforcing a patent covering ampicillin. In 1979 a consent decree was entered against two of the defendants, Beecham Group Ltd., and its wholly-owned subsidiary, Beecham Inc. In the proposed consent judgment the final defendant Bristol-Myers Company would be prohibited from maintaining any existing agreement that in certain ways restricts Beecham from freely competing with Bristol in the sale of semisynthetic penicillins. Bristol would also be required to license certain of its patents and its know-how and to sell in bulk form certain semisynthetic penicillin products that it manufactures.

Public comment is invited within the statutory 60-day comment period. Such comments, and response thereto, will be published in the **Federal Register** and filed with the court. Comments should be directed to Roger B. Andewelt, Assistant Chief, Intellectual Property Section, Antitrust Division (SAFE–704), Department of Justice, Washington, D.C. 20530 (202/724–7966).

Joseph H. Widmar,

Director, Office of Operations.

United States District Court for the District of Columbia

M.D.L. Docket No. 50

Civ. No. 822–70.

Stipulation

Filed: October 13, 1981.
Entered:

United States of America, Plaintiff, v. *Bristol-Myers Company,* Defendant.

It is stipulated by and between the plaintiff, United States of America, and the defendant, Bristol-Myers Company ("Bristol"), by their respective attorneys, that:

1. A Final Judgment in the form hereto attached may be filed and entered by the Court, upon the motion of either party or upon the Court's own motion, at any time after compliance with the requirements of Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to either party or other proceedings, provided that plaintiff has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on defendant and by filing that notice with the Court.

2. Within sixty (60) days of entry of the proposed Final Judgment, Bristol shall pay the sum of $3 million to the order of the Treasurer of the United States in consideration for a covenant by the United States not to sue Bristol on any claim set forth in the complaint herein, including (a) any claim in respect of damages which may have been sustained by the United States, by reason of its direct and indirect purchases of ampicillin, and (b) any claim based upon the violations alleged in the complaint in respect of damages which may have been substained by the United States, by reason of its direct and indirect purchases of other semisynthetic penicillins, including expenditures of money under any domestic or foreign aid or welfare program made during the period beginning four years preceding the date of filing the complaint in this action and ending on the date of entry of the proposed Final Judgement.

3. In the event plaintiff withdraws its consent or if the proposed Final Judgment is not entered pursuant to this stipulation, this stipulation shall be of no effect whatsoever, and the making of this stipulation shall be without prejudice to plaintiff and Bristol in this and any other proceeding.

Dated: October ———, 1981.

For the plaintiff: William F. Baxter, Assistant Attorney General; Joseph H. Widmar, Roger B. Andewelt, Thomas H. Liddle III, Joseph T. Melillo, Andrew D. Caverly, Attorneys, Antitrust Division, U.S. Department of Justice.

For the Defendant: Hughes Hubbard & Reed,
By: ————, A Member of the Firm, Attorneys for Defendant, Bristol-Myers Company.

Stipulation Approved for Filing

Dated: ————.

————,

United States District Judge.

United States District Court for the District of Columbia

M.D.L. Docket No. 50

Civ. No. 822–70.
Filed: October 13, 1981.
United States of America, Plaintiff, v. *Bristol-Myers Company*, Defendant.

Final Judgment

The plaintiff, United States of America, having filed its complaint herein on March 19, 1970, and defendant, Bristol-Myers Company, having appeared by its attorneys and having filed an answer to such complaint, and the plaintiff and defendant, by their respective attorneys, having consented to the entry of this Final Judgment:

Now, therefore, before the taking of any testimony, without trial or adjudication of any issue of fact or law herein, without this Final Judgment constituting any evidence against or admission by any party or estoppel in any other action with respect to any issue of fact or law herein, and upon consent of the parties hereto, it is hereby

Ordered, adjudged and decreed as follows:

I

This Court has jurisdiction of the subject matter of this action and of all parties hereto. The complaint states a claim for relief against Bristol-Myers Company under Sections 1 and 2 of the Sherman Act, as amended.

II

As used in this Final Judgment:

(A) "Beecham" means former defendant Beecham Group Limited, with its principal office at Beecham House, Great West Road, Brentford, Middlesex, England; and former defendant Beecham Inc., with its principal office at 65 Industrial South, Clifton, New Jersey 07012.

(B) "Bristol" means defendant Bristol-Myers Company, with its principal office at 345 Park Avenue, New York, New York 10154.

(C) "Ethical pharmaceutical" means any product containing or consisting of any drug (as that term is defined in 21 U.S.C. 321(g)(1)) which, on the effective date of this Final Judgment or when marketed commercially, may be dispensed or sold at retail to an individual consumer only if prescribed by a doctor.

(D) "Dosage form" means any form in which ethical pharmaceuticals are packaged or formulated for use by or administration to their ultimate individual human or animal consumer, and includes, among other things, pills, tablets, capsules, elixirs, syrups, vials, and ampules.

(E) "Bulk form" means the form in which ethical pharmaceuticals are manufactured, prior to their formulation or packaging into dosage form.

(F) "Sterile bulk form" means the bulk form which is suitable for the manufacture of parenteral products.

(G) "Ampicillin" means D-(-) alpha-aminobenzylpenicillin in any form (including the anhydrous forms and trihydrate form), and its salts and esters.

(H) "Semisynthetic penicillin" means any penicillin that is produced from 6-aminopenicillanic acid ("6–APA") by acylating the 6-amino group or that is produced other than entirely by fermentation processes (with or without precursors), and includes, among other things, ampicillin, ancillin, azidocillin, carbenicillin, cloxacillin, dicloxacillin, flucloxacillin, hetacillin, methicillin, nafcillin, oxacillin, phenbenicillin, phenethicillin, propicillin, and talampicillin, and salts thereof.

(I) "Technical data" means know-how, trade secrets, technology, production manuals, drawings, and other information that relates to the manufacture, use, processing, or securing of FDA approval for the marketing of any product, including (but not limited to) the best mode, method, procedure, and technique thereof known to or used by Bristol.

(J) "Patent" means United States patent, and includes any reissue and any correction of such patent.

(K) "Date of this Final Judgment" means the date of entry of this Final Judgment.

(L) (1) "Semisynthetic penicillin patent" means:

(a) Any patent or application for a patent

(i) that claims any one or more of the following: a semisynthetic penicillin; a process or method of making a semisynthetic penicillin (or pharmaceutical composition containing it in combination with any other product); an intermediate (such as 6–APA) or any starting material from which a semisynthetic penicillin is made; a process or method for making an intermediate (or a starting material) from which a semisynthetic penicillin is made; a method of use for (or treatment employing) a semisynthetic penicillin; or a pharmaceutical composition containing a semisynthetic penicillin in combination with any other product; and

(ii) that prior to the date of this Final Judgment Beecham assigned or licensed to Bristol, or Bristol assigned or licensed to Beecham, including (but not limited to) each patent and application for a patent that Beecham and Bristol assigned or licensed to one another pursuant to their agreements of April 2, 1959, August 1, 1960, or January 1, 1967; and

(b) Any other patent

(i) that as of July 27, 1981, was owned by, or assigned or licensed to Bristol; and

(ii) that claims any one or more of the things enumerated in Paragraph (L)(1)(a)(i) of this Section II.

(2) The term "semisynthetic penicillin patent" does not include:

(a) United States Patents Nos. 3,192,198, 3,674,776, and Re. 28,744 (all relating to amoxicillin), unless it is agreed by Beecham and Bristol, or finally established in any suit or other proceeding (whether or not Bristol is a party thereto), that such patents are licensed by Beecham to Bristol under their agreement of April 2, 1959; in which case such patents shall be treated in all respects under this Final Judgment as if they were included in the definition of "semisynthetic penicillin patent" under this Paragraph II(L); or

(b) The following United States patents: No. 3,996,236 (relating to sarpicillin), Nos. 3,579,501 and 3,711,471 (both relating to 6-[D-alpha-(3-guanyl-1-ureido) phenylacetamido] pencillanic acid), No. 4,035,361 (relating to furansulfonic acid derivatives of ampicillin and amoxicillin), No. 4,053,360 (relating to a process for making amoxicillin), No. 4,081,441 (relating to anti-pseudomonal penicillins), No. 4,185,015 (relating to sarmoxicillin), No. 4,206,116 (relating to 3,4-dihydroxypiperacillins), No. 4,217,274 (relating to methoxyethoxymethyl esters of various penicillins and semisynthetic penicillin), No. 4,217,275 (relating to a process for using methoxymethyl mesylate as esterifying agent to prepare methoxymethyl esters of penicillins), No. 4,219,495 (relating to methoxymethyl tosylate), No. 4,247,461 (relating to a process for using methoxymethyl tosylate as esterifying agent to prepare methoxymethyl esters of penicillins), No. 4,231,928 (relating to a series of anti-pseudomonal penicillins), No. 4,240,960 (relating to 6-trimethylsilyloxy carbonylamino-penicillanic acid esters, intermediates in making ampicillin and amoxicillin), and No. 4,278,600 (relating to a process for making the product claimed in No. 4,240,960), unless one or more of such patents is (assigned or licensed by Bristol to Beecham at any time during a period of five (5) years after the date of this Final Judgment; in which case each patent so licensed or assigned shall be treated in all respect under this Final Judgment as if it were included in the definition of "semisynthetic penicillin patent" under this Paragraph II(L).

(M)(1) "Semisynthetic penicillin technical data" means technical data in the possession, custody, or control of Bristol that it has the right to license at the time of any request therefor made pursuant to this Final Judgment, that is in written form, and that is reasonably necessary or commercially requisite to make, use, process, or secure FDA approval to market any semisynthetic penicillin (or any product containing a semisynthetic penicillin in combination with any other product). The term "semisynthetic penicillin technical data" includes (but is not limited to):

(a) All such technical data that was submitted to the FDA (including, but not limited to, that which relates to securing FDA approval to market any semisynthetic penicillin) by or on behalf of Bristol at or before the date of this Final Judgment; and

(b) All such technical data that relates to using or processing any semisynthetic penicillin, and was known to or used by Bristol at or before the date of this Final Judgment.

(2) Such term does not include

(a) any technical data that relates to—

(i) the manufacture of semisynthetic penicillin (and that was first known to or discovered or developed by Bristol after the date of this Final Judgment),

(ii) the fermentation of penicillin,

(iii) the manufacture of 6-APA,

(iv) the manufacture of any other starting material or starting chemical that (at the time of the request) is reasonably available commercially from a source other than Beecham or Bristol, or

(v) Bristol's amide acceptor process for the manufacture of semisynthetic penicillins; or

(b) any process, product formulation, or intermediate that is defined by the claims of a patent or is disclosed as the invention in a United States patent application pending as of the date of this Final Judgment, if such patent or patent application is not subject to compulsory licensing under Section VI or is expressly excluded from the definition of "semisynthetic penicillin patent" under Paragraph II(L)(2).

(N) "Person" means any individual, corporation, association, partnership, or other business or legal entity. Business or legal entities under common ownership or control, or related as parent or subsidiary, shall be treated as a single person.

(O) "United States sale" means any sale or resale made in the United States.

(P) "Designation" means any United States trademark trade name, or label, except a trademark, trade name, or label owned by Bristol. The term includes generic labels and established or official names (as those terms are used in 21 U.S.C. 352(e)(2) and 358).

III

(A) The provisions of this Final Judgment shall apply to Bristol; to each of its subsidiaries, successors, and assignees; to their directors, officers, agents, and employees; and to all persons in active concert or participation with any of them who receive actual notice of this Fianl Judgment by personal service or otherwise.

(B) This Final Judgment shall not apply to activities that occur outside the United States and do not affect the interstate or foreign commerce of the United States. Nothing in this Final Judgment shall constitute or require a grant of any right or rights by Bristol in any foreign jurisdiction or under any foreign patent or trademark or prohibit the enforcement or implementation of any such foreign right or rights.

IV

(A) Bristol is enjoined and restrained from adhering to, maintaining, or claiming any rights under any existing agreement or understanding, whether or not in the form of a license, that:

(1) restricts limits, prevents, or prohibits Beecham from making any United States sale of a semisynthetic penicillin or 6-APA in any manner or form, under any Designation, or to any person of Beecham's free choice.

(2) authorizes Beecham to make any United States sale of a semisynthetic penicillin or 6-APA in some particular manner or form, under some particular designation, or to some particular person, unless it also permits Beecham to make such sale in any other manner or form, under any and all other designations, or to any other person of Beecham's free chioce; or

(3) contains royalty or other fee provisions having the purpose or effect of restricting or limiting Beecham from making any United States sale of a semisynthetic penicillin or 6-APA in any manner or form, under any designation, or to any person of Beecham's free choice.

(B)(1) Nothing in Section IV(A) shall prevent Bristol from maintaining any agreement with Beecham in settlement of a *bona fide* trademark infringement (or other similar) dispute relating to confusion as to the source or origin of a semisynthetic penicillin or 6-APA, pursuant to which agreement Beecham or Bristol (a) agrees not to use, or agrees to limit the use of, any United States trademark involved in the dispute, or (b) agrees to refrain from the practices allegedly giving rise to such confusion. The United States is free to challenge and Bristol is free to defend the lawfulness of any such agreement under the antitrust laws.

(2) Nothing in Section IV(A) shall prevent Bristol from maintaining an exclusive distributorship or an exclusive license, granted to or received from Beecham, under any patent, trademark, trade name, or technical data relating to semisynthetic penicillin or 6-APA, unless such distributorship or license has the purpose or effect of otherwise restricting or limiting Beecham in any way prohibited by Section IV(A) of this Final Judgment.

(C) Bristol shall have one-hundred-twenty (120) days from the date of this Final Judgment within which to bring all existing agreements, understandings, and licenses into compliance with this Section IV. Bristol shall within thirty (30) days thereafter file with this Court an affidavit of such compliance.

V

(A) Bristol is ordered to sell in bulk form to each person, other than Beecham or a person who is a semisynthetic penicillin-bulk customer or license of Bristol or Beecham as of the date of this Final Judgment, making a written request therefor for delivery in (or to) the United States, on nondiscriminatory terms and prices, in quantities sufficient to meet such person's *bona fide* stated requirements for sale in the United States:

(1) ampicillin, if Bristol is selling it in the United States at the time of such request; and

(2) any other semisynthetic penicillin—

(a) that, at the time of such request, Bristol is selling in the United States; and

(b) that is claimed in any unexpired semisynthetic penicillin patent.

(B) Bristol is required to make such sales of semisynthetic penicillins pursuant to this Section V:

(1) only in the chemical form in which Bristol is selling such semisynthetic penicillin in the United States at the time of the request; and

(2) in bulk form, and in sterile bulk form, only to the extent that the amount of such required sales of such form of such semisynthetic penicillin in any year does not exceed fifteen percent (15%) of the amount (measured by weight) of such semisynthetic penicillin (for nonparenteral or parenteral use, respectively) that Bristol sold in the United States to any person other than its own subsidiary (which amount was manufactured by Bristol, or for Bristol pursuant to a manufacturing agreement, anywhere in the world) during the calendar year prior to the year in which the request is made.

(C) Bristol shall not be obligated to sell any semisynthetic penicillin in bulk form pursuant to Section V of this Final Judgment to any person who does not:

(1) meet reasonable credit requirements;

(2) give Bristol reasonable advance notification of the quantities it wishes to purchase and the delivery dates it requires;

(3) purchase as a manufacturer or processor for his own use or sale in the United States.

(D) For each semisynthetic penicillin to be sold in bulk form pursuant to this Section V, Bristol shall total all requests therefor made during the first month of each year by all persons, other than Beecham or a person who is a semisynthetic penicillin-bulk customer or licensee of Bristol or Beecham as of the date of this Final Judgment; and, if the total of such requests for any semisynthetic penicillin exceeds the amount Bristol is required to sell pursuant to this Section V, then Bristol shall meet such requests (unless it meets them fully) on a reasonable *pro rata* allocation basis. Bristol shall fill all requests made after the first month of each year pursuant to this Section V in the order in which they are received until the limits provided by this Section V are reached (unless it meets such requests fully).

(E) Bristol may take reasonable steps consistent with the purposes of this Final Judgment to protect itself from any risk of product liability (or other similar liability) suits or violation of federal or state statutes or regulations.

(F) Bristol is ordered to sell 6-APA in bulk form during any period that 6-APA is temporarily not reasonably available commercially from a source other then Beecham or Bristol. Bristol shall make such sales on nondiscriminatory terms and prices, to each person making a written request therefor for delivery in the United States and practicing under a license granted pursuant to Section VI hereof, and in quantities sufficient to meet such person's *bona fide* stated requirements for his manufacture and sale of semisynthetic penicillin(s) in the United States. Bristol is not, however, obligated to make such sales to Beecham or any person who is a 6-APA or semisynthetic penicillin-bulk customer or licensee of Bristol or Beecham as of the date of this Final Judgment. The provisions of Paragraphs (B), (C), and (E) of this Section V, applicable to sales of semisynthetic penicillins in bulk form, shall be applicable to sales of 6-APA in bulk form made pursuant to this Paragraph (F), except that the amount of such required sales in any year shall not exceed fifteen percent (15%) of the amount (measured by weight) of 6-APA that Bristol used in making semisynthetic penicillin(s) that it sold in the United States to any person other than its own subsidiary (which amount of 6-APA was manufactured by Bristol, or for Bristol pursuant to a manufacturing agreement, anywhere in the world) during the calendar year prior to the period in which 6-APA was not so available.

(G) Bristol is ordered to file a statement with this Court, on the date of this Final Judgment, listing each semisynthetic penicillin:

(1) that is claimed in any unexpired semisynthetic penicillin patent, and

(2) that Bristol sold in the United States prior to such date.

VI

(A) Bristol is ordered to grant, without charge (except as provided below), to each person (other then Beecham), who makes a written request therefor, an irrevocable covenant not to sue:

(1) for any alleged infringement of any semisynthetic penicillin patent in connection with the manufacture, use, or sale of ampicillin at any time (whether prior or subsequent to the date of this Final Judgment); or

(2) upon any existing contract to collect, for the use of any patent, royalties accruing after the date of this Final Judgment on sales of ampicillin.

Bristol may charge for such covenant an amount equal to that which it is legally obligated to pay (as of the date of this Final Judgment) and in fact pays any person by reason of the grant of such covenant.

(B)(1) Bristol is ordered to grant, without charge (except as provided in Paragraph VI(B)(2)), to each person (other than Beecham) who makes a written request therefor, an irrevocable covenant not to sue:

(a) for any alleged infringement of United States Patents Nos. 3,192,198, 3,674,776, and Re. 28,744 (all relating to amoxicillin), and any reissue thereof, insofar as Bristol has any rights in such patents; or

(b) to collect, on sales of amoxicillin, any royalties accuring before both conditions (a) and (b) of Paragraph VI(B)(2) are met.

(2) Such a covenant shall be granted without charge unless and until:

(a) it is agreed or finally established, in any suit or other proceeding instituted by Beecham to enforce one or more of the foregoing amoxicillin patents, that such patents are licensed by Beecham to Bristol under their Agreement of April 2, 1959; and

(b) one or more of such patents have been upheld as valid by final, fully-litigated, unappealed decision of any court in the United States on any claim other than a claim brought by Bristol against a person seeking (or entitled to seek) a convenant under Paragraph VI(B).

In the event both conditons (a) and (b) of this Paragraph VI(B)(2) are met, Bristol may then treat the foregoing amoxicillin patents as semisynthetic penicillin patents (as defined in Section II(L) of this Final Judgment), and may, with respect to those of such patents so upheld as valid, charge for such a convenant (or for a license under such patents pursuant to Paragraph VI(C) of this Final Judgment) a reasonable royalty rate. Such a royalty rate shall not exceed the rate at which Bristol is (or then be) legally obligated to pay (as provided in the above-identified agreement as of the date of this Final Judgment) and in fact pays Beecham on Bristol's own sales of amoxicillin.

(C) Bristol is ordered to grant, to each person (other than Beecham) who makes a written request therefor, an irrevocable license, at a reasonable royalty rate and on reasonable and nondiscriminatory terms, under any, some, or all semisynthetic penicillin patents (as the person making such request may wish) that Bristol has the right to license as of the date of any such request.

(D) Nothing herein shall prevent any applicant from attacking the validity or scope of any patent or patents to be licensed by Bristol pursuant to this Section VI of this Final Judgment; nor shall this Final Judgment be construed as imputing any validity or invalidity to any of such patents.

(E) Bristol is orderd to file with this Court, on the date of this Final Judgment, a statement listing each semisynthetic penicillin patent that is owned by or assigned or licensed to Bristol and that Bristol has the right to license or sublicense.

VII

(A) Bristol is ordered to furnish to each person, other that Beecham, making a *bona fide* written request therefor, and to license such person to use, in connection with the manufacture, use, or sale of semisynthetic penicillins in the United States, or with the practice of semisynthetic penicillin patents in the United States, any, some, or all semisynthetic penicillin technical data (as the person making such request may wish) that relates to:

(1) ampicillin;

(2) the commerical exploitation of only the semisynthetic penicillin patents licensed to such person pursuant to Section VI of this Final Judgment;

(3) using, bulk processing (including the conversion of semisynthetic penicillins from bulk form to dosage form), or securing FDA approval to market any semisynthetic penicillin claimed in a semisynthetic penicillin patent:

(a) that such person makes or has made under a license granted pursuant to Section VI of this Final Judgment;

(b) that such person purchases from Bristol pursuant to Section V of this Final Judgment, from a licensee of Bristol or Beecham for such semisynthetic penicillin, or from a person practicing under a license for such semisynthetic penicillin granted pursuant to Section VI hereof.

There shall be no upper limit on the number of requests made under this Section VII.

(B) The charge for such semisynthetic penicillin technical data shall be as follows:

(1) For semisynthetic penicillin technical data in the public domain and for semisynthetic penicillin technical data (whether or not in the public domain) used for manufacturing, bulk processing, using, or securing FDA approval to market ampicillin:

(a) The actual out-of-pocket cost to Bristol of reproducing the data supplied; and

(b) A royalty or fee equal to that which Bristol is legally obligated to pay (as of the date of this Final Judgment) and in fact pays to any person other than Beecham, by reason of the grant of a license thereof;

(2) For other semisynthetic penicillin technical data not in the public domain: a reasonable royalty for its use other than in connection with ampicillin, such royalty to terminate with respect to any such technical data that falls into the public domain for any reason other than the wrongful act of a licensee.

(C) In furnishing and licensing semisynthetic penicillin technical data pursuant to this Section VII, Bristol may:

(1) require the person receiving such technical data to execute an appropriate agreement forbidding its disclosure to any third party without Bristol's consent, so long as such technical data is not otherwise in the public domain; but such person may disclose such technical data to any third party who agrees to be bound by such agreement, and who manufactures or processes any semisynthetic penicillin solely for a licensee or bulk purchaser under this Final Judgment; and

(2) apply legends to such technical data indicating its proprietary nature.

VIII

(A) Upon receipt of a written application for a license under Section VI or Section VII above, Bristol shall within thirty (30) days advise the applicant in writing of the royalties which it deems reasonable for a license of patent(s) or technical data requested and the conditions and terms thereof, if any. If the applicant rejects the royalties, conditions, or terms proposed by Bristol, and if Bristol and the applicant are unable to agree upon reasonable conditions, terms, or royalties, or upon a method of determining reasonable royalties (including arbitration), within sixty (60) days from the date such rejection is communicated in writing to Bristol, the applicant or Bristol may, upon notice to plaintiff and to the other party to the dispute, apply to the Court for (1) the determination of reasonable conditions, terms, and royalties and (2) a preliminary determination of such reasonable interim royalties on patents as the Court may deem appropriate pending the completion of such proceeding. In any such proceeding, the burden of proof shall be upon Bristol to establish that the conditions, terms, and royalties which it proposes are reasonble. Pending the completion of negotiations or any such proceedings, the applicant shall have a provisional license of the scope provided in his application for a license to practice the patent(s) to which his application pertains, subject to the payment to Bristol of reasonable interim royalties on such patent(s); provided, however, that no provisional license shall contravene any of the provisions of his Final Judgment. A final determination of reasonble royalties, or that no royalties are to be charged, or practicing the patent(s) shall be applicable from the date upon which the applicant requested a license. Such determination shall, unless otherwise ordered by the Court in proceedings instituted under this Section VIII, be applicable thereafter to any other licensee then having or thereafter obtaining the same rights under the same patent(s) or technical data. If the applicant fails to accept a patent license after final determination by the Court of the amount of reasonable royalties with respect thereto in a proceeding under this Section VIII, such applicant shall pay only the interim royalties that may be found by the

Court to be due to Bristol with respect thereto and such costs as may be determined by the Court to be just and reasonable.

(B) The licenses granted by Bristol pursuant to Sections VI and VII of this Final Judgment shall be without any condition or limitation, except as provided herein, and shall, with respect to patent(s), be granted for a term equal to the life of the licensed patent(s). Such licenses may be cancelled by the licensee upon thirty (30) days' written notice to Bristol.

(C) Bristol is enjoined from conditioning the grant of any license under either Section VI or VII of this final Judgment, or the furnishing of semisynthetic penicillin technical data, upon the grant or acceptance by the licensee of a license under any other United States or foreign patent, or of rights relating to any other technical data.

(D) Reasonable provisions may be made, in the licenses granted by Bristol pursuant to Section VI or VII of this Final Judgment, for periodic royalty reports by the licensee, including such reports as may be necessary to allow Bristol to fulfill its obligations, if any, to third parties, and for inspection of the relevant books and records of the licensee by an independent auditor or other person acceptable to both licensor and licensee (or, in the absence of agreement, a person selected by this Court), who shall report to Bristol only the amount of the royalty or other charge due and payable.

IX

(A) Bristol is enjoined and restrained from making any sale or other disposition of any right, patent, technical data, or license which deprives it of the power or authority to sell semisynthetic penicillins in bulk form, to grant licenses to practice semisynthetic pencillin patents, or to grant licenses to use semisynthetic penicillin technical data in accordance with the provisions of this Final Judgment, unless the purchaser, transferee, licensee, or assignee of such right, patent, technical data, or license shall file with this Court, prior to the consummation of any such sale or other disposition, an undertaking to be bound by the provisions of, and to assume the obligations of Bristol under, this Final Judgment with respect to such right, patent, technical data, or license sold or disposed of thereto.

(B) Bristol is enjoined and restrained from:

(1) transferring any assets subject to this Final Judgment, other than goods sold or otherwise transferred in the ordinary course of business, to any third party that, according to Bristol's knowledge, proposes to make or has extant any tender offer or takeover bid in respect to the stock and assets of Birstol; has acquired such stock or assets; or has entered into any merger with Bristol or agreement therefor;

(2) failing or declining to engage in any activity subject to this Final Judgment in order that a third party (as referred to in Paragraph (B)(1) of this section) may engage in such activity in lieu of Bristol, unless such third party shall first have submitted to the jurisdiction of this Court and conserted to be bound by this Final Judgment to the extent provided by law. Provided, however, that Bristol shall be free to take any action prohibited by this Section IX, if after thirty (30) days' prior notice to plaintiff of Bristol's intent to take any such action plaintiff has not filed any objection thereto with this Court, and provided further that, if plaintiff has filed any such objection, Bristol shall not take such action until (a) such third party has submitted to the jurisdiction of the Court and has consented to be bound by this Final Judgment to the extent provided by law, or (b) the Court shall have ruled that Bristol may take such action without such submission.

X

Within ninety (90) days of the date of this Final Judgment:

(A) Bristol is ordered and directed to publish notice of the availability of (1) semisynthetic penicillins for purchase in bulk form pursuant to Section V of this Final Judgment, and (2) licenses under semisynthetic penicillin patents and technical data pursuant to Sections VI and VII of this Final Judgment, in one issue of *Chemical & Engineering News* (published by American Chemical Society) and *Chemical Week* (published by McGraw-Hill, Inc.), and to publish notice of the availability of such licenses in one issue of the Official Gazette of the United States Patent and Trademark Office; and

(B) Bristol is ordered and directed to give notice in writing of such availability to each person who since January 1, 1965, has indicated in writing to Bristol an interest in purchasing any semisynthetic penicillin in bulk form in the United States or obtaining a license under any semisynthetic penicillin patent.

XI

(A) For the purpose of securing compliance or determinig whether there has been compliance with this Final Judgment, and subject to any legally recognized privilege, any duly authorized representative of the Department of Justice shall, upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to Bristol made to its principal office, be permitted:

(1) access, during regular office hours of Bristol, to all books, ledgers, accounts, correspondence, memoranda, and other records and documents in the possession or custody or under the control of Bristol relating to any of the subject matter contained in this Final Judgment (including all patent, trademark, trade name, or technical data licenses relating to ethical pharmaceuticals, whether or not containing provisions prohibited by this Final Judgment); and

(2) subject to the reasonable convenience of Bristol, and without restraint or interference from it, to interview officers, directors, agents, partners, or employees of Bristol, who may have counsel present, regarding any such matters; provided, however, that Bristol shall not be obligated to bring to the United States any records or documents or to bring to the United States for the purpose of interview any officer, director, agent, partner, or employee, except on order of this Court specifically so providing.

(B) Upon written request of the Attorney General or the Assistant Attorney General in charge of the Antitrust Division, made for the purpose of securing compliance or determining whether there has been compliance with this Final Judgment as may be requested.

(C) No information obtained by the means provided in this Section XI shall be divulged by any representative of the Department of Justice to any person other than a duly authorized representative of the Executive Branch of the United States, except in the course of legal proceedings to which the United States is a party, or for the purpose of securing compliance or determining whether there has been compliance with this Final Judgment, or for federal law enforcement purposes by the United States, or as otherwise required by law.

(D) If, at the time information or documents are furnished by Bristol to plaintiff, Bristol represents and identifies in writing the material in any such information or documents for which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and Bristol marks the appropriate portion of each pertinent page of such material, "Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure," then ten (10) days' notice shall be given by plaintiff to Bristol prior to divulging such material in any legal proceeding (other than a Grand Jury proceeding) to which Bristol is not a party.

XII

Jurisdiction is retained by this Court for the purpose of enabling any of the parties to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or modification of any of the provisions thereof, for the enforcement of compliance therewith, or for the punishment of violations thereof.

XIII

(A) Except as provided in Paragraph (B) of this Section XIII, this Final Judgment shall terminate ten (10) years after the date of its entry, and shall thereafter have no force or effect.

(B) (1) The provisions of Section VI shall continue in effect until the expiration of the patents required to be licensed thereunder.

(2) The obligation to grant licenses to use semisynthetic penicillin technical data pursuant to the provisions of Section VII shall continue in effect until the expiration of Bristol's obligation to license the patents or to sell the semisynthetic penicillins in bulk form to which the licensed semisynthetic penicillin technical data relates.

(C) The compulsory bulk selling provisions of Section V shall continue in effect, as to 6-APA and each semisynthetic penicillin (other than ampicillin) required to be sold in bulk form thereunder, until the expiration of the last of the patents owned by or assigned or licensed to Bristol which claims 6-APA or that semisynthetic penicillin, or five (5) years after the date of this Final Judgment, whichever is sooner.

(D) The compulsory bulk selling provisions of Section V, as to ampicillin, shall continue

in effect for five (5) years after the date of this Final Judgment.

Entry of this Final Judgment is in the public interest.

Dated: ————.

United States District Judge.

United States District Court for the District of Columbia

M.D.L. Docket No. 50

Civ. No. 822–70.

Filed: October 13, 1981.

United States of America, Plaintiff, v. *Bristol-Myers Company*, Defendant.

Competitive Impact Statement

Pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act (15 U.S.C. 16(b)), the United States of America hereby files this Competitive Impact Statement relating to the proposal Final Judgment submitted for entry against Bristol-Myers Company in this civil antitrust action.

I. Nature and Purpose of the Proceeding

A. The Complaint

The government filed this civil antitrust suit on March 19, 1970, alleging that defendant Bristol-Myers Company ("Bristol") and former defendant Beecham Group Limited and Beecham Inc. (collectively "Beecham") [1] violated Sections 1 and 2 of the Sherman Act by: (1) combining and conspiring to monopolize and restrain trade and commerce in semisynthetic penicillins; (2) actually monopolizing trade and commerce in a particular semisynthetic penicillin called ampicillin; (3) fraudulently procuring and enforcing a United States patent on ampicillin; [2] (4) restrictively licensing and granting rights under the ampicillin and other semisynthetic penicillin patents; and (5) restraining and preventing the sale of semisynthetic penicillins in bulk form, under their generic names, or under trademarks other than a licensee's own trademarks. The complaint also alleges that the ampicillin patent and another United States patent claiming a different form of ampicillin [3] are both invalid on statutory grounds (35 U.S.C. 102, 103, and 112). Finally, the complaint alleges that the government was overcharged on its direct and indirect purchases of ampicillin as a result of these violations.

The prayer for relief sought: (1) cancellation of Beecham's ampicillin patent; (2) declarations that Beecham's ampicillin and Bristol's ampicillin trihydrate patents were invalid and an injunction against asserting any rights under either of those patents; (3) compulsory, royalty-free licensing of all technical data relating to ampicillin; (4) compulsory, reasonable-royalty licensing of (a) all United States patents (not declared invalid) relating to semisynthetic penicillins, and (b) all other semisynthetic penicillin technology not relating to ampicillin; (5) an injunction against Beecham's or Bristol's maintaining or entering into new agreements having the restrictive effects challenged in the complaint; (6) compulsory bulk sales of ampicillin and other semisynthetic penicillins; and (7) damages in an unspecified amount.

B. The Products Involved

Semisynthetic penicillins are antibiotics made, at least in part, by chemical synthesis from 6-aminopenicillanic acid ("6-APA"), the basic penicillin molecule. Ampicillin is a broad spectrum antibiotic, being effective against a number of different types of bacteria, and is the most widely used semisynthetic penicillin; most other semisynthetic penicillins are prescribed only for specific types of bacterial infection. In 1974 Beecham introduced amoxicillin, a semisynthetic penicillin claimed to be a preferable substitute for ampicillin. Amoxicillin is now being sold in the United States by a number of firms, including Beecham, Bristol, Hoffmann-LaRoche (which buys from Beecham), Biocraft Laboratories (one of the private plaintiffs in this litigation), E. R. Squibb and A. H. Robins (which buy from Biocraft), the Wyeth Division of American Home Products ("Wyeth", which buys from Mylan Laboratories), Parke-Davis, and several other companies. While a number of semisynthetic penicillins (besides ampicillin and amoxicillin) are being sold in the United States, certain other semisynthetic penicillins are being marketed only outside the United States or are the subject of pending applications for FDA approval and certification for future sale in the United States.

II. The Practices and Events Giving Rise to Alleged Violations of the Sherman Act

A Pre-April, 1959 Activities

On two occasions prior to its discovery of 6–APA, Beecham came to the United States to investigate the prospects for entering the U.S. penicillin field and the availability of fermentation know-how for penicillin manufacture. But Beecham declined to enter on each occasion, preferring instead to await the outcome of its penicillin research efforts. These efforts resulted in Beecham's semisynthetic penicillin discoveries. In 1957 Beecham scientists isloated 6-APA; that permitted, for the first time, synthesis of an almost unlimited range of potentially patentable new penicillins with a wide range of properties (including broad spectrum antibacterial activity).[4] Beecham began preparing and testing numerous 6-APA derivatives—semisynthetic penicillins—and filed patent applications on 6-APA and its derivatives throughout the world (including the United States). Eventually, Beecham's discoveries led to the development and patenting of ampicillin, a broad spectrum antibiotic.

By 1959, Bristol had a substantial research and development capability in penicillins and semisynthetic penicillins, as well as a sales force and marketing organization. For several years, Bristol had provided funds to support researcah in the synthesis of penicillins and had acquired important rights in the results of that research; later, it acquired exclusive rights under patents and patent applications covering those results. Also, Bristol was at the time one of only four manufacturing firms (besides two Bristol vendees) competing in and having roughly equal shares of the U.S. broad spectrum antibiotic market, which consisted of the tetracyclines and chloramphenicol (both covered by U.S. patents). An established sales and marketing system and penicillin fermentation know-how were important for successful entry into that market. For the equivalent fermentation manufacturing know-how Beecham needed and got from Bristol, there were a number of other sources besides Bristol, including firms that had formerly competed in the penicillin market and several firms that approached Beecham in 1959 with offers to collaborate in exploiting Beecham's new discoveries.

In sum, the broad spectrum antibiotic market was concentrated; Bristol was a leader in that market; there were patent barriers to entry into the market; and the availability of the requisite know-how from sources other than Bristol, together with Beecham's discoveries and obvious interest in entering the penicillin field, made Beecham one of the few likely potential entrants into that market.

B. The 1959 Agreements

In April, 1959, Beecham entered into several complex agreements with Bristol, one covering the United States and Canada and another covering other foreign countries. The agreements involved the exchange of U.S. and foreign rights under know-how, patents, and patent applications, all relating to 6–APA and its semisynthetic penicillin derivatives (as well as to natural penicillins). Specifically, Bristol granted Beecham nonexclusive rights (primarily relating to natural penicillins) in essentially all the British Commonwealth countries, and Beecham granted Bristol similar rights (relating to semisynthetic penicillins and 6–APA) in Canada and countries outside the British Commonwealth. In the United States, however, Bristol received "exclusively" the principal rights (including the right to grant sublicenses) in Beecham's semisynthetic penicillin discoveries (including ampicillin). As a result, Beecham could sell, in the United States, the products covered by the agreements only in finished dosage form (*i.e.* not bulk form) and only under trademarks

[1] A final consent judgment was entered on May 21, 1979, pursuant to Fed. R. Civ. P. 54(b), dismissing the government's case against the Beecham defendants. 1979–2 Trade Cas. ¶62,738.

[2] Ampicillin is claimed in U.S. Pat. No. 2,985,648, which issued to Beecham on May 23, 1961 ("the ampicillin patent"). That patent expired on May 23, 1978.

[3] Ampicillin trihydrate (a form of ampicillin in which each ampicillin molecule is chemically bound to three molecules of water) is claimed in U.S. Pat. No. 3,157,640, which issued to Bristol on November 17, 1964 ("the ampicillin trihydrate patent"); however, that patent is dominated by Beecham's ampicillin patent.

There are also anhydrous forms of ampicillin (*i.e.*, substantially free of chemically bound water); these forms are covered by Bristol's U.S. Patents No. 3,472,841 (issued October 14, 1969) and No. 3,941,773 (issued March 2, 1976).

[4] The potential commercial importance of those discoveries was immediately recognized by Bristol, as well as other firms in the field following publication of the results of Beecham's research efforts.

owned by Beecham (*i.e.*, not under private labels or otherwise).[5] In exchange for those rights, Bristol provided Beecham with assistance in building and operating a fermentation plant in Great Britain for manufacturing the licensed products, and agreed to pay royalties on its sales of such products in bulk form (or on those of its sublicensees) at twice the rate for royalties on such sales in dosage form.

Also, pursuant to the agreements, Beecham and Bristol engaged in two years of cooperative research efforts in semisynthetic penicillins (reduced to 16 months by a 1960 amendment). All U.S. patents resulting from this cooperative research were licensed according to the terms of the agreement outlined above covering the United States.

Finally, Bristol collaborated with Beecham in prosecuting several U.S. semisynthetic penicillin patent applications licensed to Bristol under their 1959 agreement. With respect to prosecution of the U.S. ampicillin patent applications, the government alleges that Beecham and Bristol improperly (a) failed to advise the Patent Office of a prior art reference that would have warranted rejection of a patent, (b) delayed publication of an article concerning the reference, and (c) failed to advise the Patent Office of the exact nature of certain experiments reported in affidavits submitted during prosecution of one of those applications.[6]

C. Other Agreements and Proceeding

Within a year of the 1959 agreement, Bristol granted Squibb and Wyeth nonexclusive sublicenses under essentially the same patent and know-how rights it had received from Beecham, imposing the same restrictions on its sublicensees as were imposed on Beecham. In 1969 (after the government began its investigation of the semisynthetic penicillin field), Bristol unilaterally removed those restrictions. (Other semisynthetic penicillin agreements to which Beecham and/or Bristol is a party are identified in the Beecham CIS (pp. 6–7).)

In 1967 Bristol granted Beecham a nonexclusive license under Bristol's ampicillin trihydrate patent. Again, Bristol imposed on Beecham the same bulk sale and trademark restrictions as in the 1959 agreement. Also in 1967, Bristol and Beecham cross-licensed one another under several other U.S. semisynthetic penicillin patents, including commercially important process patents to which each had previously acquired exclusive rights. (These too are identified in the Beecham CIS (pp. 5–6).)

In 1969, Beecham and later Bristol (on a counter-counterclaim) sued Zenith Laboratories, alleging that its sales of ampicillin infringed their patents. The suit is still pending.

III. Explanation of the Proposed Judgment and its Anticipated Effect on Competition

The United States and Bristol have stipulated that the proposed consent judgment, in the form negotiated by and between the parties, may be entered by the Court at any time after compliance with the Antitrust Procedures and Penalties Act. The proposed judgment provides that there has been no admission by any party with respect to any issue of fact or law. Under the provision of Section 2(e) of the Antitrust Procedures and Penalties Act, entry of the proposed judgment is conditioned upon a determination by the Court that the proposed judgment is in the public interest.

The proposed judgment provides for financial, injunctive, and other equitable relief—primarily elimination of the challenged bulk sale and trademark restrictions and compulsory bulk selling and patent and know-how licensing. The equitable relief is expected to dissipate any residual effects of the elimination of Beecham as a potential competitor in the semisynthetic penicillin and broad spectrum antibiotic markets. These markets have undergone considerable change and become increasingly competitive since this case was filed in 1970. The combined effect of the compulsory licensing relief is to give any applicant access to Bristol's patents and commercial and technical information necessary to manufacture and sell semisynthetic penicillin. Also, by ensuring a ready source of bulk material, firms without present manufacturing capability will be able to enter or remain in the market for semisynthetic penicillin, while developing such capability. In sum, the proposed relief should significantly reduce, if not entirely eliminate, the effects of the allegedly illegal agreements between Beecham and Bristol, thereby increasing competition among present competitors and easing entry into the markets involved.

A. Section IV: Injunctive Relief

The injunctive provisions of the proposed judgment relate exclusively to existing agreements and would not affect Bristol's flexibility to enter agreements in the future. Specifically, the injunctions would, with certain exceptions noted below, prohibit Bristol from maintaining any existing agreement or understanding (whether or not in the form of a patent, trademark, or know-how license) that restrains Beecham from selling any semisynthetic penicillin in any manner or form, under any designation (*i.e.*, trademark, trade name, label, or generic, established, or official name), or to any person of Beecham's free choice. Also prohibited would be any existing agreement or understanding that authorizes Beecham to sell any semisynthetic penicillin in some manner or form, under some designation, or to some person(s), unless it also permits Beecham to sell the drug in any and all other manners or forms, under any and all other designations, or to any and all other persons of Beecham's free choice. Finally, any existing agreement or understanding that contains royalty or other fee provisions having the purpose or effect of so restraining or limiting Beecham would be prohibited.

The following existing agreements are excluded specifically from the injunctive provisions of the proposed judgment: (1) exclusive licenses, or exclusive distributorship agreements, that do not otherwise restrain Beecham in any prohibited way; and (2) agreements between Beecham and Bristol that constitute settlement of a *bona fide* semisynthetic penicillin trademark infringement (or similar) dispute.

B. Section V: Compulsory Bulk Sales

Section V would require Bristol to sell ampicillin and other semisynthetic penicillin in bulk form for five years (or, in the case of semisynthetic penicillin other than ampicillin, until the last of the patents claiming them expires if less than five years). Such compulsory bulk sales would be required only (1) in the event Bristol is selling the requested semisynthetic penicillin in the United States at the time of the request; (2) in the chemical form (*i.e.*, the anhydrous, trihydrate, salt, or ester form of ampicillin, for example) in which Bristol is then selling such semisynthetic penicillin; and (3) up to 15 percent of Bristol's yearly U.S. sales of it to anyone other than its own subsidiary.[7] If compulsory bulk-sales requests received in January of each year exceed this 15% limit, then such requests will be met on a reasonable *pro rata* allocation basis. All requests received after January will be filled in the order in which they are received. In the event 6–APA (a necessary component of all semisynthetic penicillin) becomes unavailable commercially from a source other than Beecham or Bristol, Bristol must make similar bulk sales of 6–APA during the period of any such unavailability. Such sales would be required up to 15% of the amount of 6–APA Bristol used in making semisynthetic penicillin sold in the United States to anyone other than its own subsidiary in the previous calendar year.[8]

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[5] To circumvent these restrictions, Beecham licensed several companies to market only Beecham-supplied ampicillin in dosage form under Beecham-owned trademarks. (This licensing is the subject of Section VIII of the Beecham consent decree.) But without adequate sales and marketing organizations in the United States, Beecham never had a significant competitive impact itself in the market here.

[6] This and other conduct relied upon to support the allegation that the ampicillin patent was fraudulently and/or inequitably procured are set forth in the government's Competitive Impact Statement ("CIS") of October 24, 1978 (pp. 4–5), submitted in connection with the Beecham consent decree. 43 FR 51,454–51,467 (November 3, 1978). (For the convenience of the Court, copies of the pertinent pages of the Beecham CIS are attached hereto as Exhibit A.)

[7] Bristol submitted data and other information concerning its production capacity for review by government counsel. The 15% limitation on the proportion of that capacity to be made available for compulsory bulk sales seemed to be a reasonable compromise between the public interest to be served by that relief (see n. 8, *infra*) and Bristol's need to meet its own requirements and to fill its current contractual obligations.

[8] Compulsory bulk sales would insure at least some domestic source of ampicillin, other semisynthetic penicillin, and, in certain cases, 6–APA. This is especially important for generic drug sellers and other drug companies that may not now have their own manufacturing capability (and for whom, therefore, a current manufacturing license would be of no use); and for those semisynthetic penicillins for which the United States sales volume is not large enough to warrant foreign manufacturers' undertaking the cost of FDA approval and certification.

C. Sections VI and VII: Compulsory Patent and Know-How Licensing

1. Ampicillin. Paragraph (A) of Section VI would require Bristol to grant to all applicants (other than Beecham) covenants not to sue for injunctive relief or royalties based on past, present, or future infringement of any U.S. semisynthetic penicillin patent, in connection with making, using, or selling ampicillin.[9] Such a covenant would extend to any Bristol patent claiming a form of ampicillin and any other semisynthetic penicillin patent subject to compulsory licensing under this judgment (see n. 14, p. 14, *infra*). Paragraph VI(A) would also require Bristol to grant covenants not to sue upon any existing contract to collect, for the use of one or more of such patents, royalties accruing after the date of entry of the proposed judgment on sales of ampicillin.

Bristol may charge for such covenants no more than what it is legally obligated to pay (as of the date of the proposed judgment) and in fact pays any person by reason of the grant of such covenants.[10] The covenants not to sue prevent Bristol from profiting further from the alleged conspiracy to monopolize and restrain trade and to procure the ampicillin patent by fraud.

2. Amoxicillin. For some time, Beecham and Bristol have disputed which of them has exclusive rights to the two patents relating to amoxicillin ("the amoxicillin patents").[11] Largely because of that, the proposed judgment expressly excludes the amoxicillin patents from those "semisynthetic penicillin patents" (as defined in Paragraph II(L)) subject to compulsory licensing under the judgment, unless it is agreed by Beecham and Bristol or established in any proceeding that the amoxicillin patents are licensed by Beecham to Bristol under their 1959 agreement. (In that case, such patents (and related amoxicillin know-how) would be subject to such compulsory licensing.)

Nevertheless, the proposed judgment would require Bristol to provide certain relief concerning those patents. Under Paragraph (B) of Section VI, Bristol must grant covenants not to sue for any infringement of the amoxicillin patents.[12] And, because Bristol has claimed both patents are invalid and does not have clear or undisputed title to either of them, it may not charge anything for such covenants, unless and until each of two events first occurs. One, it must be established or agreed by Beecham and Bristol that the amoxicillin patents are indeed licensed to Bristol under their 1959 agreement. Two, at least one of such patents must be upheld as valid by a final, unappealed decision of any court in the United States. Such a decision must be a fully-litigated decision, not a consent judgment, and cannot be based on any claim brought by Bristol against any person seeking (or entitled to seek) a covenant under Paragraph VI(B).[13]

If both events referred to above occur, then the judgment would allow Bristol to charge a reasonable royalty rate for such a covenant (or for a nonexclusive sublicense under Paragraph VI(C) of the proposed judgment) under those of such patents so upheld as valid. But that royalty rate could not exceed the rate at which Bristol is (or would then be) legally obligated to pay and in fact pays Beecham on Bristol's own sales of amoxicillin. Thus, Bristol could not gain a significant competitive advantage over its amoxicillin covenantees (or sublicensees) simply by charging them more on their sales of amoxicillin than Bristol itself was paying Beecham on Bristol's own amoxicillin sales.

3. Other Semisynthetic Penicillins. Under Paragraph (C) of Section VI, all "semisynthetic penicillin patents"[14] subject to compulsory licensing (other than those claiming ampicillin) may be licensed by Bristol at a reasonable royalty rate, except when such patents are used in connection with ampicillin—in which case they must be licensed without charge (see Part III(C)(1), pp. 10–11, *supra*). The patents so licensed may be used for any purpose (as the applicant therefor may wish), including (but not limited to) making, using, or selling: (a) 6–APA; (b) any semisynthetic penicillin (whether patented or not); and (c) any starting material or intermediate from which a semisynthetic penicillin is made. Thus, patents subject to compulsory licensing under the proposed judgment may be used in connection with a semisynthetic penicillin covered by a patent that is not subject to such licensing, or that is owned by someone other than Bristol.

4. Technical Data and Know-how. Section VII would require Bristol to furnish and license the use of certain technical data or know-how relating to semisynthetic penicillins and/or to the patents subject to compulsory licensing. It would include all such know how-how and data that, prior to the date of the judgment: (a) was submitted by Bristol to the FDA; and (b) was known to or used by Bristol and relates to using, processing, or manufacturing semisynthetic penicillins. However, the know-how or technical data to be furnished and licensed under the proposed judgment would not include any process, forumlation, or intermediate covered by a patent or pending patent application not subject to compulsory licensing under the judgment,[15] nor any information that relates to: (a) making semisynthetic penicillins if it were first known to or developed by Bristol after the date of the judgment; (b) penicillin fermentation; (c) making 6–APA or any other starting chemical or material, unless such other chemical or material is commercially unavailable (at the time of any request) from a source other than Beecham or Bristol; or (d) Bristol's amide acceptor process for making semisynthetic penicillins.

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[9] Bristol would not be required to grant such a convenant to Beecham because Beecham was not required by its decree to grant one to Bristol. Thus, Beecham and Bristol would end up in roughly the same position with respect to collecting royalties, if any, from one another on sales of ampicillin.

[10] According to its counsel, Bristol's only such obligation to any third party is to pay Arthur D. Little, Inc. a 1% royalty on the sales of any sublicensee of Bristol under U.S. Patent No. 3,159,617 (relating to the acylation of 6–APA, a crucial step in commercial production of all semisynthetic penicillins).

Moreover, granting such covenants would not, we believe, give rise to any "pass-through" royalties from Bristol to Beecham on Bristol's sublicensees' sales of ampicillin. Unlike the Authur D. Little patent situation above, Bristol is not obligated to pay Beecham (under their 1959 agreement) a fixed percentage of such sublicensee sales, whether or not Bristol collects any royalties from the sublicensee. Rather, Bristol is currently obligated to pay Beecham (under that agreement) only a portion of whatever ampicillin royalties Bristol itself actually collects from its sublicensees (royalties which the proposed judgment would no longer allow Bristol to collect).

[11] During settlement negotiations in February, 1975, counsel for defendant Bristol informed government counsel of Bristol's contract dispute with Beecham and of Bristol's contention that it received the exclusive rights to those patents pursuant to their agreement of April 2, 1959. Beecham disputes that contention. At the same time, Bristol's counsel asserted that there was considerable doubt as to the validity of the amoxicillin patents. Beecham has disputed that assertion too.

In August, 1977, Beecham sued Bristol for infringement of the amoxicillin patents (C.A. No. 77–274, D. Del.). Bristol has defended on the grounds that it has an exclusive license under the amoxicillin patents, and that, in any event, those patents are invalid. Beecham's amoxicillin infringement suit against Bristol has been transferred to the District of Columbia and consolidated with several other similar suits, which are all now part of *In re Amoxicillin Patent and Antitrust Litigation* (M.D.L. Dkt. No. 328). The validity of the amoxicillin patents has been challenged on a number of grounds in that litigation.

[12] It seems clear, however, that no obligation imposed on Bristol by Paragraph VI(B) of the proposed judgment, nor any covenant Bristol may grant pursuant thereto, can affect whatever right Beecham has to institute any suit or other proceeding to stop alleged infringement of (or otherwise to enforce) the amoxicillin patents. (As noted (n. 11, *supra*), Beecham has already exercised that right anyway.)

[13] This latter requirement is designed to preclude the possibility that Bristol would grant such a covenant, initially without charge, and then sue the applicant, not to enjoin infringement, but for royalties and a declaration that the patents are valid. Applicants under this judgment should not, we believe, have to bear that risk or expense.

[14] As defined in Paragraph II(L), these patents include: (a) those covering 6–APA (U.S. Pat. No. 3,164,604), its manufacture by enzymatic process (U.S. Pat. No. 3,296,924), its recovery (U.S. Pat. No. 2,941,995), isolation (U.S. Pat. No. 3,047,467), and acylation (U.S. Pats. Nos. 3,159,617 and 3,576,797); (b) Bristol's ampicillin trihydrate patent, dicloxacillin combination patent (U.S. No. 3,317,389), and hetacillin patent (U.S. No. 3,198,804); (c) all United States patents and applications for U.S. patents that Beecham and Bristol assigned or licensed to one another pursuant to their agreements of April 2, 1959, August 1, 1960, or January 1, 1967; (d) all other U.S. patents and patent applications relating to semisynthetic penicillins that prior to the date of the judgment Beecham and Bristol assigned or licensed to one another; and (e) any other U.S. patent relating to semisynthetic penicillins that prior to July 27, 1981, was owned by, or assigned or licensed to Bristol, except: the two patents relating to amoxicillin and fifteen other Bristol patents relating to recently developed processes or to other semisynthetic penicillins still in the developmental stage and not yet marketed in the United States.

[15] This provision is designed to avoid the possible anomalous result of an obligation to license as "technical data" (under Paragraphs II(I) and VII) something that is excluded from the obligation to license as a "semisynthetic penicillin patent" (under Paragraphs II(L) and VI).

For furnishing and licensing the use of semisynthetic penicillin know-how that is in the public domain (and therefore not a trade secret), and for furnishing and licensing the use of that which is used in connection with ampicillin (whether or not in the public domain), Bristol may charge only the actual cost of reproducing such know-how, and royalties it is legally obligated to pay (as of the date of the proposed judgment) and in fact pays anyone, other than Beecham, by reason of furnishing and licensing such know-how. For other semisynthetic penicillin know-how not in the public domain and not used in connection with ampicillin, Bristol may charge a reasonable royalty for its use.

D. Other Provisions

Section VIII provides a mechanism by which application may be made to the Court, in the absence of agreement by the parties, for a determination of a reasonable royalty rate to be charged for the patents and related know-how to be licensed pursuant to the proposed judgment, and for a determination of reasonable terms and conditions thereof. Additional provisions of the proposed judgment are that Bristol must publish notice of the availability of semisynthetic penicillin patent and know-how licenses in two trade journals and in the Official Gazette of the United States Patent and Trademark Office; that Bristol is prohibited from making any sale or other disposition of the patents or know-how to be licensed under the proposed judgment unless the purchaser assumes the obligations of the judgment with respect thereto; and that Bristol may not condition the granting of any license required of it upon the grant or acceptance by the applicant of a license under any other U.S. or foreign patent or of any other know-how. This latter provision is intended to prevent any possible "funneling effect" by which Bristol could, if permitted to require cross-licensing, end up being the only one having a license from everyone in the industry under all semisynthetic penicillin patents.

IV. Remedies Available to Private Plaintiffs

Any potential or actual private plaintiff who has or might have been damaged by the alleged violations (including those plaintiffs who have already filed similar actions) will retain the same right to sue for monetary damages, and any other legal or equitable relief to which they would have been entitled, as if the proposed judgment were not entered. This judgment may not be used as *prima facie* evidence in private litigation, however, pursuant to Section 5(a) of the Clayton Act, as amended, 15 U.S.C. 16(a).

V. Procedures Available for Modification of the Proposed Judgment

The proposed Final Judgment is subject to a stipulation by and between the United States and Bristol, which provides that the United States may withdraw its consent to the proposed Final Judgment at any time before the Court finds that entry of the judgment is in the public interest. Under the proposed judgment, the Court would retain jurisdiction of this action in order, among other things, to permit any necessary or appropriate modification of the judgment or construction of its provisions, to enforce compliance with the judgment, and to punish any judgment violation.

As provided by the Antitrust Procedures and Penalties Act, any person wishing to do so may, during the sixty-day period prior to the effective date of the proposed judgment, submit written comments on the judgment to Roger B. Andewelt, Assistant Chief, Intellectual Property Section, Antitrust Division, United States Department of Justice, Washington, D.C. 20530.

The Department of Justice will file with the Court and publish in the **Federal Register**, such comments and the Department's response to them. The Department will thereafter evaluate any and all such comments and determine whether there is any reason for withdrawal of its consent to the proposed judgment.

VI. Determinative Documents

There are no materials or documents which the government considered determinative in formulating the proposal for a consent judgment. Therefore, the United States is submitting none with this competitive impact statement, pursuant to Section 2(b) of the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b).

VII. Description and Evaluation of Alternatives to the Proposed Judgment Actually Considered by the United States

The proposed judgment provides for substantially all the specific relief requested in the complaint, except (1) cancellation of Beecham's ampicillin patent, and (2) declarations of invalidity of that patent and Bristol's ampicillin trihydrate patent. Instead of concellation or dedication of those patents, the proposed judgment requires Bristol to grant covenants not to sue for any infringement of them at no charge beyond what it must pay in royalties to third parties. Moreover, the judgment provides for relief that was not specifically requested in the complaint: Bristol must grant essentially without charge covenants not to sue for infringement of any U.S. semisynthetic penicillin patent practiced in connection with making, using, or selling ampicillin in any form (including certain unchallenged, related patents—such as those covering anhydrous forms of ampicillin (n. 3, p. 2, *supra*) and the important process patent referred to above (n. 10, p. 11, *supra*)).

A full trial on the merits was considered as the alternative to this settlement, in connection with certain relief sought by the government during negotiations but not agreed to by Bristol (as discussed below). That alternative was rejected, however, because: (1) the relief provided in the proposed judgment is substantially equivalent to that sought in the complaint, and it would essentially eliminate any residual effects of the alleged violations in the markets affected and produce immediate positive competitive impact; (2) continued litigation would involve considerable risks as well as additional costs; (3) completing discovery, trying the case, and disposing of appeals after trial would delay getting any relief for several years; and (4) the government would obtain some immediate compensation for damages. In addition to considering provisions substantially similar to those contained in the proposed judgment, the government actually considered and then rejected, for the additional reasons indicated below, the following specific alternative proposals.

A. The Ampicillin Patents

The nature of the relief concerning the challenged ampicillin and ampicillin trihydrate patents was an important issue during negotiations. As noted (n. 2, p. 1, *supra*), the ampicillin patent has already expired and can therefore no longer be enforced by Bristol (or Beecham) to prevent anyone from entering the ampicillin market. Accordingly, the proposed judgment requires Bristol to grant, free of charge, only convenants not to sue for infringement that occurred before that patent expired. As for the ampicillin trihydrate patent, it expires later this year, and the relief proposed would require Bristol to grant, also free of charge, covenants not to sue for present or future, as well as past, infringement of that patent (in effect, royalty-free licensing until it expires).

There are several alternatives to this relief—(1) Collection of so-called reasonable royalties for any past infringement of either of the ampicillin patents and reasonable royalty licensing of the ampicillin trihydrate patent until it expires; (2) dedication of those patents to the public; or (3) a full trial on the merits for cancellation of the ampicillin patent and declarations of invalidity of the ampicillin and ampicillin trihydrate patents. The first alternative was rejected because permitting Bristol to negotiate reasonable royalties for past infringement, or a reasonable royalty rate for a license, would allow it to profit from patents which the United States has asserted were either invalid or fraudulently or inequitably procured. As for the second alternative, the proposed relief is the practical and economic equivalent of dedication of the challenged patents. Such relief does not allow Bristol either to profit further from those patents by suing or collection royalties for any past, present, or future infringement of one or the other of them, or to prevent anyone from entering the ampicillin market by enforcing or attempting to enforce the trihydrate patent; and dedication of the expired ampicillin patent is simply unnecessary. Finally, as for cancellation of the ampicillin patant, or declarations of invalidity of the ampicillin and ampicillin trihydrate patents, the proposed relief is also the practical equivalent of that, a least insofar as past infringement is concerned, and, obviously, an expired patent is no longer a barrier to entry. Such relief is not, however, the full equivalent of concellation insofar as (1) an existing licensee under the allegedly fraudulently procured ampicillin patent might have a right to recover royalties paid if that patent were cancelled, or (2) such cancellation might be used as *prima facie* evidence in private litigation.

Nevertheless, the proposed relief would not in any way compromise or affect the position of any potential or actual private litigant since such a litigant would still be free to pursue its own suit against Bristol (or

Beecham) for damages or other relief. (See Part IV, p. 17, *supra*.) As noted above, the decision to accept the proposed relief, rather than proceed to trial and seek concellation of the ampicillin patent, was reached after first evaluating the merits of the government's fraud case and then weighing the value of the equitable and monetary relief provided in the overall settlement against the uncertainties and risks involved in litigating this case.

B. Related Semisynthetic Penicillin Patents Practiced in Connection With Ampicillin

As also noted above, the proposed relief (viz., covenants not to sue for infringement) extends to all other U.S. semisynthetic penicillin patents not covering ampicillin—none of which have been challenged in this case as either invalid of fraudulently or inequitably procured—that an applicant may wish to practice in connection with making, using, or selling ampicillin; such relief also extends to present and future (as well as past) infringement of such patents. However, the proposed judgment allows Bristol to charge for such a covenant an amount not to exceed that which it is legally obligated to pay and in fact pays any person by reason of having granted such covenant.

There are two alternatives to this upper limit on the amount charged for these related patents when practiced in connection with ampicillin—no charge at all for covenants not to sue on them) *i.e.*, royalty-free licensing), or else so-called reasonable royalty licensing without any specified upper limit. However, with respect to unchallenged, related patents on which Bristol may owe a royalty to a third party on Bristol's sublicensee's sales of ampicillin, requiring it to give covenants not to sue free of any charge at all (or to give royalty-free licenses) under such patents would penalize Bristol in direct proportion to its sublicensee's ampicillin sales. On the other hand, permitting Bristol to negotiate a reasonable royalty at rates in excess of that owed to a third party, for a license under such patents when practiced in connection with ampicillin, would still allow Bristol to profit from a sublicensee's sales of ampicillin on which Bristol (and Beecham) allegedly procured a patent by fraud. An upper limit—on the amount to be charged for a covenant not to sue—of the royalty or fee, if any, Bristol owed to a third party (as provided in the proposed judgment) would prevent Bristol from profiting further from the alleged conspiracy in connection with sales of ampicillin; at the same time. It would avoid an undue penalty with its potentially undesirable effects on competition.

C. Compulsory Licensing of Semisynthetic Penicillin Patents Relating to Development Products or New Processes

The scope of the compulsory patent licensing relief was a substantial issue during negotiations. Originally, the government considered a provision that would have required licensing of all U.S. semisynthetic penicillin patents (besides those covered by a Beecham-Bristol agreement) that are owned by (or assigned or licensed to) Bristol as of the date of the judgment. However, the government ultimately concluded that such an obligation may tend to discourage Bristol from initiating or completing development of semisynthetic penicillins on which all research and development work had not been completed and that, as a result, such products might never be developed by anyone. Accordingly, a cut-off for the additional patents to be included under the judgment was established, and eleven Bristol patents were expressly excluded from the definition of "semisynthetic penicillin patent" in Section II of the proposed judgment (but only so long as such patents are not assigned or licensed to Beecham during a five-year period). According to Bristol's counsel, these patents all cover semisynthetic penicillin products (or intermediates in making such products) that are still in very early stages of development and have not yet been sold in the United States.

In addition, four other Bristol patents, all relating to recently developed related processes or methods of use, are also expressly excluded from the definition of "semisynthetic penicillin patent" and hence from the compulsory patent licensing obligation under the proposed judgment. These excluded semisynthetic penicillin process or use patents issued well after this case was filed and well after the events that formed the basis of the alleged violations occurred—indeed, all of them issued since the earlier negotiations in March, 1977, and three since the Beecham settlement in May, 1979. Moreover, according to Bristol's counsel, none of the patents is the subject of any license or other agreement with Beecham. Accordingly, the relationship of these patents to the subject matter of this litigation and to the alleged violations seemed too tenuous and remote to warrant their being included in the relief provided by the proposed judgment, and we concluded, therefore, that compulsory licensing of them was simply unnecessary to insure complete dissipation of the effects of those violations. [16]

D. Compulsory Licensing of "Future" Semisynthetic Penicillin Patents (i.e., Pending Patent Applications)

Similarly, the government also considered, in connection with the scope of the patent relief, compulsory licensing of so-called "future" patents—*i.e.* those patents, relating to semisynthetic penicillins, that may issue on patent applications pending as of the date of the proposed judgment. However, the government subsequently rejected that alternative. It did so primarily because: (1), the effects of the alleged combination and comspiracy, the United States believes, should be completely dissipated within the time the semisynthetic penicillin patents to be licensed under the proposed judgment expire; and (2) as noted above, requiring Bristol to license such "future" patents (or pending patent applications) may tend to discourage or reduce its research and development efforts in those semisynthetic penicillins covered by such patents or applications.

E. Compulsory Licensing of the Amoxicillin Patents

The nature of the relief concerning amoxicillin was also a substantial issue during previous joint negotiations with both Beecham and Bristol. Separate settlement was subsequently reached with Beecham, however, without obtaining compulsory licensing of the amoxicillin patents or resolving the dispute between Beecham and Bristol over their respective rights under those patents. The reasons why amoxicillin was an important issue during those negotiations, the alternative proposals considered with respect to amoxicillin, and the reasons why trying this case against Beecham was rejected as an alternative to settlement with Beecham without compulsory licensing of amoxicillin—are all set out in detail in the Beecham CIS (pp. 29–35).

Nevertheless, this proposed judgment does require Bristol to grant covenants not to sue on the amoxicillin patents, and would require compulsory licensing of those patents if it turns out that Bristol has rights under them. The judgment does not, however, include other amoxicillin relief to which Bristol previously agreed.

Originally, the draft decree negotiated in March, 1977 included a requirement that Bristol sell amoxicillin in bulk form if it settled its pending amoxicillin infringement litigation with Beecham, in a way that allowed Bristol to continue selling amoxicillin in the U.S., but avoided determining whether the patents covering it had been licensed to Bristol under the 1959 agreement. We reconsidered our position during these latest negotiations, and rejected that conditional relief as undesirable because: (1) such a requirement might amount to a disincentive for Bristol to reach an amoxicillin settlement with Beecham, by likely increasing the cost to Bristol of doing so; (2) such relief might also amount to a disincentive for Beecham to settle since (a) Bristol contends that selling amoxicillin in bulk form to other manufacturers is the economic equivalent of sublicensing such manufacturers, and (b) if so, bulk sales of amoxicillin that Bristol would be required, under the rejected proposal, to make in the event of an amoxicillin settlement with Beecham would vitiate summarily Beecham's contested exclusive right to sublicense amoxicillin; (3) for essentially the same reason, there is no comparable requirement (or any other amoxicillin relief) imposed on Beecham in its decree (Beecham CIS, pp. 30–31); and (4) several other firms that Beecham has also sued for infringing the amoxicillin patents will presumably litigate the disputed issue over the rights to such patents, even if Bristol does not, since those firms have raised the affirmative defense that they (or Bristol) were licensed under the patents.

F. Licensing of Other Know-How

Section VII of the proposed judgment provides for licensing technical data and know-how relating only to semisynthetic penicillins. The United States also considered

[16] For essentially the same reasons, we agreed to exclude, from the definition of "semisynthetic penicillin technical data" to be furnished and licensed under the proposed judgment, a process for making semisynthetic penicillins (Bristol's so-called "amide acceptor" process); according to its counsel, Bristol did not first use this process commercially until late spring, 1979.

compulsory licensing of all technology and know-how relating to penicillin fermentation and the manufacture of 6-APA. The proposed judgment provides for a more limited disclosure because the entire range of technology applicable to penicillin fermentation and the manufacture of 6-APA is not essential to practice the inventions claimed in the semisynthetic penicillin patents to be licensed pursuant to the proposed judgment or to support the relief requested in the complaint. Nevertheless, certain patents relating to 6-APA are subject to compulsory licensing under the proposed judgment, and Bristol must sell 6-APA in bulk form whenever during the life of those patents there is a temporary shortage of it.

G. Compulsory Bulk Sales

During the latest negotiations, we agreed to reduce from ten years to five years the obligation to sell ampicillin in bulk form, and to similarly reduce the maximum obligation for other semisynthetic penicillins. A shorter term for the bulk selling obligation is now provided because competition has increased in the products in suit since the earlier negotiations in 1977, some of the relevant patents will be expiring within that term, and a five-year domestic source of semisynthetic penicillins in bulk form seems adequate to allow those firms without their own manufacturing capability to acquire it if they wish to remain in the market thereafter.

H. Injunctive Relief

1. The scope of such relief. The injunctions of Section IV apply to existing agreements relating to semisynthetic penicillins in which the prohibited restrictions have been imposed by Bristol on Beecham. The government considered, but subsequently rejected, proposals that were broader in scope than this in two respects.

First, Bristol originally agreed during negotiations in 1977 to extend the scope of the injunctive relief to all ethical pharamaceuticals (not just semisynthetic penicillins), to agreements with all third parties (not just Beecham) in which the prohibited restrictions are imposed by Bristol on the third party, and to future as well as existing agreements. We have reconsidered our position since then, however, and concluded that the scope of this section of the proposed judgment should be limited essentially to the agreements involved here. While those agreements including the challenged bulk sale and trademark restrictions are, in our view, clearly anticompetitive and unlawful in the circumstances of this case, patent license agreements containing such restrictions are not necessarily anticompetitive and unlawful in every circumstance. Accordingly, we prefer to evaluate, on a case-by-case basis, the legality of such restrictions imposed on other parties, involving other drugs, and presented in other situations. For if an agreement containing one or more of the challenged restrictions would not amount to an antitrust violation in the circumstances involved, it should not be prohibited here and now; and if it would, we are free to take enforcement action at the time.

Second, during the earlier negotiations in 1977, the government considered provisions that would have enjoined Bristol from maintaining (or entering into) agreements in which the prohibited rstrictions are imposed by a third party on Bristol. [17] Such provisions were rejected at the time, however, in order to avoid (a) putting Bristol at a competitive disadvantage (since Bristol, unlike its competitors, would have been enjoined from entering into potentially, commercially important future agreements containing the prohibited restrictions); or (b) making Bristol vulnerable to breach of contract claims by the other parties to existing such agreements, if any. Moreover, while Bristol had agreed then to unilateral removal of prohibited restrictions imposed by it, obtaining removal of a prohibited restriction imposed on it (thereby possibly expanding its own rights under an agreement with a third party) might have required Bristol, according to its counsel at the time, to renegotiate such agreement or to give up some additional consideration in exchange for the expanded rights. [18]

Nevertheless, the United States believes the law is clear that it is a violation of the antitrust laws to accede to an unlawful restraint of trade, just as it is to impose one. Accordingly, a compromise was reached, and a provision was included in Paragraph XI (A)(1) which, the government believes, would adequately serve the public interest in this case. That provision gives the government access to all of Bristol's prescription drug licenses, regardless of whether restrictions are imposed on or by Bristol. Thus, the government will be in a position to deal with either situation.

2. Ratio of bulk to dosage form royalty rates. During the 1977 negotiations, the government considered a provision what would have prohibited Bristol from maintaining any semisynthetic penicillin license in which the ratio of the royalty on the sale of the drug in bulk form to the royalty on such sale in dosage form exceeded a specific numerical limitation. This provision was intended to prevent Beecham from being charged a royalty on bulk-form sales that was so high in relation to the royalty to dosage-form sales as to constitute an economic restraint on sales in bulk form. However, the government rejected such a provision then because it was determined that: (a) no single numerical ration would be appropriate for all semisynthetic penicillins in all circumstances; and (b) the language of Paragraph IV (A)(3)—prohibiting "royalty or other fee provisions having the purpose or effect of restricting or limiting Beecham" in any prohibited way—would adequately serve the same purpose as the alternative considered. [19]

[17] In its decree, Beecham agreed to remove the prohibited restrictions it imposed on Bristol.

[18] If those provisions had not been rejected before, they would have been rejected during the latest negotiations, since they went beyond the agreements in suit, for the same reasons noted above for limiting the scope of the injunctions essentially to those agreements.

[19] When first considered, the rejected alternative and the language of Paragraph IV (A)(3) of the proposed judgment were both broader in scope than this, extending to all prescription drug licenses with anyone. But during the latest negotiations, the scope of that language was limited in the respects and for the reasons already noted above.

Dated: October 9, 1981.

Respectfully submitted,

Thomas H. Liddle,
Joseph T. Melillo,
Andrew D. Caverly,
Attorneys, Antitrust Division, U.S. Department of Justice, Washington, D.C. 20530, 202/724-7969.

[FR Doc. 81-30712 Filed 10-22-81; 8:45 am]
BILLING CODE 4410-01-M

Drug Enforcement Administration

[Docket No. 81-14]

John V. Temte, M.D.; Denial of Registration

On April 3, 1981, the Administrator of the Drug Enforcement Administration ["DEA"] directed to John V. Temte, M.D. ["Respondent"], of Wellesley Hills, Massachusetts, an Order to Show Cause as to why the Respondent's application for registration as a practitioner under 21 U.S.C. 823(f) should not be denied. The proposed denial was based upon an alleged material falsification contained in the Respondent's application. On May 4, 1981, the Respondent filed a timely request for a hearing on the issues raised by the Order to Show Cause and this matter was placed on the docket of Aministrative Law Judge Francis L. Young.

In response to the Administrative Law Judge's order for prehearing statements, counsel for the Respondent notified the judge that the Respondent was scheduled to be tried on various criminal charges brought by the Commonwealth of Massachusetts on, or shortly after, June 2, 1981, and requested a continuance of further proceedings in this administrative matter so that counsel could focus its efforts on the criminal case. Accordingly, a sixty day continuance was granted on May 21, 1981.

On June 2, 1981, in the Norfolk Superior Court, Dedham, Massachusetts, the Respondent entered pleas of guilty to 44 indictments charging him with unlawfully dispensing controlled substances. He received a five year suspended sentence and five years probation. As a special condition of his probation, the Respondent was

prohibited from practicing medicine within or without the Commonwealth of Massachusetts for a period of five years. Subsequent to the Respondent's conviction, counsel for the Respondent and counsel for the Government entered into memorandum of understanding and filed a joint motion for termination of these proceedings. By letter dated September 28, 1981, the Administrative Law Judge accepted the memorandum of understanding and transmitted this matter to the Administrator for entry of a final order as contemplated by the agreement between the parties.

The Acting Administrator has considered the documents transmitted to him by the Administrative Law Judge and, pursuant to the provisions of 21 CFR 1316.67, hereby publishes his final order in this matter.

The Acting Administrator finds that the Respondent has been convicted of felony offenses relating to controlled substances. There is, therefore, a lawful or statutory basis for the denial of the Respondent's application for registration under the Controlled Substances Act. In accordance with the Administrative Law Judge's recommendation, it is the Administrator's decision that the Respondent's application be denied.

The parties have stipulated that upon the termination of the period in which the Respondent is prohibited from practicing medicine, or after the passage of five years from June 2, 1981, the date of the Respondent's conviction, whichever first occurs, the Respondent may file a new application for registration as a practitioner under the Controlled Substances Act. In considering such application, DEA will examine the Respondent's medical licensure, his state authorization to handle controlled substances, his conviction and his intervening conduct, but will not re-allege the falsification upon which the April 3, 1981, Order to Show Cause was based. The Acting Administrator finds that this is an appropriate resolution of this matter and hereby incorporates the agreement into the final disposition of this case.

Accordingly, pursuant to the authority vested in the Attorney General by Sections 303 and 304 of the Controlled Substances Act, 21 U.S.C. 823 and 824, and redelegated to the Administrator of the Drug Enforcement Administration, the Acting Administrator orders that the application of John V. Temte, M.D., be, and it hereby is, denied, effective immediately.

Dated: October 16, 1981.

Francis M. Mullen, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-30685 Filed 10-22-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR

Labor Advisory Committee for Trade Negotiations and Trade Policy, Steering Subcommittee; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463 as amended), notice is hereby given of a meeting of Steering Subcommittee of the Labor Advisory Committee for Trade Negotiations and Trade Policy.

Date, time and place: November 3, 1981, 10:00 a.m., C5320 Seminar Room 6, Frances Perkins Department of Labor Building, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Purpose: To discuss trade negotiations and trade policy of the United States.

This meeting will be closed under the authority of Section 10(d) of the Federal Advisory Committee Act. The Committee will hear and discuss sensitive and confidential matters concerning U.S. trade negotiations and trade policy.

For further information, contact: Meyer Bernstein, Executive Secretary, Labor Advisory Committee, Phone: (202) 523-6565, October 15, 1981.

Signed at Washington, D.C. this 15th day of October 1981.

Robert W. Searby,

Deputy Under Secretary, International Affairs.

[FR Doc. 81-30734 Filed 10-22-81; 8:45 am]

BILLING CODE 4510-28-M

Employment and Training Administration

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 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 November 2, 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 November 2, 1981.

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 13th day of October 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 No.	Articles produced
Act III Distribution Center (ILGWU)	Spartanburg, S.C	10/5/81	9/29/81	TA-W-13,026	Distribution—sportswear.
Andrew Knit (ILGWU)	Tuscaloosa, Ala	10/5/81	9/29/81	TA-W-13,027	Sportswear—cut & sew—ladies.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Butte Knitting Mills (ILGWU)	Spartanburg, S.C	10/5/81	9/29/81	TA-W-13,028	Fabrics.
Columbus Fashions (ILGWU)	Columbus, Ga	10/5/81	9/29/81	TA-W-13,029	Blouses—ladies.
David Knit (ILGWU)	Northumberland Pa	10/5/81	9/29/81	TA-W-13,030	Dresses, sportswear—ladies
Debra Knit (ILGWU)	Northport, Ala	10/5/81	9/29/81	TA-W-13,031	Sportswear—ladies.
Eufaula Fashions (ILGWU)	Eufaula, Ala	10/5/81	9/29/81	TA-W-13,032	Sportswear—ladies.
Greenie Manufacturing Company (ILGWU)	Greenville, Tenn	10/5/81	9/29/81	TA-W-13,033	Dresses, jackets & skirts—ladies.
Jonathan Logan Transportation (ILGWU)	Spartanburg, S.C	10/5/81	9/29/81	TA-W-13,034	Transportation—piece goods and finished product.
Kim Fashions (ILGWU)	Hialeah, Fla	10/5/81	9/29/81	TA-W-13,035	Dresses, jackets, skirts—ladies.
Livingston Fashions (ILGWU)	Livingston, Ala	10/5/81	9/29/81	TA-W-13,036	Sportswear—ladies.
Lynn Fashions (ILGWU)	Brent, Ala	10/5/81	9/29/81	TA-W-13,037	Sportswear—ladies.
Margaret Fashions (ILGWU)	Panama City, Fla	10/5/81	9/29/81	TA-W-13,038	Sportswear—ladies.
Oxford Fashions (ILGWU)	Oxford, Ala	10/5/81	9/29/81	TA-W-13,039	Sportswear—ladies.
Plaza Manufacturing Company (ILGWU)	Spartanburg, S.C	10/5/81	9/29/81	TA-W-13,040	Buttons & other accessories.
Roanoke Fashions (ILGWU)	Roanoke, Ala	10/5/81	9/29/81	TA-W-13,041	Blouses—ladies.
Sandra Fashions (ILGWU)	Sanford, Fla	10/5/81	9/29/81	TA-W-13,042	Jackets, skirts—ladies.
Spartan Undies (ILGWU)	Spartanburg, S.C	10/5/81	9/29/81	TA-W-13,043	Slipwear garments—ladies
Stevens Fashions (ILGWU)	Carrollton, Ala	10/5/81	9/29/81	TA-W-13,044	Sportswear—ladies.
Terrence Fashions (ILGWU)	Miami, Fla	10/5/81	9/29/81	TA-W-13,045	Dresses, jackets—ladies.
White Diamond, inc. (workers)	Richlands, Va	10/5/81	9/15/81	TA-W-13,046	Coal, mining.
(The) Fenton Art Glass Company (AFGWU)	Williamstown, W. Va	10/7/81	9/30/81	TA-W-13,047	Glassware—decorative table & art.
Helin Tackle Company (teamsters)	Detroit, Mich	10/6/81	9/28/81	TA-W-13,048	Lures—fishing.
Marline Undergarments Co. (workers)	Bronx, N.Y	10/22/81	9/17/81	TA-W-13,049	Tops—knit.
Mold-a-Matic, Inc. (UAW)	Madison Heights, Mich	9/2/81	9/29/81	TA-W-13,050	Mold dies.
Rodefer Gleason Glass Company (AFGWU)	Bellaire, Ohio	10/5/81	9/29/81	TA-W-13,051	Parts—glass, original equipment.
S. M. Astro Drilling & Blasting Co., Inc. (Laborer's International Union & Company).	Kingston, N.Y	10/6/81	9/20/81	TA-W-13,052	Drilling & blasting.
Tree Island Steel, Inc. (USWA)	Carson, Calif	10/6/81	9/16/81	TA-W-13,053	Products—nails & wire.

[FR Doc. 81-30735 Filed 10-22-81; 8:45 am]

BILLING CODE 4510-30-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 ("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 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 November 2, 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 November 2, 1981.

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 19th day of October 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 No.	Articles produced
Amstar Corp., Spreckels Sugar Div., Factory #1 (Sugar Workers Union).	Speckels, Calif	10/8/81	10/2/81	TA-W-13,054	Sugar—beet.
Fair-tex Mills, Inc. (ACTWU)	Allentown, Pa	10/13/81	10/5/81	TA-W-13,055	Fabrics—knitted.
ICL, Incorporated (workers)	Utica, New York	10/15/81	10/6/81	TA-W-13,056	Equipment—computer.
Morton Chemical Company (OCAW)	Manistee, Michigan	10/7/81	10/1/81	TA-W-13,057	Magnesium oxide.
New England Drawn Steel (USWA)	Mansfield, Mass	10/14/81	10/7/81	TA-W-13,058	Steel—bars, cold rolled.
Wean United, Inc. (USWA)	Youngstown, Ohio (Henricks Rd)	10/14/81	10/8/81	TA-W-13,059	Steel—equipment, processing.
Wean United, Inc. (USWA)	Youngstown, Ohio (Phelps St.)	10/14/81	10/8/81	TA-W-13,060	Steel—equipment, processing.
Wean United, Inc. (USWA)	Warren, Ohio	10/14/81	10/8/81	TA-W-13,061	Steel—equipment, processing.
Wean United, Inc. (USWA)	Vandergrift, Pa	10/14/81	10/8/81	TA-W-13,062	Steel—equipment, processing.
TRW, Inc., Ross Gear Div. (workers)	Greeneville, Tenn	10/15/81	10/8/81	TA-W-13,063	Gear—steering, manual assemblies, pumps—gear, torque—motor, hydraulic.
Onyx Blouse Co., Inc. (ACTWU)	Pottsville, Pa	10/16/81	10/9/81	TA-W-13,064	Blouses.

[FR Doc. 81-30736 Filed 10-22-81; 8:45 am]

BILLING CODE 4510-30-M

Cole Forest Products, Inc., et al.; 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 October 13–16, 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–11,751; Cole Forest Products, Inc., Grand Rapids, MN

TA–W–10,416; Damsel Mfg. Co., Inc., New York, NY

TA–W–10,263; Uniroyal Chemical Co., Painesville, OH

TA–W–10,542 and 11,056; Hunter-Stevens Co., Spencerport, NY & South Norwalk, CT

TA–W–11,832; Chrysler Outboard Corp., Beaver Dam, WI

TA–W–10,443 and 10,444; MSL Industries, Inc., Joliet Wrought Washer Div., Joliet, IL and Garrett Div., Philadelphia, PA

TA–W–11,170; Romar Sportswear Corp., New York, NY

TA–W–11,149; James H. Beans Foundry Co., Martin Ferry, OH

TA–W–11,555; Philadelphia Steel and Iron Co., Conshohocken, PA

TA–W–11,433; Detroit Gasket, Alpena, MI

TA–W–11,125; Ontario Corp., Muncie Forge Div., Muncie, IN

TA–W–11,644; A.C.E. & T., Inc. (formerly Shadick Mfg. Co.), Ypsilanti, MI

TA–W–10,924; Special Machine and Engineering, Inc., Southfield, MI

TA–W–10,598; Pierce Garment Co., Inc., New Bedford, MA

TA–W–10,628; Ex-Cell-O Corp., Tool and Abrasive Products Div., Pendleton, IN

TA–W–10,910; UNR Industries, Inc., Leavitt Div., Chicago, IL

TA–W–10,870; Hilf Bag Co., Inc., New York, NY

TA–W–12,611; Jones and Laughlin Steel Corp., Coal Div. Headquarters, California, PA

TA–W–11,079; H&S Mfg., Inc., Holbrook, NY

TA–W–11,030; Hi Ram, Inc., Grandville, MI

TA–W–11,858; Ridgway Steel Fabricators, Inc., Ridgway, PA

TA–W–11,437 and 12,927–12,948; Carpenter Technology Corp., Steel Div., Bridgeport, Connecticut Plant, Bridgeport, CT; Reading, Pennsylvania Plant & Headquarters, Reading, PA; and the Branch Warehouses located in Hapeville, GA; Mansfield, MA; Charlotte, NC; Melrose Park, IL; Cincinnati, OH; Cleveland, OH; Dallas, TX; Troy, MI; Hartford, CT; Houston, TX; Indianapolis, IN; Los Angeles, CA; Memphis, TN; Milwaukee, WI; Minneapolis, MN; West Caldwell, NJ; Fort Washington, PA; Rochester, NY; St. Louis, MO; Belmont, CA; and South Bend, IN

In each of the following cases the investigation revealed that criterion (3) has not been met. Increased imports did not contribute importantly to worker separations at the firm.

TA–W–12,444; Springfield Lincoln Mercury Co., Inc., Springfield, MA

TA–W–11,016; Pacific Pumping Co., Oakland, CA

TA–W–11,775 and 11,887; Outboard Marine Corp., OMC-Evinrude, Milwaukee, WI and OMC-Johnson; OMC-Engineering, Waukegan, IL

In each of the following cases the investigation revealed that workers of the subject firm do not produce an article within the meaning of Section 222(3) of the Trade Act.

TA–W–12,201; King Dodge, Inc., St. Louis, MO

TA–W–12,657; Al Hirt Ford Mercury, Inc., Charlotte, MI

TA–W–12,835; Jim Kraut Chevrolet, Inc., Butte, MT

In each of the following cases the investigation revealed the criterion (3) has not been met for the specified reason(s).

TA–W–12,543; Sun Electric Corp., Chicago, IL

Aggregate U.S. imports of automotive diagnostic equipment are negligible.

TA–W–12,363; General Foods Corp., Maxwell House Div., Hoboken, NJ

Aggregate U.S. imports of ground roast and soluble coffee did not increase as required for certification.

TA–W–12,698; G&H Products, Inc., Kenosha, WI

There have been no separations at the firm other than those caused by an employee strike which began July 1, 1980.

TA–W–11,408; Airco Industrial Gases, Inc., Butler, PA

Aggregate U.S. imports of industrial gases are negligible.

TA–W–10,552; Plymouth Metal Abrasive Co., Westland, MI

Aggregate U.S. imports of iron and steel shot and grit did not increase as required for certification.

TA–W–10,938 and 10,938A; Walbro Corp., Small Engine Carburetor Plant, Cass City, MI, and Autopulse Electric Fuel Pump Div., Caro, MI

With respect to Caro, Michigan, a survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm. With respect to Cass City, Michigan, the investigation revealed that criterion (2) has not been met.

TA–W–11,921, 12,154, and 12,817; Monroe Auto Equipment Co., Monroe, MI, Hartwell, GA, and Paragould, AR

With respect to the Monroe facility, increased imports did not contribute importantly to worker separations at the firm. With respect to the Hartwell, Georgia and Paragould, Arkansas facilities, the investigation revealed that criterion (2) has not been met.

TA–W–11,093; National Gypsum Co., Gold Bond Building Products Div., Clarence Center, NY

Aggregate U.S. imports of gypsum products are negligible.

TA–W–12,192; Richmond Headwear Co., Inc., Richmond, VA

Aggregate U.S. imports of men's, boys', women's and girls' cloth, non-knit hats and caps did not increase as required for certification.

TA–W–12,600; National Gypsum Co., Decorative Products Div., Hatfield, MA

Aggregate U.S. imports of rubber and plastic wall coverings are negligible.

Affirmative Determinations

TA–W–11,495; Supreme Cedar Products, Inc., Concrete, WA

A certification was issued on a petition received on October 22, 1980 covering all workers of the firm separated on or after October 14, 1979.

TA-W-12,110; Quinault Tribal Shake, Moclips, WA

A certification was issued on a petition received on January 13, 1981 covering all workers of the firm separated on or after January 8, 1980.

TA-W-11,553; Glenoma Cedar Products, Inc., Glenoma, WA

A certification was issued on a petition received on October 27, 1980 covering all workers of the firm separated on or after October 20, 1979.

I hereby certify that the aforementioned determinations were issued during the period October 13–16, 1981. Copies of these determinations are available for inspection in Room 10,332, U.S. Department of Labor, 601 D Street, NW, Washington, D.C. 20213 during normal working hours or will be mailed to persons who write to the above address.

Dated: October 20, 1981.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

[FR Doc. 81-30740 Filed 10-22-81; 8:45 am]

BILLING CODE 4510-30-M

Occupational Safety and Health Administration

Work Injury Report Surveys

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice of work injury report surveys.

SUMMARY: OSHA has requested the Bureau of Labor Statistics (BLS) to conduct four surveys in 1981–82. They are as follows: (1) Occupational injuries resulting from falls on stairs; (2) Falls from elevations; (3) Occupational injuries in the logging industry; (4) Occupational injuries in the oil and gas extraction industry, except natural gas liquids and oil and gas field exploration services. Injured workers will be queried for causal factors associated with these injuries. The results of the surveys will assist OSHA in developing more effective safety standards, compliance programs and training activities to reduce injuries.

These are one-time surveys and will be initiated this winter. About 3,000 responses are estimated and will require a total of approximately 500 hours to complete.

Copies of the proposed questionnaires will be sent to interested persons as they become available. BLS is requesting views and comments on the questionnaires and mehodology for each of the surveys. Please specify the survey questionnaire(s) you wish to review.

DATE: Written comments must be received within 30 days after receipt of questionnaire.

ADDRESS: Views and comments requested in this notice should be submitted to Office of Occupational Safety and Health Statistics, Attention: WIR Surveys Bureau of Labor Statistics, U.S. Department of Labor, Room C4311, 200 Constitution Avenue, NW., Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT: Helen McDonald, Office of Occupational Safety and Health Statistics, U.S. Department of Labor, Room C4311, 200 Constitution Avenue, NW., Washington, D.C. 20210 (202–523–9286).

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

Thorne G. Auchter,

Assistant Secretary of Labor.

[FR Doc. 81-30737 Filed 10-22-81; 8:45 am]

BILLING CODE 4510-26-M

Puerto Rico State Standards; Approval

1. Background

Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary). (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State Plan which has been approved in accordance with section 18 (c) of the Act and 29 CFR Part 1902. On August 30, 1977, notice was published in the **Federal Register** (42 FR 43628) of the approval of the Puerto Rico plan and the adoption of Subpart FF to Part 1952 containing the decision.

The Puerto Rico plan provides for the adoption of Federal standards as State standards by reference. Section 1953.20, 29 CFR, provides that "where any alteration in the Federal program could have an adverse impact on the "at least as effective as" status of the State program, a program change supplement to a State plan shall be required."

In response to Federal standards changes, the State has submitted by letter dated February 19, 1981 from Assistant Secretary John Cinque to Deputy Regional Administrator Nicholas DiArchangel, and incorporated as part of the plan, State standards comparable to the Occupational Safety and Health Administration final standards for Occupational Exposure to Cotton Dust, as published in the **Federal Register** (43 FR 23751) dated June 23, 1978, with corrections as published in the **Federal Register** (43 FR 28473) dated June 30, 1978, (43 FR 35032) dated August 8, 1978, and (43 FR 56893) dated December 5, 1978; Access to Employee Exposure and Medical Records, as published in the **Federal Register** (45 FR 35212) dated May 23, 1980, with corrections published in the **Federal Register** (45 FR 54333) dated August 15, 1980; Commercial Diving Operations corrections as published in the **Federal Register** (45 FR 41634) dated June 20, 1980; Fire Protection, Means of Egress, Hazardous Materials, as published in the **Federal Register** (45 FR 60656) dated September 12, 1980. These standards, which are contained in the Puerto Rico Regulations, Number Four (equivalent to 29 CFR Part 1910) were promulgated by resolution adopted by the Puerto Rico Department of Labor and Human Resources on October 24, 1980, pursuant to the Puerto Rico Act Number 16 and Chapter 43 of the Puerto Rico Rules and Regulations Act of 1958.

2. Decision

Having reviewed the State submission in comparison with the Federal standard it has been determined that the State standard is identical to the Federal standard and accordingly is hereby approved.

3. Location of supplement for inspection and copying

A copy of the standard supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 3445, 1515 Broadway, New York, New York 10036; Puerto Rico Department of Labor and Human Resources, Prudencio Rivera Martinez Bldg. Munoz Rivera Avenue 505, Hato Rey, Puerto Rico 00917; and the Technical Data Center, Room N2439R, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

4. Public Participation

Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws:

The Assistant Secretary finds that good cause exists for not publishing the supplement to the Puerto Rico State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards which were promulgated in accordance with Federal law meeting requirements for public participation.

2. The standards were adopted in accordance with the procedural requirement of State Law and further participation would be unnecessary.

The decision is effective October 23, 1981.

(Sec. 18 Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at New York City, New York, this 15th day of June 1981.

Roger A. Clark,

Regional Administrator.

[FR Doc. 81-30745 Filed 10-22-81; 8:45 am]

BILLING CODE 4510-26-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittee on Callaway Plant; Location Change

The ACRS Subcommittee on Callaway Plant will hold a meeting on November 4 and 5, 1981, at the HOLIDAY INN-WEST, 1900 I-70 Drive Southwest, Columbia, MO instead of the Hilton Inn.

Notice of this meeting was published in the **Federal Register** on October 19, 1981 (46 FR 51329), and all other items remain the same except for the location change as indicated above.

Dated: October 19, 1981.

John C. Hoyle,

Advisory Committee, Management Officer.

[FR Doc. 81-30733 Filed 10-22-81; 8:45 am]

BILLING CODE 7590-01-M

Disposal or Onsite Storage of Thorium or Uranium Wastes From Past Operations

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Discussion of options for NRC approval of applications for disposal or onsite storage of thorium or uranium wastes; interim use and public comment.

SUMMARY: This notice discusses five options for NRC approval of disposal or onsite storage or thorium or uranium wastes from past nuclear operations. The options are contained in a Branch Technical Position for administration by the Uranium Fuel Licensing Branch, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards.

DATES: Comments on the options for disposal or onsite storage of thorium or uranium are encouraged. Such comments will be considered in any subsequent revision of the Branch Technical Position. Comments are due December 22, 1981.

Note.—Comments received after the expiration date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed on or before that date.

FOR FURTHER INFORMATION CONTACT: Ralph G. Page, Chief, Uranium Fuel Licensing Branch, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards, Washington, D.C. 20555, telephone 301-427-4309.

SUPPLEMENTARY INFORMATION:

I. Introduction

Some of the sites formerly used for processing thorium and uranium are known today to be contaminated with residual radioactive materials. Some are currently covered by NRC licenses. Others were once licensed, but the licenses to possess and use material have expired. In many cases, the total amount of contaminated soil is large, but the activity concentrations of radioactive materials are believed sufficiently low to justify their disposal on privately owned lands or storage onsite rather than their transport to a licensed radioactive materials disposal (commercial) site. In many instances packaging and transporting these wastes to a licensed disposal site would be too costly and not justified from the standpoints of risk to the public health or cost-benefit. Furthermore, because of the total volume of these wastes, limited commercial waste disposal capacity, and restrictions placed on receipt of long-lived wastes at commercial sites, it is not presently feasible to dispose of these wastes at commercial low-level waste disposal sites.

Effective January 28, 1981, NRC regulations in 10 CFR 20, "Standards for Protection Against Radiation", were amended (45 FR 71761-71762) to delete § 20.304 which provided general authority for disposal of radioactive materials by burial in soil. Under the amended regulations, licensees must apply for and obtain specific NRC approval to dispose of radioactive materials in this manner under the provisions of 10 CFR 20.302. A case-by-case review was believed needed to assure that burial of radioactive wastes would not present an unreasonable health hazard at some future date.

The deleted provisions of § 20.304 previously permitted burial of up to 100 millicuries of thorium or natural uranium at any one time, with a yearly limitation of 12 burials for each type of material at each site. The only disposal standards specified were (1) burial at a minimum depth of four feet, and (2) successive burials separated by at least six feet. Thus a total of 1.2 curies of these materials were permitted to be disposed of each year by burial in a 12 foot by 18 foot or larger plot of ground.

Under the amended regulations, it is incumbent on an applicant who wants to bury radioactive wastes to demonstrate that local land burial is preferable to other disposal alternatives. The evaluation of the application takes into account the following information:

Types and quantities of material to be buried
Packaging of waste
Burial location
Characteristics of burial site
Depth of burial
Access restrictions to disposal site
Radiation safety procedures during disposal operations
Recordkeeping
Local burial restrictions, if any

For applications involving disposal of soils contaminated with low level concentrations of thorium and uranium (other than concentrations not exceeding EPA cleanup standards), the matters of principal importance are:

Concentrations of thorium and uranium (either in secular equilibrium with their daughters or without daughters present)
Volume of contaminated soil
Costs for offsite and onsite disposal
Availability of offsite burial space
Disposal site characteristics
Depth of burial and accessibility of buried wastes
State and local government views

II. Branch Technical Position

There are five acceptable options for disposal or onsite storage of thorium and uranium contaminated wastes. Applications for disposal or storage will be approved if the guidelines discussed under any option are met. Applications for other methods of disposal may be submitted and these will be evaluated on their own merits.

1. Disposal of acceptably low concentrations (which meet EPA cleanup standards) of natural thorium with daughters in secular equilibrium, depleted or enriched uranium, and

uranium ores with daughters in secular equilibrium with no restriction on burial method.

Under this option, the concentrations of natural thorium and depleted or enriched uranium wastes are set sufficiently low that no member of the public is expected to receive a radiation dose commitment from the disposed materials in excess of 1 millirad per year to the lung or 3 millirads per year to the bone from inhalation and ingestion, under any foreseeable use of the material or property. These radiation dose guidelines were recommened by the Environmental Protection Agency (EPA) for protection against transuranium elements present in the environment as a result of unplanned contamination (42 FR 60956–60959). In addition, the concentrations are sufficiently low so that no individual may receive an external dose in excess of 10 microroentgens per hour above background. This is compatible with guidelines EPA proposed as cleanup standards for inactive uranium processing sites (46 FR 2556–2563).

For natural uranium ores having daughters in equilibrium, the concentration limit is equal to that set by the EPA (46 FR 2556–2563) for radium-226 (i.e., 5 pCi/gm, including background) and its decay products.

The concentrations specified below are believed appropriate to apply. It is expected, however, that currently licensed operations will be conducted in such a manner as to minimize the possibility of soil contamination and when such occurs the contamination will be reduced to levels as low as reasonably achievable.

Kind of material	Concentration (pCi/gm)
Natural thorium (Th–232 plus Th–228) if all daughters are present and in equilibrium	10
Depleted Uranium	35
Enriched Uranium	30
Natural Uranium Ores (U–238 plus U–234) if all daughters are present and in equilibrium	10

The analysis upon which the Branch Technical Position is based is available for inspection at the Commission's Public Document Room at 1717 H St., N.W., Washington, D.C.

The concentrations specified under this option may be compared with naturally occurring thorium and uranium ore concentrations of 1.3 pCi/gm in igneous rock and uranium concentrations of 120 pCi/gm in Florida phosphate rock and 50–80 pCi/gm in Tennessee bituminous shale. Concentration limits for natural thorium and natural uranium ore wastes containing daughters not at secular equilibrium can be calculated on a case-by-case basis using the applicable isotopic activities data.

2. Disposal of certain low concentrations of natural thorium with daughters in secular equilibrium and depleted or enriched uranium with no daughters present when buried under prescribed conditions with no subsequent land use restrictions and no continuing NRC licensing of the material.

Under this option the concentrations of natural thorium and uranium are set sufficiently low so that no member of the public will receive a radiation dose exceeding those discussed under option 1 when the wastes are buried in an approved manner absent intrusion into the burial grounds. This option will require establishing prescribed conditions for disposal in the license, such as depth and distribution of material, to minimize the likelihood of intrusion. Burial will be permitted only if it can be demonstrated that the buried materials will be stabilized in place and not be transported away from the site.

Acceptability of the site for disposal will depend on topographical, geological, hydrological and meteorological characteristics of the site. At a minimum, burial depth will be at least four feet below the surface. In the event that there is an intrusion into the burial ground, no member of the public will likely receive a dose in excess fo 170 millirems to a critical organ. An average dose not exceeding 170 millirems to the whole body for all members of a general population is recommended by international and national radiation expert bodies to limit population doses. With respect to limiting doses to individual body organs, the concentrations are sufficiently low that no individual will receive a dose in excess of 170 millirems to any organ from exposure to natural thorium, depleted uranium or enriched uranium.

The average activity concentration of radioactive material that may be buried under this option in the case of natural thorium (Th–232 plus Th–228) is 50 pCi/gm, if all daughters are present and in equilibrium; for enriched uranium it is 100 pCi/gm if the uranium is soluble and 250 pCi/gm if insoluble; for depleted uranium it is 100 pCi/gm if the uranium is soluble and 300 pCi/gm if insoluble. Natural uranium ores containing radium 226 and its daughters are not included under this option, because of possible radon 222 emanations and resultant higher than acceptable exposure of individuals in private residences if houses were built over buried materials.

3. Disposal of low concentrations of natural uranium ores, with all daughters in equilibrium, when buried under prescribed conditions in areas zoned for industrial use and the recorded title documents are amended to state that the specified land contains buried radioactive materials and are conditioned in a manner acceptable under state law to impose a covenant running with the land that the specified land may not be used for residential building. (There is no continuing NRC licensing of the material.)

Disposal will be approved if the burial criteria outlined in option 2 (including burial at a minimum of 4 feet) are met. Depending upon local soil characteristics, burials at depths greater than 4 feet may be required. In order to assure protection against radon 222 releases (daughter in decay chain of uranium 238 and uranium 234), it is necessary that the recorded title documents be amended to state in the permanent land records that no residential building should be permitted over specified areas of land where natural uranium ore residues (U–238 plus U–234) in concentrations exceeding 10 pCi/gm has been buried. Industrial building is acceptable so long as the concentration of buried material does not exceed 40 pCi/gm of uranium (i.e., Ra–226 shall not exceed 20 pCi/gm).

4. Disposal of land-use-limited concentrations of natural thorium or natural uranium with daughters in secular equilibrium and depleted or enriched uranium without daughters present when buried under prescribed conditions in areas zoned for industrial use and the recorded title documents are amended to state that the land contains buried radioactive material and are conditioned in a manner acceptable under state law to impose a covenant running with land that the land (1) may not be excavated below stated depths in specified areas of land unless cleared by appropriate health authorities, (2) may not be used for residential or industrial structures over specified areas where radioactive materials in concentrations higher than specified in options 2 and 3 are buried, and (3) may not be used for agricultural purposes in the specified areas. (There is no continuing NRC licensing of the disposal site.)

Under this option, conditions of burial will be such that no member of the public will receive radiation doses in excess of those discussed under option 1 absent intrusion into the burial ground. Criteria for disposal under these conditions is predicated upon the assumption that intentional intrusion is less likely to occur if a warning is given

in land documents of record not to excavate below burial depths in specified areas of land without clearance by health authorities; not to construct residential or industrial building on the site; and not to use specified areas of land for agricultural purposes. Because of this, we believe it appropriate to apply a maximum critical organ exposure limit of 500 millirems per year to thorium and uranium buried under this restriction instead of 170 millirems as used in options 2 and 3. In addition, any exposure to such materials is likely to be more transient than assumed (essentially continual exposure) under those options. These two factors combine to increase the activity concentration limits calculated under option 2 by about 10. Thus, the average concentration that may be buried under this option for thorium (Th–232 plus Th–228) is 500 pCi/gm if all daughters are present and in equilibrium; for enriched uranium it is 1000 pCi/gm if the uranium is soluble and 2500 pCi/gm if insoluble; and for depleted uranium it is 1000 pCi/gm if the uranium is soluble and 3000 pCi/gm if insoluble.

With respect to natural uranium with daughters present and in equilibrium, the concentration that may be buried under this option is 200 pCi/gm of U–238 plus U–234, i.e., 100 pCi/gm Ra–226. This concentration is based on a limited exposure of 2.4 hours per day to limit the radon dose to less than 0.5 working level month (WLM) which is equivalent to continuous exposure to 0.02 working level (WL). Depending upon local soil characteristics, burials at depths greater than 4 feet may be required.

SUMMARY OF MAXIMUM CONCENTRATIONS PERMITTED UNDER DISPOSAL OPTIONS

Kind of Material	Disposal Options			
	1[1]	2[2]	3[3]	4[4]
Natural Thorium (Th-232 + Th-228) with daughters present and in equilibrium	10	50	.....	500
Natural Uranium (U-238 + U-234) with daughters present and in equilibrium	10	.....	40	200
Depleted Uranium:				
*Soluble	35	100	.....	1,000
*Insoluble	35	300	.....	3,000
Enriched Uranium:				
*Soluble	30	100	.....	1,000
*Insoluble	30	250	.....	2,500

[1] Based on EPA cleanup standards.
[2] Concentrations based on limiting individual doses to 170 mrem/yr.
[3] Concentration based on limiting equivalent exposure to 0.02 working level or less.
[4] Concentrations based on limiting individual doses to 500 mrem/yr and, in case of natural uranium, limiting exposure to 0.02 working level or less.

5. Storage of licensed concentrations of thorium and uranium onsite pending the availability of an appropriate disposal site.

When concentrations exceed those specified in option 4, long term disposal other than at a licensed disposal site will not normally be a viable option under the provisions of 10 CFR 20.302. In such cases, the thorium and uranium may be permitted to be stored onsite under an NRC license until a suitable method of disposal is found. License conditions will require that radiation doses not exceed those specified in 10 CFR Part 20 and be maintained as low as reasonably achievable.

Before approving an application to dispose of thorium or uranium under options 2, 3, or 4, NRC will solicit the view of appropriate State health officials within the State in which the disposal would be made.

Dated at Silver Spring, Maryland this 19th day of October, 1981.

Richard E. Cunningham,

Director, Division of Fuel Cycle and Material Safety, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 81-30608 Filed 10-22-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Postponement of Application Deadline for Fund-Raising Privileges Among Federal Employees by Private Voluntary Organizations

Section 5.43 of the "Manual on Fund-Raising Within the Federal Service for Voluntary Health and Welfare Agencies" sets December 1 of each year as the deadline by which national voluntary agencies must submit applications for participation in the Combined Federal Campaign (CFC) to be conducted in the fall of the following year. This year's deadline is being postponed from December 1, 1981, to February 1, 1982. In June 1981, the U.S. Office of Personnel Management (OPM) announced that the eligibility criteria for participation in the 1982–83 CFC are being reviewed. The deadline date is being postponed to avoid national voluntary agencies having to revise their applications to meet eligibility criteria which may be changed.

Donald J. Devine,

Director.

[FR Doc. 81-30730 Filed 10-22-81; 8:45 am]

BILLING CODE 6325-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Resolution of Complaint of Price-Undercutting of Subsidized Cheese Imports

On October 1, 1981, the United States Trade Representative received a letter from the Secretary of Agriculture informing him of the Secretary's finding that imported Grade A Swiss type cheese produced in Finland has been offered for sale in the United States at duty-paid wholesale prices which are five cents per pound less than the domestic wholesale market price of similar cheese produced in the United States.

In accordance with Section 702(c)(2) of the Trade Agreements Act of 1979 (the Act) (19 U.S.C. 1202 note), the Office of the United States Trade Representative notified Finland of the price undercutting determination made by the Secretary of Agriculture, requested that corrective action be taken, and asked for appropriate assurances concerning the commitments made in the Arrangement Between the United States and Finland Concerning Cheese.

On October 14, 1981, Finland notified the United States Trade Representative that measures have been taken to ensure that the duty-paid wholesale price of imported Grade A Swiss type cheese produced in Finland will not be less than the domestic wholesale market price of similar cheese produced in the United States. In addition, Finland gave assurance that it will respect the price commitments in the Arrangement. Since the above notification by Finland has occurred within the 15-day period provided in Section 702(c)(3) of the Act, the United States Trade Representative has notified the Secretary of Agriculture of his belief that no further action is required.

William E. Brock,

United States Trade Representative.

[FR Doc. 81-30684 Filed 10-22-81; 8:45 am]

BILLING CODE 3190-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 22236; 70-6650]

Arkansas Power & Light Co.; Proposed Issuance and Sale of First Mortgage Bonds

October 19, 1981.

Arkansas Power & Light Company

("Arkansas"), First National Building, Little Rock, Arkansas 72203, an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed an application with this Commission pursuant to Section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50 promulgated thereunder.

Arkansas proposes to issue and sell up to $90,000,000 principal amount of its first mortgage bonds in one or more series from time to time not later than March 31, 1982, and having a term of not less than five nor more than thirty years. The terms will be determined by competitive bidding. The bonds are to be issued under Arkansas' Mortgage and Deed of Trust, dated as of October 1, 1944, as heretofore supplemented and as proposed to be further supplemented. Arkansas intends to use the net proceeds derived from the issuance and sale of the bonds for the payment of a portion of its short-term indebtedess, for the payment of the principal amount of first mortgage bonds maturing in October and November 1981, and for other corporate purposes. Arkanas may request by amendment that the sale or sales of the bonds be expected from the competitive bidding requirements of Rule 50.

The application and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by November 23, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant at the address specified above. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application, as filed or as it may be amended, may be granted.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-30701 Filed 10-23-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18183; File No. SR-MCC-81-6]

Midwest Clearing Corp.; Proposed Rule Change; Self-Regulatory Organizations

In the matter relating to new terminal fees for MST Communication System participants. Comments requested on or before November 13, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) notice is hereby given that on October 9, 1981, the Midwest Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Attached as Exhibit A is *MST System Administrative Bulletin* dated August 10, 1981.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The new terminal fees for MST Communication System participants are again necessitated by a 16.4% increase imposed by AT&T. Due to this second increase MST Communication System participant accounts will be charged the new rate beginning July, 1981. Participants' July monthly billing will be retroactive from June with their August monthly billing reflecting the monthly fee as adjusted by the announced 16.4% increase.

The new charge for the MST Communication System terminal fees is consistent with section 17A of the Securities Exchange Act of 1934. The resulting cost from the AT&T increases must be offset by increased fees. The new fee will be allocated among all participants using the service.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Clearing Corporation does not believe that the burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submission should refer to the file number in the caption above and should be submitted on or before November 13, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 19, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-30702 Filed 10-22-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18184; File No. SR-MSTC-81-4]

Midwest Securities Trust Co.; Proposed Rule Change Self-Regulatory Organizations

In the matter relating to new terminal fees for MST Communication System participants. Comments requested on or before November 13, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on October 9, 1981, the Midwest Securities Trust Company filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organizations's Statement of the Terms of Substance of the Proposed Rule Change

Attached as Exhibit A is *MST System Administrative Bulletin* dated August 10, 1981.

II. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The new terminal fees for MSTC Communication System participants are again necessitated by a 16.4% increase imposed by AT&T. Due to this additional increase MST Communication System participant accounts will be charged the new rate beginning July, 1981. Participants' July monthly billing will be retroactive from June with their August monthly billing reflecting the monthly fee as adjusted by the announced 16.4% increase.

The new charge for the MST Communication System terminal fees is consistent with Section 17A of the Securities Exchange Act of 1934. The resulting cost from the AT&T increase must be offset by increased fees. The new fee will be allocated among all participants using the service.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Midwest Securities Trust Company does not believe that any burdens will be placed on competition as a result of the proposed rule change.

(C) Self-Regulatory Organization's Statement on Comments Received From Members, Participants or Others on the Proposed Rule Change

Comments have neither been solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before November 13, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: October 19, 1981.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-30703 Filed 10-22-81; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-0157]

Shared Ventures, Inc.; Issuance of a Small Business Investment Company License

On April 10, 1981, a notice was published in the **Federal Register** (46 FR 21515) stating that an application has been filed by Shared Ventures, Inc., 4601 Excelsior Boulevard, St. Louis Park, Minnesota 55416, with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1980)) for a license as a small business investment company.

Interested parties were given until close of business April 25, 1981, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 05/05-0157 to Shared Ventures, Inc., to operate as a small business investment company.

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

Dated: October 19, 1981.

Peter F. McNeish,

Deputy Associate Administrator for Investment.

[FR Doc. 81-30032 Filed 10-22-81; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[CM-8/454]

Advisory Committee on International Investment, Technology, and Development; Meeting

The Department of State will hold a meeting on November 4, 1981, of the Working Group on Transborder Data

Flows of the Advisory Committee on International Investment, Technology, and Development. The Working Group will meet from 10:00 a.m. to 12:00 noon. The meeting will be held in the Loy Henderson Conference Room of the State Department, 2201 C Street, N.W., Washington, D.C. 20520. The meeting will be open to the public.

The purpose of the meeting will be to review the results of the September 14–17 meeting of the ICCP Working Party, the October 5–6 meeting on Privacy Guidelines Followup, the October 19–21 Special Session on Information Technologies, Productivity and Employment and the October 29–30 meeting of the IBI Working Party on the International Context of Transborder Data Flows. There will also be a discussion of the proposed U.S. comments on the Bing Report on Legal Issues related to Transborder Data Flows, which comments are scheduled for submission to the OECD in early December.

Requests for further information on the meeting should be directed to Philip T. Lincoln, Jr., Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on (area code 202) 632–2728.

Members of the public wishing to attend the meeting must contact Mr. Lincoln's office in order to arrange entrance to the State Department building.

The Chairman of the Working Group will, as time permits, entertain oral comments from members of the public attending the meeting.

Dated: October 9, 1981.

Philip T. Lincoln, Jr.,

Executive Secretary.

[FR Doc. 81-30711 Filed 10-22-81; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1981 Rev., Supp. No. 9]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable surety on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $202,000 has been established for the company.

Name of Company:

VOYAGER CASUALTY INSURANCE COMPANY

Business Address:

P.O Box 2918
Jacksonville, Florida 32203

State of Incorporation:

Florida

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 1981 Revision, at page 33975 to reflect this addition. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: October 16, 1981.

W. E. Douglas,

Commissioner, Bureau of Government Financial Operations.

[FR Doc. 81-30720 Filed 10-22-81; 8:45 am]

BILLING CODE 4810-35-M

WATER RESOURCES COUNCIL

Principles and Standards for Water and Related Land Resources Planning: Change in Discount Rate

Notice is hereby given in accordance with 18 CFR 711.19 that the interest rate to be used by Federal agencies in the formulation and evaluation of plans for water and related land resources is 7⅞ percent for the period October 1, 1981, through and including September 30, 1982.

The rate has been computed in accordance with 18 CFR 704.39 "Discount Rate" of the Water Resources Council, and is to be used by all Federal agencies in the formulation and evaluation of water and related land resources plans for the purpose of discounting future benefits and computing costs, or otherwise converting benefits and costs to a common time basis.

The Department of the Treasury on October 15, 1981, informed the Water Resources Council pursuant to 18 CFR 704.39(b) that the interest rate would be 12⅜ percent based upon the formula set forth in 704.39(a): "* * * the average yield during the preceding fiscal year on interest-bearing marketable securities of the United States which, at the time the computation is made, have terms of 15 years or more remaining to maturity * * *." However, § 704.39(a) further provides "* * * That in no event shall the rate be raised or lowered more than one-quarter of one percent for any year." Since the rate in Fiscal Year 1981 was 7⅜ percent (45 FR 70167), the rate for Fiscal Year 1982 is 7⅝ percent.

Dated: October 15, 1981.

Gerald D. Seinwill,

Acting Director.

[FR Doc. 81-30722 Filed 10-22-81; 8:45 am]

BILLING CODE 8410-01-M

Sunshine Act Meetings

Federal Register
Vol. 46, No. 205
Friday, October 23, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94–409) 5 U.S.C. 552b(e)(3).

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1

CIVIL AERONAUTICS BOARD

[M-335 (Amdt. 2); October 20, 1981]

Notice of Addition and Closure of Item to the October 22, 1981 Board Meeting

TIME AND DATE: 9:30 a.m., October 22, 1981.

PLACE: Room 1027 (Open), Room 1012 (Closed), 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 18. Negotiations/Consultations with the Dominican Republic Scheduled to begin in Santo Domingo October 17, 1981. (BIA)

STATUS: Items 1–17 (Open), Item 18 (Closed).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S-1613-81 Filed 10-21-81; 3:39 pm]

BILLING CODE 6320-01-M

2

CIVIL AERONAUTICS BOARD

[M-335 (Amdt. 1); October 16, 1981]

Notice of Addition of Item to the October 22, 1981 Board Meeting

TIME AND DATE: 9:30 a.m., October 22, 1981.

PLACE: Room 1027, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428.

SUBJECT: 12a. Docket 36244, The Southern Nebraska Carrier Selection Case. (Memo 056–E, (BDA))

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673–5068.

[S-1613-81 Filed 10-21-81; 3:38 pm]

BILLING CODE 6320-01-M

3

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, October 27, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., Fifth Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Application of the New York Mercantile Exchange for Designation as a Contract Market in Gulf Coast Leaded Regular Gasoline

Application of the New York Mercantile Exchange for Designation as a Contract Market in Gulf Coast Unleaded Regular Gasoline

Application of the New Orleans Commodity Exchange for Designation as a Contract Market in Soybeans.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254–6314.

[S-1611-81 Filed 10-21-81 3:28 p.m.]

BILLING CODE 6351-01-M

4

FEDERAL COMMUNICATIONS COMMISSION.

FCC to Hold a Closed Commission Meeting, Thursday, October 22, 1981.

The Federal Communications Commission will hold a Closed Meeting on the subjects listed below on Thursday, October 22, 1981, following the Open Meeting which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—Use of Frequencies in the 806 to 960 MHz bands along the U.S./Mexico and U.S./Canada Borders for Land Mobile.

Hearing—1—Petition for Special Relief by Distress Sale in the Fort Valley, Georgia, Rocket Radio, Inc., AM renewal proceeding (Docket No. 81–276).

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen P. Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: October 15, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1607-81 Filed 10-21-81 10:49 a.m.]

BILLING CODE 6721-01-M

5

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Open Commission Meeting, Thursday, October 22, 1981

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, October 22, 1981, which is scheduled to commence at 9:30 A.M., in Room 856, at 1919 M Street, N.W., Washington, D.C.

Agenda, Item No., and Subject

General—1—*Title:* Acceptance of DBS applications for filing. *Summary:* The Commission will consider whether to accept for filing 13 DBS applications.

General—2—*Title:* In re petition by AT&T for amendment of Part 2 of the FCC Rules and Regulations. *Summary:* AT&T has filed a petition requesting amendment of Part 2 to modify the calculation of necessary bandwidths for high capacity frequency modulated microwave radio relay systems.

General—3—*Title:* Notice of Proposed Rulemaking on the Use of Random Selection or Lotteries. *Summary:* The Commission will consider whether to adopt proposed regulations for a system of random selection or lotteries to be used to choose among mutually exclusive applications for an initial radio license.

General—4—*Title:* Report and Order in Docket 20990 adopting regulations for radio control and security alarm devices. *Summary:* The Commission considers amendments of Part 15 of FCC Rules to provide for expanded use of low power communications in remote control and security applications. The new rules, if adopted, will provide for the use of radio frequency energy for remote control and wireless security alarm applications such as radio control of a fire, burglar, security, or other emergency alarm; control of a door opener, camera shutter, remote operation of lights, etc.

Private Radio—1—*Title:* Amendment of Parts 81 and 83 of the Rules to make the frequency 156.25 MHz available exclusively for Vessel Traffic Services (VTS) communications in the Seattle (Puget Sound) VTS radio protected area. *Summary:* The Commission will decide whether or not to propose new rules making Channel 5 (156.25 MHz) available exclusively for VTS communications within the Puget Sound VTS radio protected area.

Private Radio—2—*Title:* Memorandum Opinion and Order concerning application for review, filed by John Fabick Tractor Company, of Private Radio Bureau action denying its request for rule waivers and dismissing its applications for authority to use a VHF band Forestry Conservation Radio Service frequency in the Business Radio Service. *Summary:* The FCC will consider whether to grant or deny the application for review, filed by John Fabick Tractor Company, of Private Radio Bureau action which denied Fabick's request for waivers of Sections 90.25(b) and 90.75(b) of the rules to permit its use of a VHF band frequency allocated to the Forestry Conservation Radio Service for a wide area land mobile radio system in portions of Illinois and Missouri in the Business Radio Service.

Private Radio—3—*Title:* Amendment of Subpart H of Part 90 of the Commission's Rules and Regulations for Broader Interservice Sharing of Private Land Mobile Frequency Assignments. *Summary:* The Commission will consider the adoption of final rules to establish a procedure to accommodate broader interservice sharing of private land mobile radio service frequencies on a coordinated basis and to avoid having to act either by waiver or through rulemaking each time such a request for interservice sharing is received.

Common Carrier—1—*Title:* Television Cable Service, Inc., et al. v. Monongohela Power Co., File No. PA–79–0013 et al. *Summary:* The Commission will act on Monongohela Power Co.'s application for review of *Memorandum Opinion and Order*, Mimeo No. 05982 (released January 23, 1981). In that order, the Chief, Common Carrier Bureau, under delegated authority, ordered reductions in annual rates for pole attachments and directed Monongohela to refund excess payments. Monongohela asks the Commission to review the order and correct errors in determining the maximum reasonable annual rate.

Common Carrier—2—*Title:* Communications Properties, Inc. v. General Telephone Company of the Southwest, File No. PA–79–0012. *Summary:* The Commission will act on General Telephone Company's application for review of Memorandum Opinion and Order, Mimeo No. 36289 (released September 24, 1980). In that order, the Chief, Common Carrier Bureau, under delegated authority, ordered reductions in annual rates for pole attachments and directed General to refund excess payments. General asks the Commission to review the order and correct errors in determining the maximum reasonable annual rate.

Common Carrier—3—*Title:* Applications for authority under Titles II and III of the Communications Act (1) to extend U.S. domestic satellite programming and data services to foreign points and (2) to receive programming and data transmissions from Canadian domestic satellites. *Summary:* The Commission will consider 13 applications by various common carriers and earth station licensees to provide transborder programming and data services over U.S. and Canadian domestic satellite facilities.

Cable Television—1—"Petition for Reivew" (CSR–1270) filed July 13, 1981, by KCST–TV, Inc. KCST–TV, Inc., licensee of Station KCST–TV (NBC, Channel 39), San Diego, California, seeks review of the action taken by the Acting Chief of the Cable Television Bureau pursuant to delegated authority in *KCST–TV, Inc.* (San Diego, California), Mimeo No. 001420, —— RR 2d —— (1981).

Cable Television—2—"Petition for Declaratory Ruling" (CSR–1929) filed May 4, 1981, by Liberty Television, Inc. d.b.a. Corvallis TV Cable Co. "Petition for Immediate Issuance of Notice(s) of Apparent Liability" (CF–27) filed May 18, 1981, by Fisher Broadcasting Inc. Liberty Television, Inc. d.b.a. Corvallis TV Cable Co., operator of a cable television system serving Corvallis, Oregon, requests clarification of the effect of a prior Commission action granting a waiver of Section 76.59 of the Commission's Rules on Liberty's obligations under 76.92[g] of the Rules. Liberty's petition is opposed by Fisher Broadcasting Inc., licensee of Television Broadcast Station KATU (ABC, Channel 2), Portland, Oregon, who also seeks imposition of a forfeiture against Liberty.

Renewal—1—*Title:* License renewal application of WACB, Inc. for Station WACB, Kittanning, Pennsylvania. *Summary:* Larry L. Schrecongost filed a petition for reconsideration of a Commission Memorandum Opinion and Order, 85 FCC 2d 962 (1981), denying his petition to deny and granting licensee's application for renewal of license. The Commission considers petitioner's arguments.

Renewal—2—*Title:* Amendment of Section 73.1020 of the Commission's rules dealing with broadcast station license periods. *Summary:* The Commission considers amending Section 73.1020 of its rules to implement the new seven year and five year radio and television broadcast license term provisions of Pub. L. 97–35, the Omnibus Budget Reconciliation Act.

Aural—1—*Title:* Application for license of Liberty Baptist College, Inc. (File No. BPED–810325AC), permittee of noncommercial educational FM station WRVL, Lynchburg, Virginia. *Summary:* The FCC considers the application and pleadings alleging interference to television and radio reception.

Television—1—*Title:* Application for Review and request for stay filed by Video 44 (WSNS–TV, Chicago) directed against Broadcast Bureau grant of minor change application of WFBN(TV), Joliet, Illinois. *Summary:* The Commission considers the application for review and request for stay filed by licensee of STV Station WSNS(TV), Chicago, against Broadcast Bureau's grant of application to change transmitting facilities of STV Station WFBN(TV) from Sears Building in Chicago to Hancock Center, also in Chicago. Question is whether grant of original application for CP for new station can be vacated and application designated for hearing on *de facto* reallocation issue.

Television—2—*Title:* Application (BPTTV–6096) of Washoe County School District for authority to construct a new television translator station to serve Reno, Nevada and petition to deny filed by Teleprompter Corporation. *Summary:* The Commission will consider the merits of the petition to deny and will determine whether a grant of applicant's proposal to provide Reno with its first noncommercial educational television service by rebroadcasting the signal of Station KVIE–TV Sacramento, California, is in the public interest.

Television—3—*Title:* Application of Capital Communications, Inc. for authority to construct new television translator at Orangeburg (BPTTV–800311IC) and at Newberry (BPTTV–800312IB), South Carolina and petition to deny. *Summary:* The Commission will consider the merits of the petitions to deny and determine whether grant of applicant's proposals will serve the public interest.

Broadcast—1—*Title:* Changes in the rules relating to noncommercial, educational FM stations. *Summary:* The Commission will consider a *Third Report and Order* in Docket No. 20735 which would implement new protection criteria for Channel 6 TV reception.

Broadcast—2—*Title:* Amendment of Sections 73.681 and 73.682(a) of the Commissions Rules to authorize teletext transmissions by television stations. *Summary:* The FCC will consider whether to adopt a combined Notice of Proposed Rule Making and a Notice of Inquiry to consider the possible authorization of teletext service. The action will also consider Petitions for Rule Making submitted by CBS, Inc. (RM–3727) and the United Kingdom Industry Group (RM–3876) that request the FCC to adopt standards for teletext.

Broadcast—3—Notice of Inquiry into Formulation of Policies Relating to the Broadcast Renewal Applicant, Stemming From the Comparative Hearing Process. The FCC will consider whether to adopt a *Notice* of Inquiry to invite public comment on improving the Commission's administration of the comparative renewal process in broadcast licensing cases. The *Notice* seeks to determine whether it is feasible for the Commission to adopt more specific standards for determining when a renewal applicant's programming record is meritorious. Other questions to be addressed relate to legitimate renewal expectancy, retention of the 1965 *Policy Statement on Comparative Broadcast Hearings* in comparative renewals, definition of comparative "superiority" in comparative renewals, and the possible distinction(s) between radio and TV licensing.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 254–7674.

Issued: October 15, 1981.

William J. Tricarico,

Secretary, Federal Communications Commission.

[S-1606-81 Filed 10-21-81; 10:49 am]

BILLING CODE 6712-01-M

6

FEDERAL RESERVE SYSTEM

Board of Governors

TIME AND DATE: 10 a.m., Wednesday, October 28, 1981.

PLACE: Board Building, C Street entrance between 20th and 21st Streets, N.W., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED: *Summary Agenda:* Because of their routing 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. Proposal to decrease frequency of certain consumer compliance examinations.
2. Proposed publication for comment of an amendment to Regulation Y (Bank Holding Companies and Change in Bank Control) in connection with an application for BankAmerica Financial Services Corporation, San Francisco, California, to provide management consulting services to nonbank depository institutions.

Discussion Agenda:

3. Proposal to adopt fee schedule and access policy for Federal Reserve cash transportation services. (Proposed earlier for public comment; Docket No. R-0324)
4. 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: October 20, 1981.

James McAfee,

Assistant Secretary of the Board.

[S-1609-81 Filed 10-21-81; 11:05 am]

BILLING CODE 6210-01-M

7

SECURITIES AND EXCHANGE COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 46 FR 50659, October 14, 1981.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATE PREVIOUSLY ANNOUNCED: Friday, October 9, 1981.

CHANGES IN THE MEETING: Deletion/additional item. The following items will not be considered at a closed meeting scheduled for Monday, October 19, 1981, at 2:30 p.m.

Regulatory matters regarding financial institutions.

The following additional item will be considered at a closed meeting scheduled for Monday, October 19, 1981.

Settlement of the injunctive action.

Chairman Shad and Commissioners Loomis, Evans, Thomas, and Longstreth determined by vote that Commission business required considered of this matter and that no earlier notice thereof was possible.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Arthur C. Delibert at (202) 272-2467.

October 19, 1981.

[S-1605-81 Filed 10-21-81; 9:27 am]

BILLING CODE 8010-01-M

8

UNITED STATES RAILWAY ASSOCIATION

DATE AND TIME: October 29, 1981; 2 p.m.

PLACE: Board Room, Room 2-500, fifth floor, 955 L'Enfant Plaza North, S.W., Washington, D.C.

STATUS: The first portion of this meeting will be closed to the public. The second portion will be open to the public.

MATTERS TO BE CONSIDERED BY THE USRA BOARD OF DIRECTORS AND ADVISORY BOARD: *Portion Closed to the Public (2 p.m.):*

1. Internal Personnel Matters.
2. Litigation Report.
3. Discussion of Conrail Confidential and Proprietary Financial Information.

Portion Open to the Public (2:30 p.m.):

4. Approval of Minutes of September 10 Meeting.
5. Consideration of Conrail Request for Waiver of Provisions of Financing Agreement (Merchants Despatch).
6. Consideration of Conrail's Tax Benefit Transfer Leases.
7. Consideration of Conrail Waiver Request (Five-Year Business Plan).
8. Consideration of D&H Request for ESOP Funding.
9. Amendment of USRA Pension Plan.
10. Consideration of USRA Compensation Plan.
11. Conrail Monitoring.

CONTACT PERSON: Alex Bilanow (202) 426-4250.

[S-1610-81 Filed 10-21-81; 2:43 pm]

BILLING CODE 8240-01-M

federal register

Friday
October 23, 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.

California:	
CA81-5129	July 6, 1981.
CA81-5154	Sept. 25, 1981.
Connecticut: CT81-3001	Jan. 23, 1981.
Maryland: MD81-3074	Oct. 9, 1981.
Montana:	
MT81-5138	Aug. 7, 1981.
MT81-5140	Aug. 7, 1981.
Utah: UT81-5156	Oct. 2, 1981.
Nevada:	
NV81-5104	Feb. 20, 1981.
NV81-5152	Sept. 18, 1981.

Supersedeas Decisions to General Wage Determination Decisions

The numbers of the decisions being superseded and their dates of publication in the **Federal Register** are listed with each State. Supersedeas decision numbers are in parentheses following the numbers of the decisions being superseded.

North Carolina:	
NC81-1135 (NC81-1302)	Dec. 30, 1980.
NC81-1139 (NC81-1301)	Dec. 30, 1980.
NC81-1143 (NC81-1303)	Dec. 30, 1990.
Pennsylvania:	
PA80-3026 (PA81-3080)	Apr. 11, 1980.
PA80-3037 (PA81-3081)	May 2, 1980.
PA80-3043(PA81-3066)	July 17, 1980.

Cancellation of General Wage Determination Decisions

None.

Signed at Washington, D.C., this 16th day of October 1981.

Dorothy P. Come,

Assistant Administrator, Wage and Hour Division.

BILLING CODE 4510-27-M

DECISION NO. CA81-5129 - Mod. #2 (46 FR 34961 - July 6, 1981) Imperial, Kern, Los Angeles Orange, Riverside, San Bernardino, San Luis Obispo Santa Barbara and Ventura Counties, California	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
PLASTERERS:					
Area 2	$21.70				
Area 3	18.56	1.45	3.55		.02
PLASTERERS' TENDERS:					
Area 7	17.59	1.37	2.90	1.45	
SOFT FLOOR LAYERS:					
Area 3	14.86	1.05	.95	1.25	.09

DECISION NO. CA81-5154 - Mod. #3 (46 FR 47384 - September 25, 1981) Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos., California	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
PLASTERERS:					
Area 2	$21.70				
Area 7	13.52	1.15	1.65	1.00	.06
SOFT FLOOR LAYERS:					
Area 3	14.86	1.05	.95	1.25	.09

DECISION NO. CT81-3001 - MOD. #5 (46 FR 7721 - January 23, 1981) FAIRFIELD, LITCHFIELD AND WINDHAM COUNTIES, CONNECTICUT	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
CHANGE:					
BRICKLAYERS, CEMENT MASONS, FINISHERS, MASONS, PLASTERERS, STONE MASONS, TERRAZZO WORKERS, TILE SETTERS					
Building Construction:					
Fairfield Co. (Greenwich)	13.48	1.20	1.25		.03
Litchfield Co. (Plymouth, Terryville, Thomaston, Watertown & Woodbury)	13.25	.75	1.00	p	
ELEVATOR CONSTRUCTORS	14.79	1.345	1.085	a+b+g	.035
ELEVATOR CONSTRUCTORS' HELPERS	10.35	1.345	1.085	a+b+g	.035
PROBATIONARY	7.395				
GLAZIERS					
Fairfield Co. (Remainder of County), Litchfield Co.	13.83	1.20	.47	h	.01
LABORERS (BUILDING):					
Laborers, carpenter tenders, wrecking laborers	10.05	.80	1.20		.15
Jackhamer hammer operator, mason tenders, mortar mixer, pipe layers, plasterers tenders, power buggy operators, powdermen	10.30	.80	1.20		.15
Air track operators, wagon drill operators, sand blasters, blasters	10.80	.80	1.20		.15
Open air caisson, cylindrical work and boring crew:					
Bottom men	10.55	.80	1.20		.15
Top men	10.05	.80	1.20		.15

Modification Page 3

DECISION NO. CT81-3001 - CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LINE CONSTRUCTION					
Fairfield Co. (Remainder of County), Litchfield Co., & Windham Co.					
Utility Work and Railroads					
Linemen, Cable Splicers, & Dynamite Man	15.15	.70	3%+1.00	j	
Heavy Equipment Operator	13.79	.70	3%+1.00	j	
Equipment Operator, Tractor Trailer Driver, Field Mechanic	13.01	.70	3%+1.00	j	
Material Man	12.79	.70	3%+1.00	j	
Groundman Truck Driver	11.69	.70	3%+1.00	j	
Groundman, Experienced	10.34	.70	3%+1.00	j	
Groundman, Inexperienced	9.17	.70	3%+1.00	j	
PAINTERS					
Fairfield Co. (Greenwich)					
Brush, Structural Steel, Paperhangers, Tapers	12.25	.20	.75	.30	
Spray	18.38	.20	.75	.30	
PLUMBERS					
Fairfield Co. (Bridgeport, Easton, Fairfield, Monroe, Shelton, Stratford & Trumbull)	15.44	.75	1.40	5%	.07
Fairfield Co. (Georgetown, Norwalk, S. Norwalk, Weston, Westport, & Wilton)	14.45	.75	1.40	5%	.07
Fairfield Co. (Darien, New Canaan & Stamford)	14.75	.75	.80	5%	.07
Litchfield Co. (Remainder of County)	15.20	.88	1.40	m	.05
Windham Co. (Remainder of County)	17.17	.80	1.95	o	.10

ADD:
FOOTNOTE:

p. Paid Holidays: ½ day on Christmas Eve and New Year's Eve

Modification Page 4

DECISION NO. MD81-3074 - MOD. #1 (46 FR 50238 - October 9, 1981)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
COUNTIES: ANNE ARUNDEL EXCLUDING THE D.C. TRAINING SCHOOL), BALTIMORE AND BALTIMORE CITY, MARYLAND AND FOR HEAVY CONSTRUCTION PROJECTS IN HARFORD & HOWARD COUNTIES, MARYLAND					
CHANGE:					
BRICKLAYERS	13.98	1.10	.90		.07
POWER EQUIPMENT OPERATORS:					
Group I	14.33	1.05	1.25	e	.15
Group II	13.10	1.05	1.25	e	.15
Group III	12.43	1.05	1.25	e	.15
Group IV	11.79	1.05	1.25	e	.15
Group V	10.50	1.05	1.25	e	.15
CARPENTERS, SOFT FLOOR LAYERS, MILLWRIGHTS, PILEDRIVERS, DIVERS & DIVER'S TENDERS					
Zone 2 - Anne Arundel (remainder of county), Baltimore, Baltimore City, Harford and Howard Counties:					
Millwrights	12.65	.80	1.24		.07
IRONWORKERS:					
Ironworkers, finishers, rodmen; pre-cast & pre-stress erectors	13.59	.90	2.40		.08
Fence Erectors	13.24	.90	2.40		.08
Sheeters	13.84	.90	2.40		.08
LABORERS, BUILDING:					
Hod Carriers, Gunnite Nozzle and Gun Operator	9.40	.40	.60		.075
Burners (demolition)	9.60	.40	.60		.075

DECISION NO. MD81-3074 - CONT'D

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
MASON TENDERS:					
Mason tenders	9.90	.35	.50		.075
Scaffold builders	10.15	.35	.50		.075
STEAM FITTERS	14.68	.99	1.85		.17
TRUCK DRIVERS: BUILDING					
Goose-neck, drop frame trailer drivers	12.14	1.15	1.15		
"A" Frame, winch truck, fork lift and trailer drivers	11.88	1.15	1.15		
Chauffeurs on flat-bed trucks and pick-ups	10.61	1.15	1.15		
Warehousemen and helpers	10.21	1.15	1.15		
Euclid wagon and dumpster drivers	10.66	1.15	1.15		
Dump truck drivers	10.29	1.15	1.15		
Mixer driver 12 yds. and under	10.20	1.15	1.15		
Mixer driver over 12 yds.	10.63	1.15	1.15		

DECISION NO. MT81-5138 - Mod. #2
(46 FR 40439 - August 7, 1981)
Statewide, Montana

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Electricians:					
Area 1	$15.75	.70	3%+.50		.08
Ironworkers:					
Area 1	14.41	1.05	1.60		.15
Area 2	16.74	1.00	2.15		.15
Plumbers:					
Area 3	16.45	.85	1.00		.10

DECISION NO. MT81-5140 - Mod. #2
(46 FR 40467 - August 7, 1981)
Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow, and Valley Counties, Montana

Change:					
Asbestos Workers	$17.84	.78	1.45		.04
Cement Masons:					
Area 1	12.30	1.00			
Electricians:					
Area 2:	15.75	.70	3%+.50		.08
Electricians:					
Area 5:					
Electricians	13.70	.70	3%+.50		1/2%
Cable Splicers	15.79	.70	3%+.50		1/2%
Elevator Constructors:					
Elevator Constructors	14.865	1.345	1.085	a	.035
Elevator Constructors' Helpers	10.405	1.345	1.085	a	.035
Elevator Constructors' Helpers (prob.)	7.43				
Ironworkers:					
Structural; Ornamental; and Reinforcing:					
Area 1	16.74	1.00	2.15		.15
Area 2	14.41	1.05	1.60		.15

DECISION NO. MT81-5140 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plumbers:					
Area 3	$16.45	.85	$1.00		.10
Roofers:					
Area 1	13.65	.95	.75		.10
Area 2	11.40	.95	.25		
Terrazzo and Tile Setters:					
Area 3	13.60	.90	.75		
DECISION NO. UT81-5156 - Mod. #1 (46 FR 48870 - Oct. 2, 1981)					
Statewide, Utah					
Change:					
Power Equipment Operators:					
Building Construction:					
Change Fringe Benefits Only (Groups 1 thru 15):		$1.38	$1.935	$1.05	.08
Bricklayers:	12.65	.95	.62		

DECISION NO. NV81-5104 - Mod. #7 (46 FR 13482-February 20, 1981)

Washoe County, Nevada	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Change:					
Boilermakers	$19.61	$1.30	$1.25	$1.00	.04
Plaster Hod Carriers:					
Plaster Hod Carriers Serving Plasterers	14.20	1.10	1.30		
Plaster Hod Carriers working on any type of gun except TM-30	14.80	1.10	.130		
Plaster Hod Carriers mixing on TM-30 machine	15.05	1.10	1.30		
Plasterers:					
Area 2	14.72	1.25	1.50		.05
Soft Floor Layers	15.84	.84	.20	.33	.07
DECISION #NV81-5152-Mod. #1 (46 FR 46505-September 16, 1981)					
Statewide (does not include the Nevada Test Site and Tonopah Test Range, and Highway Construction in Douglas County), Nevada					
Change:					
Asbestos Workers:					
Area 1	$20.26	$1.28	$1.52		
Boilermakers	19.61	1.30	1.25	1.00	.04
Plaster Hod Carriers:					
Area 1:					
Plaster Hod Carrier serving Plasterers	14.20	1.10	1.30		
Plaster Hod Carrier working on any type of gun except TM-30	14.80	1.10	1.30		
Plaster Hod Carrier mixing on TM-30 machine	15.05	1.10	1.30		
Plasterers:					
Area 2	14.72	1.25	1.50		.05

SUPERSEDEAS DECISION

STATE: NORTH CAROLINA COUNTY: ORANGE
DECISION NUMBER: NC81-1302 DATE: Date of Publication
Supersedes Decision No.: NC81-1135, December 30, 1980, 45 FR 86193
DESCRIPTION OF WORK: Building Construction (does not include single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$7.25				
CARPENTERS	6.00				
CEMENT MASONS	5.40				
DRYWALL HANGERS	6.50				
ELECTRICIANS	6.70				
GLAZIERS	7.10				
IRONWORKERS	6.01				
INSULATORS	4.75				
LABORERS	4.14				
LATHERS	8.55				
MASON TENDERS	4.25				
PAINTERS, Brush	5.75				
PLASTERERS	7.33				
PLUMBERS & PIPEFITTERS	7.23				
ROOFERS	5.61				
SHEET METAL WORKERS	6.37				
TILE SETTERS	6.21				
TRUCK DRIVERS	4.47				
WELDERS - Rate for Craft					
POWER EQUIPMENT OPERATORS:					
Backhoe	6.50				
Bulldozer	6.50				
Crane	5.75				
Curb Machine	6.00				
Loaders	7.00				
Motor Grader	6.71				
Paver	5.25				
Rollers	4.50				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDEAS DECISION

STATE: NORTH CAROLINA COUNTY: WAKE
DECISION NUMBER: NC81-1301 DATE: Date of Publication
Supersedes Decision No.: NC81-1139, December 30, 1980, 45 FR 86195.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICKLAYERS	$8.00				
CARPENTERS	6.25				
CEMENT MASONS	6.00				
DRYWALL HANGERS	6.75				
ELECTRICIANS	6.52				
GLAZIERS	6.32				
IRONWORKERS	6.25				
INSULATORS	5.00				
LABORERS	4.22				
LATHERS	8.55				
MASON TENDERS	5.00				
PAINTERS, Brush	5.50				
PLASTERERS	7.47				
PLUMBERS	7.41				
ROOFERS	6.30				
SHEET METAL WORKERS	6.50				
TILE SETTERS	7.50				
TRUCK DRIVERS	4.22				
WELDERS - Rate for Craft					
POWER EQUIPMENT OPERATORS:					
Backhoe	5.68				
Graders	5.88				
Loaders	5.28				
Lute/Screed	5.00				
Rollers	5.13				

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: NORTH CAROLINA COUNTY: DURHAM
DECISION NUMBER: NC81-1303 DATE: Date of Publication
Supersedes Decision No.: NC81-1143, December 30, 1980, 45 FR 86197
DESCRIPTION OF WORK: Building Construction (excluding single family homes and apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	$5.25				
BRICKLAYERS	7.50				
CARPENTERS	6.62				
CEMENT MASONS	6.06				
DRYWALL HANGERS	6.75				
ELECTRICIANS	6.83				
GLAZIERS	7.10				
IRONWORKERS	7.25				
LABORERS	4.29				
LATHERS	8.55				
PAINTERS, Brush	5.14				
PLASTERERS	7.50				
PLUMBERS & PIPEFITTERS	8.43				
ROOFERS	6.41				
SHEET METAL WORKERS	6.76				
TILE SETTERS	7.00				
TRUCK DRIVERS	4.29				
WELDERS - Rate for Craft					
POWER EQUIPMENT OPERATORS:					
Backhoe	6.50				
Bulldozer	6.00				
Graders	5.91				
Loaders	6.00				
Pan/Scrapers	5.00				
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).					

SUPERSEDEAS DECISION

STATE: Pennsylvania COUNTY: Lehigh
DECISION NO. PA81-3050 DATE: Date of Publication
Supersedeas Decision No. PA80-3026 dated April 11, 1980, in 45 FR 25017.
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		.01
Boilermakers	16.67	1.275	1.00		.02
Bricklayers	12.55	1.10	1.50		.01
Carpenters	12.33	.99	.99		.05
Cement Masons	13.38	1.10	.50		
Electricians	13.25	.70	3%+.60		.04
Elevator Constructors	13.63	1.345	1.085	a+b	.035
Elevator Constructors' Helpers	70%JR	1.345	1.085	a+b	.035
Elevator Constructors' Helpers (Probationary)	50%JR				
Glaziers	9.19	.40	.40		.01
Ironworkers, Structural	13.45	1.34	1.36		
Ironworkers, Reinforcing	13.45	1.34	1.36		
Ironworkers, Ornamental	13.45	1.34	1.36		
Laborers:					
Laborers & window cleaners	9.34	.62	.59		
Operator of jackhammer, paving breaking and other pneumatic and mechanical tools coming under the jurisdiction of laborers, laying of all clay terra cotta, fromstone, vitrified concrete or non-metallic pipe and the making of joints for same and cofferdams (below 10')	9.59	.62	.59		
Wagon drills and men handling burning torches in the wrecking of buildings	10.09	.62	.59		
Plaster and mason tenders, scaffold builders and handling of all material to be used by plasterers and masons, brick and block loaded on pallets, cement finisher tenders, gunniting and moldoo-D and sandblaster helpers, power buggies, all floor hardner and "cure" application shall be work of the mason tender, all pumps such as the concrete, plaster mortar and water, installing plastic or other non-solid					

Laborers: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Refractory materials in connection with the boiler work	$9.84	.62	.59		
Barko tamper operator	10.36	.62	.59		
Lathers	11.61	.65	.35		.01
Lead burners	10.75	.40	.25	c	.01
Line Construction:					
Linemen & cable splicers	14.28	.60	3%		3/8%
Groundmen	8.57	.60	3%		3/8%
Winch truck operator	10.00	.60	3%		3/8%
Marble Setters	11.60	1.10	1.50		
Millwrights	12.73	.99	.99		.05
Painters:					
Brush	13.00	1.28	.80		.10
Structural steel	14.50	1.28	.80		.10
Spray	14.00	1.28	.80		.10
Plasterers	13.33	1.00	.50		.01
Plumbers	15.33	.85	1.40		.14
Roofers, composition & slate	12.28		1.55		
Sheet metal workers	13.01	1.63	1.18		.23
Soft floor layers	11.30	.99	.99	.65	
Sprinkler Fitters	15.56	.95	1.40		.08
Piledrivermen	12.97	3.13	1.40	d	.13
Steamfitters	14.61	.95	2.05		.11
Stone Masons	12.55	1.10	1.50		.01
Terrazzo Workers	11.85	1.00	1.50		
Tile Setters	11.60	1.00	1.15		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day and F-Christmas Day

FOOTNOTES:

a. Employer contributes 8% basic hourly rate for 5 years or more of service or 6% basic hourly rate for 6 months to 5 years as vacation pay credit.

b. Paid Holidays: A through F, plus the Friday after Thanksgiving Day.

c. Eight paid holidays; A through F, Washington's Birthday, Good Friday and Christmas Eve providing the employee has worked 45 full days for the same employer during the 120 calendar days prior to the holidays and is available for work the days preceding & following the holiday.

d. Paid Holidays: Good Friday; Memorial Day; Labor Day; presidential election day; Veterans' Day; Thanksgiving and Christmas 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))."

DECISION NO. PA81-3080 PAGE 4

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 backhoes, 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: Pennsylvania COUNTY: Sullivan
DECISION NO.: PA81-3081 DATE: Date of Publication
Supersedes Decision No. PA80-3037 dated May 2, 1980, in 45 FR 29522.
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	$13.83	.80	.90		.01
Boilermakers	16.67	1.275	1.00		.02
Bricklayers	12.15	.55	.70		.01
Carpenters:					
Benton Air Force Base	12.89	.70	.90		.05
Remainder of County	12.72	.70	.90		.05
Cement Masons	11.10				
Electricians:					
Eastern part of County	13.69	.65	3%+1.25		.03
Western part of County	11.50	.65	3%+1.00	1.00	.02
Glaziers	11.85	.75	1.20		
Ironworkers:					
Structural	14.75	a			.10
Reinforcing	14.65	a			.10
Laborers:					
Unskilled & window washers	10.87	.80	1.10		
Mason tenders incl. scaffold builders	11.27	.80	1.10		
Semi-skilled: Pneumatic, electrical & mechanical tool ops., under the jurisdiction of the laborers - 2" pumps-nonmetallic pipelaying & making of joints clay, terra cotta, ironstone, vitrified concrete, handling of burning torches, asphalt or other hot materials, cement finihers & blaster helpers, power buggies, walk along boist	11.07	.80	1.10		
Plasters tenders, blasters & wagon drill operators	11.19	.80	1.10		
Line Construction:					
Linemen & cable splicer	13.37	.55	3%		3/8 of 1%
Winch truck operator	9.38	.55	3%		3/8 of 1%
Groundman	8.97	.55	3%		3/8 of 1%
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	b	.13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Plasterers	$10.69				
Plumbers	12.01	.84	.80		.05
Glaziers	11.85	.75	1.20		
Roofers	11.15	.90	.85		
Sheet Metal Workers	13.21	.80	.86		.04
Soft Floor Layers	10.98	.70	.90		.05
Sprinkler Fitters	15.56	.95	1.40		.08
Steamfitters	12.01	.84	.80	1.00	.05
Stone Masons	12.15	.55	.70		.01
Terrazzo Workers	11.85	.55	.70		.01

Welders - rate of craft

FOOTNOTES:
a. Employer contributes $2.95 per hour to a combined health and welfare and pension fund.

b. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day; Thanksgiving Day and Christmas 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 backhoes, 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: Pennsylvania

COUNTIES: Cumberland, Dauphin, Perry, Juniata, New Cumberland Depot in York County

DECISION NO.: PA81-3066

DATE: Date of Publication

Supersedes Decision No. PA80-3043 dated July 17, 1980 in 45 FR 45849

DESCRIPTION OF WORK: Building Erection and Foundation Excavation Project, (does not include single family homes or apartments up to and including 4 stories), excluding Sewage and Water Treatment projects.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	14.01	1.12	.90		.01
BOILERMAKERS	16.67	1.275	1.00		.02
BRICKLAYERS & BLOCK LAYERS	11.52	.95	.72		.01
CARPENTERS	12.72	.70	.90		.05
CEMENT MASONS	11.33	.80	.80		
ELECTRICIANS	13.56	.65	3%+.67		½ of 1%
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, STRUCTURAL	14.265	1.49	1.46		.045
IRONWORKERS, ORNAMENTAL	14.265	1.49	1.46		.045
IRONWORKERS, REINFORCING	14.265	1.49	1.46		.045
LABORERS:					
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 blow-pipe 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, precast 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 material(s), vibrator operator (concrete placing - whose power is supplied by compressed air, electric, gasoline & any other means).

Group 2 Semi-Skilled: Cassion 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).

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LABORERS CONT'D

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.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LATHERS	12.72	.70	.90		.05
LEAD BURNERS	10.75	.40	.25	c	.01
MARBLE SETTERS	13.40	.95	.72		
MILLWRIGHTS	14.42	.70	.90		.05
LINE CONSTRUCTION:					
Linemen	14.23	.60	3%		3/8%
Groundmen	8.54	.60	3%		3/8%
Cable Splicers	14.23	.60	3%		3/8%
Winch Truck Operator	9.96	.60	3%		3/8%
PAINTERS:					
Brush	10.77	.55	.43		.03
Structural Steel	11.22	.55	.43		.03
Spray	11.52	.55	.43		.03
Tanks, Bridges, Stacks	12.02	.55	.43		.03
PILEDRIVERMEN	12.97	3.13	1.40	d	.13
PLASTERERS	10.31	.80	.80		.01
PLUMBERS	13.30	1.02	1.00		.11
ROOFERS:					
Composition	10.76	.80	.55		
SHEET METAL WORKERS	13.01	1.63	1.18		.23
SOFT FLOOR LAYERS	10.98	.70	.90		.05
SPRINKLER FITTERS	15.56	.95	1.40		.08
STEAM FITTERS	13.30	1.02	1.00		.11
STONE MASONS	11.52	.95	.72		.02
TERRAZZO WORKERS & TILE SETTERS	12.15	.95	.72		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS:					
Truck Drivers, Pick-ups, dump, service trucks, flat trucks, to and including 2 highway license plates	9.47	e	f		
Transit mix, winch trucks, tractors all types euclids, ross lumber and over 2 plates	9.72	e	f		

Welders - Receive rate prescribed for craft performing operation to which welding is incidental

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 or 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. Eight paid holidays, A through F and Washington's Birthday, Good Friday and Christmas Eve provided the employee has worked 45 full days prior to the holiday, and is available for work the days preceding and following the holiday.

d. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veteran's Day and Thanksgiving Day.

e. $93.03 per month for employees who have worked sixty hours or more during the month.

f. $57.89 per month for employees who have worked sixty hours or more during the month.

"Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1) (ii))."

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
POWER EQUIPMENT OPERATORS					
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 book 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 backhoes, 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

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CLASSIFICATION DEFINITIONS CONT'D

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.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
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DOT/FAA	USDA/REA		DOT/FAA	USDA/REA
DOT/FHWA	USDA/SCS*		DOT/FHWA	USDA/SCS*
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/MA	LABOR		DOT/MA	LABOR
DOT/NHTSA	HHS/FDA		DOT/NHTSA	HHS/FDA
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Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

*Note: The Soil Conservation Service will begin Tues/Fri. publication as of Nov. 3, 1981.

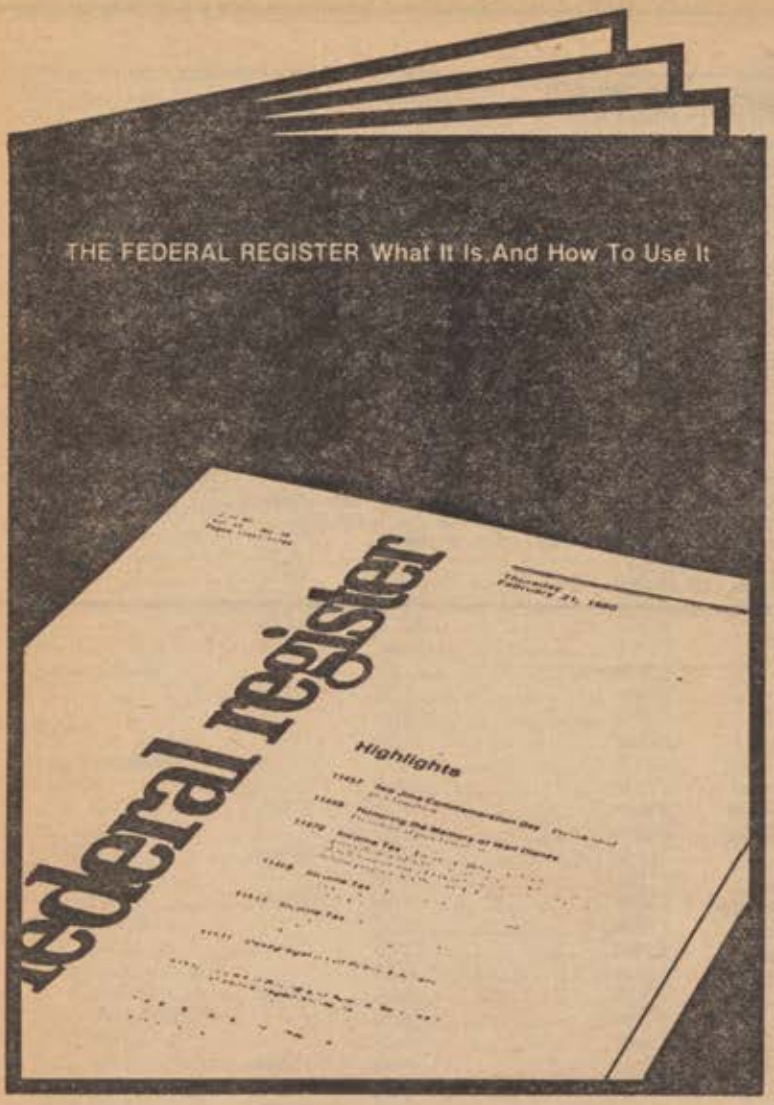
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Last Listing October 21, 1981

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