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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.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 1 and 20

Change of Address for NRC Region V Office

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; change of address.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations to change the address for NRC's Region V office located in Walnut Creek, California. The amendments are necessary to inform the public of the new address for NRC Region V.

EFFECTIVE DATE: November 25, 1981.

FOR FURTHER INFORMATION CONTACT: J. M. Felton, Director, Division of Rules and Records, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Telephone (301) 492-7211.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission has relocated its Region V office in Walnut Creek, California. The new address for the Region V office is 1450 Maria Lane, Suite 210, Walnut Creek, California 94596.

The amendments are made to § 1.3(b) and Appendix D to Part 20. The amendment to Appendix D to Part 20 is made as a complete revision of the appendix in order to simplify its format.

The amendment necessary to reflect the relocation of Region V in Appendix A to Part 73 is made in a document upgrading notification procedures for reporting events that significantly affect physical security effectiveness.

Since these amendments are administrative and relate solely to a minor procedural matter, notice of proposed rulemaking and public procedure thereon are unnecessary, and good cause exists to make the amendments effective November 25, 1981.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations are published as a document subject to codification.

1. The authority citation for this document is:

Authority: Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201).

PART 1—STATEMENT OF ORGANIZATION AND GENERAL INFORMATION

2. In § 1.3, paragraph (b) is revised to read as follows:

§ 1.3 Location of principal offices and Regional Offices.

* * * * *

(b) The addresses of the NRC Regional Offices (see § 1.64) are:

Region I, USNRC, 631 Park Avenue, King of Prussia, Pennsylvania 19406
Region II, USNRC, 101 Marietta Street, Suite 3100, Atlanta, Georgia 30303
Region III, USNRC, 799 Roosevelt Road, Glen Ellyn, Illinois 60137
Region IV, USNRC, 611 Ryan Plaza Drive, Suite 1000, Arlington, Texas 76012
Region V, USNRC, 1450 Maria Lane, Suite 210, Walnut Creek, California 94596

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

3. Appendix D to Part 20 is revised to read as follows:

APPENDIX D—UNITED STATES NUCLEAR REGULATORY COMMISSION, INSPECTION AND ENFORCEMENT REGIONAL OFFICES

	Address	Telephone (24 hours a day)
Region I: Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.	Region I, USNRC, Office of Inspection and Enforcement, 631 Park Ave., King of Prussia, Pa. 19406.	(215) 337-5000
Region II: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virginia, Virgin Islands, and West Virginia.	Region II, USNRC, Office of Inspection and Enforcement, 101 Marietta Street, Suite 3100, Atlanta, Ga. 30303.	(404) 221-4503
Region III: Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.	Region III, USNRC, Office of Inspection and Enforcement, 799 Roosevelt Rd., Glen Ellyn, Ill. 60137.	(312) 932-2500
Region IV: Arkansas, Colorado, Idaho, Kansas, Louisiana, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.	Region IV, USNRC, Office of Inspection and Enforcement, 611 Ryan Plaza Dr., Suite 1000, Arlington, Tex. 76012.	(817) 465-8100
Region V: Alaska, Arizona, California, Hawaii, Nevada, Oregon, Washington, and U.S. territories and possessions in the Pacific.	Region V, USNRC, Office of Inspection and Enforcement, 1450 Maria Lane, Suite 210, Walnut Creek, California, 94596.	(415) 943-3700

Dated at Bethesda, Maryland this 12th day of November 1981.

For the Nuclear Regulatory Commission.

William J. Dircks,
Executive Director for Operations.

[FR Doc. 81-34110 Filed 11-24-81; 8:45 am]
BILLING CODE 7590-01-M

FEDERAL RESERVE SYSTEM

12 CFR Part 204

[Docket No. R-0374]

Regulation D; Reserve Requirements of Depository Institutions; De Novo Depository Institutions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Temporary rule and request for public comment.

SUMMARY: The Board of Governors has amended Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204) to modify the two-year phase-in of reserve requirements that is accorded to *de novo* depository institutions. Under the amendment, the two-year phase-in of reserve requirements will apply only as long as the institution has total reservable liabilities of less than $50 million. This amendment assures that a two-year phase-in of reserve requirements will not be available to new institutions commencing business on or after November 18, 1981, that experience rapid growth in deposits that would otherwise not be subject to full reserve requirements and will be available only as a benefit to smaller institutions during their start-up period. This rule is being adopted on a temporary basis in order to provide the public with an opportunity to comment on this issue.

EFFECTIVE DATE: November 19, 1981. Comments must be received by December 21, 1981.

ADDRESS: Interested parties are invited to submit written data, views, or arguments concerning the rule to William W. Wiles, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, D.C. 20551, or should be delivered to room B-2223 between 8:45 am and 5:15 p.m. Comments may be inspected in room B-1122 between 8:45 a.m. and 5:15 p.m., except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Associate General Counsel (202/452-3625) or Paul S. Pilecki, Senior Attorney (202/452-3281), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Monetary Control Act of 1980 (Title I of Pub. L. 96-221; 94 Stat. 132) provides an eight-year phase-in of reserve requirements for nonmember depository institutions existing on July 1, 1979. Neither the Monetary Control Act nor the Federal Reserve Act explicitly provide for a phase-in of reserve requirements for *de novo* depository institutions. However, when Regulation D was revised in 1980 to implement the Monetary Control Act, in order to assure an orderly transition for *de novo* institutions, the Board provided a 24-month adjustment period to institutions that commenced business after July 1, 1979. Such a phase-in had been established by the Board in 1976 for *de novo* member banks.

Effective February 17, 1981, Delaware law permits out-of-state bank holding companies to acquire stock in *de novo* state-chartered banks and national banks having their principal banking offices in Delaware (Del. Code Ann., Title 5, section 801 *et seq.*). The Delaware statute establishes minimum requirements for capital and numbers of employees and certain other conditions of operation of such banks. The Board has considered recently the application of a bank holding company to acquire such an institution and is aware of steps being taken by other money center and large regional banks to establish banking affiliates in Delaware.

The principal reasons for establishing banks in Delaware by out-of-state bank holding companies are to avoid higher state and local tax rates in the holding company's principal state of operation or to avoid more constraining usury limitations in such states. The prospects of attracting new business in the Delaware market appear to be minimal. Indeed, the Delaware statute limits banks owned by the out-of-state holding company to one office and the bank is required to be operated in a manner and at a location that is not likely to attract customers from the general public in Delaware to the substantial detriment of existing banking institutions located there. Consequently, it is likely that most of the business at banks in Delaware established by out-of-state bank holding companies would otherwise have been booked at their non-Delaware affiliates. Under these circumstances, liabilities against which full reserve requirements have been maintained or would be maintained would be subject to lower reserve requirements thereby providing a further benefit to such out-of-state bank holding companies. In addition, in states that permit multibank holding companies, the reserve requirement savings would apply in the case of the formation of a *de novo* institution and shifting of assets and liabilities from existing affiliated banks.

The two-year reserve requirement phase-in provision was not intended to enable a depository institution that maintains full reserve requirements to reduce its current reserve burden. In this regard, the *de novo* phase-in was established so that new institutions would not be disadvantaged during their start-up period. The Board believes that where an institution achieves rapid growth, the *de novo* phase-in is no longer necessary. In light of these concerns, including the potential impact upon Treasury revenues and monetary control, the Board has amended Regulation D on a temporary basis to eliminate the *de novo* phase-in of reserve requirements for institutions that grow rapidly. Under the amendment, the *de novo* phase-in is limited to only those institutions that have less than $50 million of total reservable liabilities.[1] That is, a *de novo* institution that commences business after November 18, 1981, would receive the two-year phase-in of reserve requirements only so long as its total reservable liabilities remained below $50 million. This approach eliminates the possibility that institutions would reduce substantially their required reserves by shifting liabilities to *de novo* depository institution affiliates, thus limiting the potential for Treasury revenue losses and monetary control problems. At present, the amendment will apply only to depository institutions that commence business on or after November 18, 1981. However, the Board in adopting a final rule, intends to apply this provision to all depository institutions, including those that commenced business prior to November 18, 1981. Accordingly, the Board requests comment on whether a grandfather provision should be established if the rule is adopted on a permanent basis. In addition, the Board requests comment on whether the rule should apply only to depository institutions that are affiliated with other depository institutions.

The Board believes that this rule will not affect small entities, since it applies to depository institutions that have total deposits of $50 million or more. An initial regulatory flexibility analysis in compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 603)

[1] U.S. agencies and branches of foreign banks receive a *de novo* phase-in only if the new institution represents the first presence of the foreign bank in the U.S. Thereafter, new U.S. offices of the foreign bank are subject to the same reserve requirements as their affiliated U.S. offices. Thus, the potential for reserve savings from shifting liabilities to *de novo* offices does not exist for these institutions.

is available through the Board's Freedom of Information Office (202/452-2407).

This action was taken by the Board in order to assure that the phase-in of reserve requirements for *de novo* depository institutions is not used as a reserve avoidance device. If the phase-in for *de novo* institutions were left in its present form, rapidly growing depository institutions could avoid reserve requirements, resulting in complications to some degree for monetary control. In view of this consideration, the Board finds that application of the notice and public participation provisions of 5 U.S.C. 553 to this action would be contrary to the public interest, and that good cause exists for making this action effective immediately.

To aid in consideration of this matter by the Board, interested persons are invited to submit relevant data, views, comment or argument. All material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received by December 21, 1981. All material submitted should include the Docket No. R-0374. Such material will be made available for inspection and copying upon request except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS

Pursuant to its authority under sections 11(c), 19, 25 and 25(a) of the Federal Reserve Act (12 U.S.C. 248(c), 461, 601 *et seq.*, 611 *et seq.*) and under section 7 of the International Banking Act of 1978 (12 U.S.C. 3105), the Board amends Regulation D (12 CFR Part 204) effective November 19, 1981, by revising paragraph (e) of § 204.4, to read as follows:

§ 204.4 Transitional adjustments.

* * * * *

(e) *De novo institutions.* (1) The required reserves of any depository institution that was not engaged in business on September 1, 1980, shall be computed under § 204.3 in accordance with the following schedule:

Maintenance periods occurring during successive quarters after entering into business	Percentage of reserve requirement to be maintained
1	40
2	45
3	50
4	55
5	65
6	75
7	85
8 and succeeding	100

This paragraph shall also apply to a United States branch or agency of a foreign bank if such branch or agency is the foreign bank's first office in the United States. Additional branches or agencies of such a foreign bank shall be entitled only to the remaining phase-in available to the initial office.

(2) Notwithstanding paragraph (e)(1) of this section, the required reserves of any depository institution that:

(i) Was not engaged in business on November 18, 1981; and

(ii) Has $50 million or more in daily average total transaction accounts, nonpersonal time deposits and Eurocurrency liabilities for any computation period after commencing business shall maintain 100 percent of the required reserves computed under § 204.3 starting with the maintenance period that begins eight days after the computation period during which such institution has daily average total transaction accounts, nonpersonal time deposits and Eurocurrency liabilities of $50 million or more.

By order of the Board of Governors, November 19, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-34121 Filed 11-24-81; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 204

[Reg. D; Docket No. R-0373]

Reserve Requirements of Depository Institutions; Hawaiian Depository Institutions

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System has amended its Regulation D—Reserve Requirements of Depository Institutions (12 CFR Part 204)—which imposes federal reserve requirements on all depository institutions that maintain transaction accounts or nonpersonal time deposits. Under the amendment, all depository institutions with offices in Hawaii that were brought under federal reserve requirements for the first time by the Monetary Control Act of 1980 (Title I of Pub. L. No. 96-221, 94 Stat. 132 (1980)), will be accorded the same five year exemption from reserve requirements to which state chartered nonmember institutions whose principal offices are located in Hawaii are entitled. The exemption applies only to deposits held or maintained at offices located in Hawaii.

EFFECTIVE DATE: December 18, 1981.

FOR FURTHER INFORMATION CONTACT: Gilbert T. Schwartz, Associate General Counsel (202/452-3625), Paul S. Pilecki, Senior Attorney (202/452-3281), or Joseph R. Alexander, Attorney (202/452-2489), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: Section 19(b)(8)(E) of the Federal Reserve Act, as amended by section 103 of the Monetary Control Act of 1980, 12 U.S.C. 461(b)(8)(E), provided that any depository institution engaged in business on August 1, 1978, organized under the laws of a state outside the continental United States (i.e. Hawaii), the principal office of which has been located in Hawaii since August 1, 1978, would not be required to begin maintaining reserves until 1986, and thereafter would be phased in to full reserve requirements over an eight year period. Section 204.4(f) of Regulation D, 12 CFR 204.4(f), as adopted by the Board on August 15, 1980, implemented this provision of the statute.

In October 1980, the Board, responding to a request by federally chartered thrift institutions operating in Hawaii and two thrifts chartered under Utah law with branch offices operating in Hawaii, waived reserve requirements for nonmember depository institutions in Hawaii that were required to maintain federal reserves for the first time by the Monetary Control Act. The purpose of this waiver was to provide affected institutions temporary relief while they sought a legislative solution to the apparent inequitable treatment of certain Hawaiian depository institutions in the Monetary Control Act. The initial period of the waiver was six months. In April 1981, the Board extended this waiver until December 31, 1981.

Legislative relief was provided under section 385 of the Omnibus Budget Reconciliation Act, Pub. L. No. 97-35, 95 Stat. 357 (1981), which amends section 19(b) of the Federal Reserve Act. The provision gives all depository institutions with offices in Hawaii brought under reserve requirements for the first time by the Monetary Control Act the same five-year exemption now given to state-chartered nonmember institutions in Hawaii, although only deposits that are actually held or maintained in Hawaii are covered by the special exemption. In addition, member banks and former member banks continue to be subject to full reserve requirements in the same manner as other member banks. Accordingly, the Board is amending

Regulation D so that the regulation will conform to the amended statute.

Because the amendment will recognize an exemption that is provided by statute and because the Board believes that this amendment will result in a more even application of reserve requirements on depository institutions doing business in Hawaii, the Board, for good cause, finds that the notice and public comment procedures provided by 5 U.S.C. 553(b) with regard to this action are contrary to the public interest.

Effective December 18, 1981, pursuant to the Board's authority under section 19(b) of the Federal Reserve Act, 12 U.S.C. 461(b), Regulation D, 12 CFR Part 204, is amended as follows:

PART 204—RESERVE REQUIREMENTS OF DEPOSITORY INSTITUTIONS

In § 204.4, paragraph (f) is revised to read as follows:

§ 204.4 Transitional adjustments.

* * * * *

(f) *Nonmember depository institutions with offices in Hawaii.* Any depository institution that, on August 1, 1978, (1) was engaged in business as a depository institution in Hawaii, and (2) was not a member of the Federal Reserve System at any time on or after such date shall not maintain reserves imposed under this part against deposits held or maintained at its offices located in Hawaii until January 2, 1986. Beginning January 2, 1986, the required reserves on deposits held or maintained at offices located in Hawaii of such a depository institution shall be determined by reducing the amount of required reserves under § 204.3 in accordance with the following schedule:

Maintenance periods occurring between	Percentage that computed reserves will be reduced
Jan. 2 to Dec. 31, 1986	87.5
Jan. 1, 1987 to Jan. 6, 1988	75
Jan. 7, 1988 to Jan. 4, 1989	62.5
Jan. 5, 1989 to Jan. 3, 1990	50
Jan. 4, 1990 to Jan. 2, 1991	37.5
Jan. 3, 1991 to Jan. 1, 1992	25
Jan. 2, 1992 to Jan. 6, 1993	12.5
Jan. 7, 1993 forward	0

By order of the Board of Governors of the Federal Reserve System, November 20, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-34119 Filed 11-24-81; 8:45 am]

BILLING CODE 6210-01-M

12 CFR Part 217

[Docket No. R-0214]

Interest on Deposits; International Banking Facility Time Deposits; Correction

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule; correction.

SUMMARY: This document corrects two clerical errors contained in final regulations authorizing the issuance of international banking facility (IBF) time deposits which were published November 9, 1981 (46 FR 55237).

FOR FURTHER INFORMATION CONTACT: Paul S. Pilecki; Senior Attorney (202/452-3281), Legal Division, Board of Governors of the Federal Reserve System.

The following corrections are made in FR Doc. 81-32350 appearing on 55237 in the issue of November 9, 1981:

1. On page 55238, in column one, § 217.1(l)(1)(ii)(C) is corrected by changing "of" the first time it appears to read "or".

2. On page 55238, in column one, § 217.1(l)(2)(ii) is corrected by changing "or" the fourth time it appears to read "of".

By order of the Board of Governors, acting through its Secretary pursuant to delegated authority, November 19, 1981.

William W. Wiles,

Secretary of the Board.

[FR Doc. 81-34120 Filed 11-24-81; 8:45 am]

BILLING CODE 6210-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Share, Share Draft and Share Certificate Accounts; Statement of Policy

AGENCY: National Credit Union Administration (NCUA).

ACTION: Statement of policy.

SUMMARY: This policy statement sets forth the views of NCUA with respect to the calculation and assessment of premature withdrawal penalities for share certificate accounts that have been issued with variable dividend rates and for share certificate accounts to which additions have been made subsequent to the date of issuance.

EFFECTIVE DATE: November 25, 1981.

ADDRESS: Send comments to: Robert S. Monheit, Regulatory Development Coordinator, Office of the General Counsel, National Credit Union Administration, 1776 G Street NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Robert Fenner, Deputy General Counsel or Ross Kendall, Staff Attorney, Office of the General Counsel, at the above address or telephone (202) 357-1030.

SUPPLEMENTARY INFORMATION: Federal credit unions may pay variable dividend rates on share certificate accounts in at least three circumstances. First, effective August 1, 1981, the NCUA Board acted to remove any dividend ceiling for share certificate accounts opened after that date with maturities of four years or more. With respect to such certificates, therefore, Federal credit unions may offer to pay whatever dividend rate they wish, including a variable dividend rate, provided required disclosures are made. Second, effective November 1, 1981, the NCUA Board removed the dividend ceiling for IRA and Keogh accounts. Thus, a variable dividend rate may be paid on these accounts as well. Third, with respect to other share certificate accounts with maturities of less than four years, the dividend ceilings set forth in paragraph (h) of § 701.35 still apply. With respect to such accounts, however, paragraph (g)(ii)(A) of § 701.35 provides that the dividend rate may be expressed as a percentage above or below the rate declared for regular share accounts. Thus, for example, where a certificate is issued with a three year maturity and its rate is to be 400 basis points above the rate declared for regular shares, it is conceivable that this rate will vary over the life of the certificate in relation to variations in the declared regular dividend rate. The purpose of this policy statement is to set forth the views of NCUA with respect to the calculation and assessment of premature withdrawal penalties for share certificate accounts that have been issued with variable dividends rates.

A related issue has recently arisen concerning the assessment of the required minimum penalties on share certificate accounts to which additions have been made after the date the account was opened. Effective May 6, 1981, the NCUA Board ruled (46 FR 26275) that additions to share certificate accounts need no longer automatically reset the account's maturity provisions. As noted in the preamble to that rule, minimum penalties for premature withdrawal from such accounts remain in effect. This policy statement is intended to set forth the views of NCUA with respect to the calculation of the

amount of the minimum penalty that must be assessed in the event of premature withdrawal from such accounts.

Paragraph (e) of § 701.35 spells out the mandatory minimum penalties that must be imposed in connection with premature withdrawals from share certificate accounts. This subsection provides that, at a minimum, an amount equal to the lesser of 90 days of dividends on the amount withdrawn or all dividends on the amount withdrawn since the date of issuance or renewal must be forefeited as a result of a premature withdrawal from an account with a maturity of one year or less. For accounts with maturities of greater than one year, a premature withdrawal must at a minimum result in the forfeiture of the lesser of all dividends for 180 days on the amount withdrawn or all dividends on the amount withdrawn since the date of issuance or renewal. Where a share certificate has been issued at a stated dividend rate that will not vary over the term of the certificate, calculation of the minimum penalty in accordance with this formula is straightforward. Where, however, a certificate is issued at a dividend rate that fluctuates over its term, or where additions to an existing account have been made subsequent to the date of issuance, calculation of the penalty becomes more complex. This policy statement will help explain the methods and available options for Federal credit unions in this regard.

IRPS 81-9

It is the view of the NCUA Board that, with respect to a share certificate account issued with variable dividend rates (i.e., a dividend rate that changes during the term of the certificate), paragraph (e) of § 701.35 may be interpreted in the following manner. Paragraph (e) essentially calls for the forfeiture of a specified number of days worth of dividends in the event of premature withdrawal from the share certificate account. Where dividends have accrued over the specified period at several different rates, it is necessary to first select a single rate to apply to the amount prematurely withdrawn in order to calculate the amount of the penalty. In selecting this penalty rate, Federal credit unions may:

(a) Select the rate in effect on the date the account was opened;

(b) Select the rate in effect on the date of the premature withdrawal; or

(c) Calculate an average of the various rates in effect for the period the funds were on deposit. In calculating this average, the various rates must be weighted in accordance with the relative length of time each was in effect.

It is the view of NCUA that any one of these three methods may be utilized. To ensure the enforceability of the method chosen, a clause specifically addressing this point should be incorporated into the account contract (i.e., the share certificate or other written document evidencing the terms and conditions of the account). It is also noted that the disclosures required by § 701.35(1) of NCUA's regulations include "The effect of premature withdrawal." To meet this disclosure requirement, Federal credit unions may wish to specify in their disclosure forms the precise method used to determine the applicable penalty rate on floating rate accounts, or they may wish to simply indicate that a substantial penalty will be incurred in the event of premature withdrawal. The latter type of disclosure is acceptable if the share certificate provides the details of the penalty method used.

It is expected that the above methods will not be utilized by Federal credit unions in such a way as to render the mandatory minimum penalty provisions a nullity. Thus, the NCUA Board will consider a variable rate scheme in which the operative rate for calculation of the penalty is set unreasonably low to be an attempt at circumvention of § 701.35(e). For example, where a variable rate certificate is issued with a provision establishing the effective rate on the date of issuance at zero in order that, pursuant to the first permissible option outlined above, no penalty need be applied, NCUA will consider such action a violation of the minimum penalty requirement of § 701.35(e).

With respect to share certificate accounts to which additions have been made subsequent to the date of issuance, NCUA interprets the premature withdrawal provisions of § 701.35(e) to be capable of two equally supportable constructions in arriving at the appropriate amount of dividends that must be forfeited. Where additions to an existing account are made and some time thereafter a premature withdrawal occurs, one permissible construction is to hold that the withdrawal consists first of the funds added to the account most recently, then next most recently, and so on. Equally permissible is a construction that deems any premature withdrawal to consist of funds that have been on deposit for relatively the longest periods of time. Obviously, the former construction will result in a smaller figure for purposes of calculating the minimum penalty called for by § 701.35(e), since the dividends that have accrued on the amounts deposited most recently will be the smallest. In the view of the NCUA Board, Federal credit unions may adopt either construction. The considerations outlined in the preceding paragraph concerning notice to account holders apply equally in this context.

By the National Credit Union Administration Board on November 18, 1981.

Rosemary Brady,

Secretary of the Board.

[FR Doc. 81-34112 Filed 11-24-81; 8:45 am]

BILLING CODE 7535-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 148

Equal Access to Justice Act; Final Rules to Implement the Act

AGENCY: Commodity Futures Trading Commission.

ACTION: Adoption of final rules.

SUMMARY: The Commodity Futures Trading Commission ("Commission"), in accordance with the Equal Access to Justice Act ("Act"), is adopting final rules to implement the Act. The Act, which took effect on October 1, 1981, provides for the award of reasonable attorney fees and other expenses to eligible private parties who prevail in covered administrative adjudicatory proceedings and civil litigation brought by or against the United States. The statute requires all agencies conducting adjudicatory proceedings covered by the Act to establish uniform procedures for making awards. In accordance with the Act, in order to facilitate the establishment of uniform rules, the Administrative Conference of the United States has issued model rules to implement the new law with respect to administrative adjudicatory proceedings. The Commission is adopting the model rules as its final rules, subject to certain technical changes designed to reflect particular Commission procedures and proceedings.[1]

EFFECTIVE DATE: November 25, 1981.

FOR FURTHER INFORMATION CONTACT: William E. Gressman or Elizabeth M. Knoblock, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581. Telephone: (202) 254-9880.

[1] These rules concern only administrative adjudicatory proceedings involving the Commission. Litigation involving the Commission before federal courts is not covered by these rules; the procedures for awards as to such matters will be resolved by the various federal courts.

SUPPLEMENTARY INFORMATION: The Equal Access to Justice Act ("Act"), Pub. L. No. 96-481, 94 Stat. 2325-2330, authorizes the award of reasonable attorney fees and other expenses to eligible private parties who prevail in certain adversary adjudications under 5 U.S.C. 554 and in civil actions, other than tort cases, by or against the United States unless the government's position is found to be substantially justified or an award would be unjust given special circumstances. The Act, effective October 1, 1981, requires federal agencies conducting adjudicatory proceedings covered by its terms to establish and to implement uniform award procedures after consulting with the Chairman of the Administrative Conference of the United States.[2]

On March 10, 1981, the Chairman of the Administrative Conference published draft model rules to implement the Act and requested public comment.[3] The draft regulations were developed with the assistance of an interagency task force and were designed to provide a blueprint for agencies to use in developing their own rules.[4]

After receiving numerous comments from government agencies and other interested individuals and organizations, the Administrative Conference published final model rules on June 25, 1981.[5] The Chairman of the Administrative Conference noted, that although the Chairman's statutory role is consultative, the Act does require uniform procedures.[6] Agencies were admonished, "in pursuit of this statutory objective, to give serious consideration to the model rules * * *"[7] In addition, agencies were reminded that "[m]odel rules are, by their nature, general" and were advised to "where possible, make them more specific, including references to particular agency units, proceedings and procedures where appropriate, and eliminating irrelevant or redundant material."[8]

Upon reviewing the model regulations, the Commission has determined to follow the recommendation of the Administrative Conference and adopt the rules as drafted with the exception of certain minor additions, deletions or substitutions where necesssary to reflect existing Commission procedures and proceedings. In general, the Commission has renumbered the sections while keeping the subparts intact in order to conform to the general structure of the Commission's regulations. As for specific changes, the following discussion will identify the sections where such changes were effected and explain the changes to the extent explanation is deemed necessary.

Subpart A—General Provisions

Section 148.1 Purpose of these rules: Here and throughout the rules, the phrase "this agency" has been replaced by "the Commission." In addition, the term "adversary adjudication" or "administrative proceeding" has been changed to "adjudicatory proceeding."[9]

Section 148.3 Proceedings covered: The Commission has deleted the reference to ratemaking proceedings, since no such proceedings are conducted by the Commission. In place of the reference to licensing proceedings, the Commission has substituted a reference to its registration and contract market designation proceedings. Such proceedings are covered under the Act only to the extent that they are brought to determine whether or not to suspend or revoke a registration or designation[10] and are otherwise adjudicatory proceedings. Proceedings brought to determine whether or not to grant or renew registrations or contract market designations are excluded.[11] Further, a reference to reparations proceedings has been incorporated to clarify that such proceedings are not covered by the Act because the Commission is not a party to such actions conducted before the Commission.

Section 148.4 Eligibility of applicants: Here and throughout the rules, the Commission has substituted the term "Presiding Officer" for the term "adjudicative officer."[12]

Section 148.5 Standards for awards: In determining when an award should not be made to a prevailing eligible applicant, the burden of proof is on the Commission to show that the award may be avoided because its position was reasonable in law and fact. The model rules place the burden on "agency counsel."[13] This term, however, is used to refer to the litigating unit against which an award is sought.[14] The Commmission believes that awards should be sought against the Commission, not its litigating units.

Section 148.6 Allowable fees and expenses: The highest rate at which the Commission may pay expert witness fees is statutorily limited to "the maximum daily rate prescribed for GS-18 under section 5332 of the United States Code."[15] This statutory limitation has been incorporated into paragraph (b) of this section. Moreover, the reference to engineering reports in paragraph (d) of § 0.106 of the model rules has been deleted, since such reports are not relevant to Commission proceedings.

Section 148.7 Rulemaking on maximum rates for attorneys: The Commission already has petition procedures under § 13.2 of the Commission's regulations, 17 CFR 13.2, for those who seek to have the Commission issue, amend or repeal any rule of general application. The Commission believes that this regular petition procedure will best govern petitions to change the maximum rate for attorney fees under the Act. The Commission has, therefore, not adopted the brief petition procedures in subsection (b) of § 0.107 of the model rules, but rather incorporated by reference the detailed petition procedures of § 13.2 of the Commission's regulations.

The section of the model regulations dealing with delegation of authority to take final action on matters pertaining to the Act[16] has not been included in the Commission's rules, since the Commission is not delegating its

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[2] Section 203(a)(1) of the Act, 5 U.S.C. 504(c)(1).
[3] 46 F.R. 15895-15905.
[4] *Id.*
[5] 46 F.R. 32900-32915.
[6] 46 F.R. at 32900.
[7] *Id.*
[8] *Id.* at 32911.

[9] The term "adjudicatory proceeding" is defined in Commission Rule 10.2(b), 17 CFR 10.2(b), as "a judicial-type proceeding leading to the formulation of a final order." Unlike the Commission's definition, the model rules expressly refer to adjudications involving other agencies. 46 FR at 32912. Although the Commission has never had before it an adjudicatory proceeding in which another agency was involved, the language of the model rules has been retained in the event that such a situation should arise in the future. The Commission has, however, added a sentence in § 148.3(a) explaining that, for the most part, the covered adjudicatory proceedings are those defined in § 10.2(b) of the rules and that Part 14 proceedings (relating to suspension or disbarment from appearance and practice before the Commission), if they involve a hearing, are also covered.

[10] The Commission does not conduct proceedings to modify registrations or designations.

[11] 46 FR 32913, thus, denials of registration or designation are excluded. 46 FR 32901.

[12] The term Presiding Officer is defined in § 10.2(n) of the Commission's Rules, 17 CFR 10.2(n), to include an Administrative Law Judge, a hearing officer, a member of the Commission or the Commission itself if it is to preside at a hearing. Part 10 of the Commission's regulations, 17 CFR Part 10—the Rules of Practice, sets forth the procedural rules that govern in adjudicatory proceedings before the Commission. Normally, an Administrative Law Judge or hearing officer presides in the first instance and it is contemplated that such will usually be the case as to award proceedings under the Act. The conduct of award proceedings will be in accordance with the Rules of Practice to the extent they are not inconsistent with the rules set forth in this Part 148.

[13] 46 FR at 32913.

[14] 46 FR at 32911.

[15] Section 12(b) of the Commodity Exchange Act, 7 U.S.C. 16(b). See 46 FR at 32913.

[16] Section 0.109, 46 FR at 32913.

authority to take such final action at this time.

Subpart B—Information Required From Applicants

Section 148.12 Net worth exhibit: As suggested by the model rules, the Commission has incorporated by reference the provisions of its Freedom of Information Act procedures—Part 145 of the Commission regulations, 17 CFR Part 145.

Section 148.14 When an application may be filed: In subsection (a) of this section, the Commission has incorporated by reference its separate hearing procedure for a significant and discrete portion of an adjudicatory proceeding from § 10.63(b) of the Commission's Rules of Practice, 17 CFR 10.63(b). In addition, in subsection (c) of this section, the Commission has incorporated its procedures for final agency action and final orders in §§ 10.84 and 10.104 of its Rules of Practice, 17 CFR 10.84 and 10.104.

Subpart C—Procedures for Considering Applications

Section 148.22 Answer to application: Here and throughout the remainder of the rules, the term "agency counsel" has been replaced by "counsel for the Commission or for another relevant agency," in order to clarify the applicability of the rules in the case of any adjudicatory proceedings before the Commission to which another agency is also a party.

Section 148.25 Settlement: The model rules provide that an applicant and agency counsel "may agree on a proposed settlement * * *" [17] The commentary of the Administrative Conference states that this language "is based on the assumption that agency litigators must ordinarily obtain approval from an Administrative Law Judge or from the agency in order to settle a proceeding." [18] The Commission believes, however, that its substituted phrase, "the applicant may propose settlement," is a more appropriate reflection of the Commission's procedures, which allow a private party to propose a settlement to the Commission without the concurrence of Commission counsel. Settlements may be approved only by the Commission.[19] Similarly, the Commission has substituted the language "offer a proposed settlement" for "agree on a proposed settlement" [20] where the offer occurs before an application has been filed. The Commission has also incorporated by reference its settlement procedures in § 10.108 of the Commission's Rules of Practice, 17 CFR 10.108.

Section 148.27 Decision: The Commission has incorporated by reference its procedures for issuing initial decisions under § 10.84 of the Commission's Rules of Practice, 17 CFR 10.84.

Section 148.28 Commission review: The Commission has established a time limit of fifteen days for the filing of an application for review of an initial decision. This limit is the same as that set for review of any initial decision under § 10.102(a) of the Commission's Rules of Practice, 17 CFR 10.102(a). The Commission has also added a provision stating that initial decisions "shall not become final pending Commission disposition." [21] Moreover, initial decisions which are not reviewed will become final thirty days after service upon the parties rather than thirty days after they are "issued" as provided in the model rules.[22] The Commission has included a provision that an application to the Commission for review of an initial decision on a fee application is a prerequisite to the seeking of judicial review of a final order on the application entered pursuant to the initial decision. Finally, the Commission has provided that if the Commission decides to take review, the applicant and counsel for the Commission or for another relevant agency shall file such briefs and address such issues as the Commission may direct.

Section 148.30 Payment of award: The Commission has included the name and address of the office that will handle payment of awards. The Commission has also included a requirement that applicants submitting statements that no court review will be sought must provide a copy of such statements to counsel for the Commission. In addition, the Commission has added language to clarify when payment of an award will occur.

The Commission finds that these rules relate solely to matters of agency procedure and practice.[23] Therefore, the provisions of the Administrative Procedure Act as codified, 5 U.S.C. 553, generally requiring notice of proposed rulemaking and other opportunity for public participation are not applicable. These rules will become effective on November 25, 1981.[24]

In consideration of the foregoing, the Commission hereby adopts a new Part 148 of Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 148—IMPLEMENTATION OF THE EQUAL ACCESS TO JUSTICE ACT IN COVERED ADJUDICATORY PROCEEDINGS BEFORE THE COMMISSION

Subpart A—General Provisions

Sec.

148.1 Purpose of these rules.
148.2 When the Act applies.
148.3 Proceedings covered.
148.4 Eligibility of applicants.
148.5 Standards for awards.
148.6 Allowable fees and expenses.
148.7 Rulemaking on maximum rates for attorney fees.
148.8 Awards against other agencies.

Subpart B—Information Required From Applicants

148.11 Contents of application.
148.12 Net worth exhibit.
148.13 Documentation of fees and expenses.
148.14 When an application may be filed.

Subpart C—Procedures for Considering Applications

148.21 Filing and service of documents.
148.22 Answer to application.
148.23 Reply.
148.24 Comments by other parties.
148.25 Settlement.
148.26 Further proceedings.
148.27 Decision.
148.28 Commission review.
148.29 Judicial review.
148.30 Payment of award.

Authority: Sec. 203(a)(1), Pub. L. 96–481, 94 Stat. 2325 (5 U.S.C. 504(c)(1)); sec. 10(c), Pub. L. 89–554, 80 Stat. 392 (5 U.S.C. 704); sec. 101(a)(3), Pub. L. 93–463, 88 Stat. 1391 (7 U.S.C. 4a(j)).

Subpart A—General Provisions

§ 148.1 Purpose of these rules.

The Equal Access to Justice Act, 5 U.S.C. 504 (called "the Act" in this part), provides for the award of attorney fees and other expenses to eligible

[17] 46 FR at 32914.
[18] 46 FR at 32911.
[19] See 17 CFR 10.108.
[20] 46 FR at 32914.

[21] Similar language applies to all initial decisions under § 10.84(c)(1) of the Commission's Rules of Practice, 17 CFR 10.84(c)(1).
[22] 46 FR at 32915.
[23] The Commission also notes that since these rules are procedural in nature and additionally have a potentially beneficial, rather than adverse, impact on small businesses, the provisions of the Regulatory Flexibility Act do not apply to them. Moreover, since the Equal Access to Justice Act rules do not call for collection of information from the general public by the Commission, but rather implement the new statute in the context of particular ongoing adjudicatory proceedings, the provisions of the Paperwork Reduction Act do not apply to them.
[24] The Commission notes that the Equal Access to Justice Act became effective on October 1, 1981 and that the new law presently provides that it will expire on September 30, 1984. Because the law is already effective, the Commission finds good cause to make the rules effective upon publication in the **Federal Register.**

individuals and entities who are prevailing private parties in adjudicatory proceedings before the Commission. An eligible party may receive an award when it prevails over the Commission, unless the Commission's position in the proceeding was substantially justified or special circumstances make an award unjust. The rules in this Part describe the parties eligible for awards and the proceedings that are covered. They also explain how to apply for awards, and the procedures and standards that the Commission will use to make them.

§ 148.2 When the Act applies.

The Act applies to any adjudicatory proceeding pending before the Commission at any time between October 1, 1981 and September 30, 1984. This includes proceedings begun before October 1, 1981, if final Commission action has not been taken before that date, and proceedings pending on September 30, 1984, regardless of when they were initiated or when final Commission action occurs.

§ 148.3 Proceedings covered.

(a) The Act applies to adjudicatory proceedings conducted by the Commission. These are adjudications under 5 U.S.C. 554 in which the position of the Commission or any other agency of the United States, or any component of an agency, is presented by an attorney or other representative who enters an appearance and participates in the proceeding. Reparation proceedings under Section 14 of the Commodity Exchange Act, 7 U.S.C. 18, are not covered by the Act since the Commission is not a party thereto. Proceedings brought to determine whether or not to grant or renew registrations or contract market designations are excluded, but proceedings brought to suspend or revoke registrations or contract market designations are covered if they are otherwise adjudicatory proceedings. For the Commission, the types of proceedings generally covered are adjudicatory proceedings as defined in § 10.2(b) of this Chapter; Part 14 proceedings, if they involve a hearing, are also covered.

(b) The Commission may also designate a proceeding not listed in paragraph (a) as covered by the Act by so stating in an order initiating the proceeding or designating the matter for hearing. The Commission's failure to so designate a proceeding shall not preclude the filing of an application by a party who believes the proceeding is covered by the Act; whether the proceeding is covered will then be an issue for resolution in the proceedings on the application.

(c) If a proceeding includes both matters covered by the Act and matters specifically excluded from coverage, any award made will include only fees and expenses related to covered issues.

§ 148.4 Eligibility of applicants.

(a) To be eligible for an award of attorney fees and other expenses under the Act, the applicant must be a party to the adjudicatory proceeding for which it seeks an award. The term "party" is defined in 5 U.S.C. 551(3). The applicant must show that it meets all conditions of eligibility set out in this Subpart and in Subpart B.

(b) The types of eligible applicants are as follows:

(1) An individual with a net worth of not more than $1 million;

(2) The sole owner of an unincorporated business who has a net worth of not more than $5 million, including both personal and business interests, and not more that 500 employees;

(3) A charitable or other tax-exempt organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) with not more than 500 employees;

(4) A cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)) with not more than 500 employees; and

(5) Any other partnership, corporation, association, or public or private organization with a net worth of not more than $5 million and not more than 500 employees.

(c) For the purpose of eligibility, the net worth and number of employees of an applicant shall be determined as of the date the adjudicatory proceeding was initiated.

(d) An applicant who owns an unincorporated business will be considered as an "individual" rather than a "sole owner of an unincorporated business" if the issues on which the applicant prevails are related primarily to personal interests rather than to business interests.

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

(f) The net worth and number of employees of the applicant and all of its affiliates shall be aggregated to determine eligibility. Any individual, corporation or other entity that directly or indirectly controls or owns a majority of the voting shares or other interest of the applicant, or any corporation or other entity of which the applicant directly or indirectly owns or controls a majority of the voting shares or other interest, will be considered an affiliate for purposes of this part, unless the Presiding Officer determines that such treatment would be unjust and contrary to the purposes of the Act in light of the actual relationship between the affiliated entities. In addition, the Presiding Officer may determine that financial relationships of the applicant other than those described in this paragraph constitute special circumstances that would make an award unjust.

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

§ 148.5 Standards for awards.

(a) A prevailing applicant may receive an award for fees and expenses incurred in connection with an adjudicatory proceeding, or in a significant and discrete substantive portion of the proceeding, unless the position of the Commission was substantially justified. The burden of proof that an award should not be made to an eligible prevailing applicant is on the Commission, which may avoid an award by showing that its position was reasonable in law and fact.

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

§ 148.6 Allowable fees and expenses.

(a) Awards will be based on rates customarily charged by persons engaged in the business of acting as attorneys, agents and expert witnesses, even if the services were made available without charge or at a reduced rate to the applicant.

(b) No award for the fee of an attorney or agent under these rules may exceed $75 per hour. No award to compensate an expert witness may exceed the maximum daily rate prescribed for GS–18 under section 5332 of Title 5 of the United States Code. However, an award may also include the reasonable expenses of the attorney, agent, or witnesss as a separate item, if the attorney, agent or witness ordinarily charges clients separately for such expenses.

(c) In determining the reasonableness of the fee sought for an attorney, agent

or expert witness, the Presiding Officer shall consider the following:

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

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

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

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

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

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

§ 148.7 Rulemaking on maximum rates for attorney fees.

(a) If warranted by an increase in the cost of living or by special circumstances (such as limited availability of attorneys qualified to handle certain types of proceedings), the Commission may adopt regulations providing that attorney fees may be awarded at a rate higher than $75 per hour in some or all of the types of proceedings covered by this Part. The Commission will conduct any rulemaking proceedings for this purpose under the informal rulemaking procedures of the Administrative Procedure Act, 5 U.S.C. 553.

(b) Any person may file with the Commission a petition for rulemaking to increase the maximum rate for attorney fees, in accordance with § 13.2 of this Chapter

§ 148.8 Awards against other agencies.

If an applicant is entitled to an award because it prevails over another agency of the United States that participates in an adjudicatory proceeding before the Commission and takes a postion that is not substantially justified, the award or an appropriate portion of the award shall be made against that agency.

Subpart B—Information Required From Applicants

§ 148.11 Contents of application.

(a) An application for an award of fees and expenses under the Act shall identify the applicant and the adjudicatory proceeding for which an award is sought. The application shall show that the applicant has prevailed and identify the position of the Commission or other agency in the adjudicatory proceeding that the applicant alleges was not substantially justified. Unless the applicant is an individual, the application shall also state the number of employees of the applicant and describe briefly the type and purpose of its organization or business.

(b) The application shall also include a statement that the applicant's net worth does not exceed $1 million (if an individual) or $5 million (for all other applicants, including their affiliates). However, an applicant may omit this statement if:

(1) It attaches a copy of a ruling by the Internal Revenue Service that it qualifies as an organization described in section 501(c)(3) of the Internal Revenue Code (26 U.S.C. 501(c)(3)) or, in the case of a tax-exempt organization not required to obtain a ruling from the Internal Revenue Service on its exempt status, a statement that describes the basis for the applicant's belief that it qualifies under such section; or

(2) It states that it is a cooperative association as defined in section 15(a) of the Agricultural Marketing Act (12 U.S.C. 1141j(a)).

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

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

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

§ 148.12 Net worth exhibit.

(a) Each applicant except a qualified tax-exempt organization or cooperative association must provide with its application a detailed exhibit showing the net worth of the applicant and any affiliates (as defined in § 148.4(f) of this Part) when the adjudicatory proceeding was initiated. The exhibit may be in any form convenient to the applicant that provides full disclosure of the applicant's and its affiliates' assets and liabilities and is sufficient to determine whether the applicant qualifies under the standards in this Part. The Presiding Officer may require an applicant to file additional information to determine its eligibility for an award.

(b) Ordinarily, the net worth exhibit will be included in the public record of the adjudicatory proceeding. However, an applicant that objects to public disclosure of information in any portion of the exhibit and believes there are legal grounds for withholding it from disclosure may submit that portion of the exhibit directly to the Presiding Officer in a sealed envelope labeled "Confidential Financial Information," accompanied by a motion to withhold the information from public disclosure. The motion shall describe the information sought to be withheld and explain, in detail, why it falls within one or more of the specific exemptions from mandatory disclosure under the Freedom of Information Act, 5 U.S.C. 552(b)(1)–(9), why public disclosure of the information would adversely affect the applicant, and why disclosure is not required in the public interest. The material in question shall be served on counsel representing the Commission or other agency against which the applicant seeks an award, but need not be served on any other party to the adjudicatory proceeding. If the Presiding Officer finds that the information should not be withheld from disclosure, it shall be placed in the public record of the adjudicatory proceeding. Otherwise, any request to inspect or copy the exhibit shall be disposed of in accordance with the Commission's established procedures under the Freedom of Information Act as provided in Part 145 of this Chapter. For that purpose, the applicant shall file a copy of its motion with the Commission's Freedom of Information Act Compliance Staff in the Office of the Secretariat, Washington, D.C.

§ 148.13 Documentation of fees and expenses.

The application shall be accompanied by full documentation of the fees and expenses, including the cost of any study, analysis, test, project or similar matter, for which an award is sought. A separate itemized statement shall be submitted for each professional firm or individual whose services are covered by the application, showing the hours spent in connection with the proceeding by each individual, a description of the specific services performed, the rate at which each fee has been computed, any expenses for which reimbursement is sought, the total amount claimed, and the total amount paid or payable by the applicant or by any other person or entity for the services provided. The Presiding Officer may require the applicant to provide vouchers, receipts, or other substantiation for any expenses claimed.

§ 148.14 When an application may be filed.

(a) An application may be filed whenever the applicant has prevailed in the adjudicatory proceeding or in a significant and discrete substantive portion of the proceeding, subject to the separate hearing procedure pursuant to § 10.63(b) of this Chapter, but in no case later than 30 days after the Commission's final disposition of the adjudicatory proceeding.

(b) If review or reconsideration is sought or taken of a decision as to which an applicant believes it has prevailed, proceedings for the award of fees shall be stayed pending final disposition of the underlying controversy.

(c) For purposes of this rule, final disposition means the later of (1) the date on which an initial decision by the Presiding Officer becomes final pursuant to § 10.84 of this Chapter; (2) issuance of an order disposing of any petitions for reconsideration of the Commission's final order in the proceeding pursuant to § 10.106 of the Rules of Practice; (3) if no petition for reconsideration is filed, the last date on which such a petition could have been filed pursuant to § 10.106 of the Rules of Practice; or (4) issuance of a final Commission order or any other final resolution of a proceeding, such as a settlement or voluntary dismissal, which is not subject to a petition for reconsideration.

Subpart C—Procedures for Considering Applications

§ 148.21 Filing and service of documents.

Any application for an award or other pleading or document related to an application shall be filed and served on all parties to the adjudicatory proceeding, except as provided in § 148.12(b) for confidential financial information.

§ 148.22 Answer to application.

(a) Within 30 days after service of an application, counsel representing the Commission or other agency against which an award is sought may file an answer to the application. Unless counsel for the Commission or for another relevant agency requests an extension of time for filing or files a statement of intent to negotiate under paragraph (b) of this section, failure to file an answer within the 30-day period may be treated as a consent to the award requested.

(b) If counsel for the Commission or for another relevant agency and the applicant believe that the issues in the fee application can be settled, they may jointly file a statement of their intent to negotiate a settlement. The filing of this statement shall extend the time for filing an answer for an additional 30 days, and further extensions may be granted by the Presiding Officer upon request by counsel for the Commission or for another relevant agency and the applicant.

(c) Any answer shall explain in detail any objections to the award requested and identify the facts relied on in support of the position of counsel for the Commission or for another relevant agency. If the answer is based on any alleged facts not already in the record of the adjudicatory proceeding, counsel for the Commission or for another relevant agency shall include with the answer either supporting affidavits or a request for further proceedings under § 148.26 of this Part.

§ 148.23 Reply.

Within 15 days after service of an answer, the applicant may file a reply. If the reply is based on any alleged facts not already in the record of the adjudicatory proceeding, the applicant shall include with the reply either supporting affidavits or a request for further proceedings under § 148.26 of this Part.

§ 148.24 Comments by other parties.

Any party to an adjudicatory proceeding other than the applicant and counsel for the Commission or for another relevant agency may file comments on an application within 30 days after it is served or on an answer within 15 days after it is served. A commenting party may not participate further in proceedings on the application unless the Presiding Officer determines that the public interest requires such participation in order to permit full exploration of matters raised in the comments.

§ 148.25 Settlement.

The applicant may propose settlement of the award to the Commission before final action on the application, either in connection with a settlement of the adjudicatory proceeding, or after the adjudicatory proceeding has been concluded, in either case in accordance with § 10.108 of this Chapter. If a prevailing party offers a proposed settlement of an award before an application has been filed, the application shall be filed with the proposed settlement.

§ 148.26 Further proceedings.

(a) Ordinarily, the determination of an award will be made on the basis of the written record. However, on request of either the applicant or counsel for the Commission or for another relevant agency, or on his or her own initiative, the Presiding Officer may order further proceedings, such as an informal conference, oral argument, additional written submissions or an evidentiary hearing. Such further proceedings shall be held only when necessary for full and fair resolution of the issues arising from the application, and shall be conducted as promptly as possible.

(b) A request that the Presiding Officer order further proceedings under this section shall specifically identify the information sought or the disputed issues and shall explain why additional proceedings are necessary to resolve the issues.

§ 148.27 Decision.

The Presiding Officer shall issue an initial decision on the application in accordance with the provisions of § 10.84 of this Chapter. The decision shall include written findings and conclusions on the applicant's eligibility and status as a prevailing party, and an explanation of the reasons for any difference between the amount requested and the amount awarded. The decision shall also include, if at issue, findings on whether the Commission's position was substantially justified, whether the applicant unduly or unreasonably protracted the adjudicatory proceedings, or whether special circumstances make an award unjust. If the applicant has sought an award against more than one agency, the decision shall allocate responsibility for payment of any award made among the agencies, and shall explain the reasons for the allocation made.

§ 148.28 Commission review.

Either the applicant or counsel for the Commission or for another relevant agency may seek review of the initial decision on the fee application by filing an application for review within 15 days after service upon the parties of the initial decision, or the Commission may decide to review the decision on its own initiative. If an application for review is filed, the initial decision shall not become final pending Commission disposition of the application. If neither the applicant nor counsel for the Commission or for another relevant

agency seeks review and the Commission does not take review on its own initiative, the initial decision on the application shall become a final decision of the Commission 30 days after it is served upon the parties. An application to the Commission for review of an initial decision on the fee application is a prerequisite to the seeking of judicial review of a final order of the application entered pursuant to the initial decision. Whether to review a decision is a matter within the discretion of the Commission. In the event the Commission decides to take review, the applicant and counsel for the Commission or for another relevant agency shall file such briefs and address such issues as the Commission may direct. If review is taken, the Commission will issue a final decision on the application or remand the application to the Presiding Officer for further proceedings.

§ 148.29 Judicial review.

Judicial review of final Commission decisions on awards may be sought as provided in 5 U.S.C. 504(c)(2).

§ 148.30 Payment of award.

An applicant seeking payment of an award from the Commission shall submit to the Executive Director of the Commission, 2033 K Street, N.W., Washington, D.C. 20581, a copy of the Commission's final decision granting the award, accompanied by a statement that the applicant will not seek review of the decision in the United States courts. At the same time, the applicant shall provide a copy of his submissions to counsel for the Commission. The Commission will, within 60 days of receipt of the applicant's submissions, forward to the United States Department of the Treasury a Standard Form 1166, "Voucher and Schedule of Payments," so as to have the Treasury Department issue a check in the amount awarded in the Commission's decision, unless judicial review of the award or of the underlying decision in the adjudicatory proceeding has been sought by the applicant or any other party to the adjudicatory proceeding.

Issued by the Commission on November 20, 1981, in Washington, D.C.

Jean A. Webb,

Deputy Secretary of the Commission.

[FR Doc. 81-34053 Filed 11-24-81; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-81-940]

Community Development Block Grants; State's Program

Correction

In FR Doc. 81-33862 appearing on page 57256 in the issue of Friday, November 20, 1981, make the following correction:

In the first column of page 57258, the bold face heading now reading "Part 270—Community Development Block Grants" should have read "Part 570—Community Development Block Grants".

BILLING CODE: 1505-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 7797]

Investment in United States Property by Controlled Foreign Corporations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document amends § 1.956-2(b)(1)(ix) of the regulations relating to movable drilling rigs or barges and other exploration and exploitation equipment used on the Continental Shelf of the United States. The regulations clarify the definition of "use of property on the Continental Shelf" and the clarification will provide guidance to taxpayers with respect to existing regulations. The final regulations affect controlled foreign corporations making certain investments in United States property and their United States shareholders.

DATE: The amendment applies to taxable years beginning after December 31, 1975.

FOR FURTHER INFORMATION CONTACT: Jacob Feldman of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Ave., NW., Washington, D.C. 20224, Attention: CC:LR:T 202-566-3289, not a toll-free call.

SUPPLEMENTARY INFORMATION:

Discussion

On August 7, 1980, the **Federal Register** published final regulations under sections 956 and 958 of the Internal Revenue Code of 1954 (45 FR 52373). Amendments under sections 956 (a), (b) (2), and 958 were made to conform the regulations to amendments to the Internal Revenue Code of 1954. Following publication of the final regulations, a letter from a taxpayer was received indicating that § 1.956-2(b)(1)(ix) of the final regulations, which required that movable drilling rigs and other similar equipment be used exclusively on the Continental Shelf, imposed a requirement not found in the statute. The regulations as adopted were not intended to impose additional requirements on taxpayers; therefore, § 1.956-2(b)(1)(ix) is amended in this document to provide clarification. This document is not intended to be more restrictive than the final regulations as previously adopted. Therefore, property if actually used on the Continental Shelf by the last day of the taxable year following the year of purchase, commencement of storage, or commencement of transit would still qualify as excluded property. This amendment is in the nature of a clarification and will not adversely affect any taxpayer.

Drafting Information

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

Adoption of amendments to the regulations.

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Accordingly, 26 CFR Part 1 is amended as follows:

Section 1.956-2 is amended by revising paragraph (b)(1)(ix) to read as follows:

§ 1.956-2 Definition of United States property.

* * * * *

(b) *Exceptions*—(1) *Excluded property.* * * *

(ix) For taxable years beginning after December 31, 1975, movable drilling rigs or barges and other movable exploration and exploitation equipment (other than a vessel or an aircraft) when used on the Continental Shelf (as defined in section 638) of the United States in the exploration for, development, removal, or transportation of natural resources from or under ocean waters. Property

used on the Continental Shelf includes property located in the United States which is being constructed or is in storage or in transit within the United States for use on the Continental Shelf. In general, the type of property which qualifies for the exception under this subdivision includes any movable property which would be entitled to the investment credit if used outside the United States in certain geographical areas of the Western Hemisphere pursuant to section 48(a)(2)(B)(x) (without reference to sections 49 and 50).

* * * * *

Since this regulation is clarification of a recently published Treasury decision it is found unnecessary 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.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

Joseph T. Davis,

Acting Commissioner of Internal Revenue.

Approved: November 20, 1981.

David G. Glickman,

Acting Assistant Secretary of the Treasury.

[FR Doc. 81-34107 Filed 11-24-81; 8:45 am]

BILLING CODE 4830-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-2-FRL 1979-7]

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

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces that the Environmental Protection Agency (EPA) is approving the deletion from the New Jersey State Implementation Plan of certain transportation and stationary source air pollution control regulations promulgated by EPA in November 1973. EPA agrees with the State's determination that these regulations have been either implemented, superseded, outdated or found to be unreasonable. Consequently, this action to remove unnecessary and duplicative regulations will not adversely affect air quality.

EFFECTIVE DATE: This action is effective November 25, 1981.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION:

I. Introduction

On November 13, 1973 (38 FR 31388), the Environmental Protection Agency (EPA) promulgated as part of the New Jersey State Implementation Plan (SIP) a number of federal regulations for the control of air pollution emissions from transportation and stationary sources in the New Jersey portions of the New York—New Jersey—Connecticut Interstate and Philadelphia Interstate Air Quality Control Regions. These control measures are collectively referred to as the 1973 Transportation Control Plan (1973 TCP). At the time of promulgation of these regulations, EPA noted that it hoped that they eventually would be replaced by State programs. Subsequently, a number of these regulations were revised or revoked and, on December 29, 1978, in response to the requirements of Part D of the Clean Air Act, New Jersey submitted a revision to its SIP for the entire State (1979 SIP).

This 1979 SIP revision contained a number of stationary and mobile source control strategies for attainment of the ozone and carbon monoxide national ambient air quality standards. EPA unconditionally approved this 1979 SIP on April 15, 1981 (46 FR 21994). On April 14, 1981, the New Jersey Department of Environmental Protection also submitted to EPA a document to demonstrate how the 1973 TCP control measures were either implemented, under study, found unreasonable, or already addressed in the 1979 SIP.

EPA reviewed the 1979 SIP in light of this April 14, 1981 document and agreed with the State that there was an adequate demonstration that either the 1973 TCP measures had been adequately addressed, at times in modified form, in the State's 1979 SIP or in other actions as approved by EPA, or that the 1973 TCP measures are not now reasonable. Consequently, on August 4, 1981 (46 FR 39611), EPA proposed revocation of the following federal regulations:

40 CFR part 52	Title of CFR section
1583	Regulation for annual inspection and maintenance.
1584	Exhaust gas recirculation retrofit.
1585	Oxidizing catalyst retrofit.
1587	Regulation limiting on-street parking.
1588	Management of parking supply.
1589	Preferential bus/carpool treatment.
1590	Employer's provision for mass transit priority incentives.
1591	Regulation for a vehicle free zone.
1593	Monitoring transportation mode trends.
1595	Gasoline loading, unloading and transfer.
1599	Control of evaporative losses from the filling of vehicular tanks.
1600	Carpool matching and promotion system.

No comments were received on this notice of proposed rulemaking. Today's action to finalize EPA's August 4, 1981 proposal is being made effective immediately since it provides no additional burden on the affected parties.

EPA is also taking final action to revoke a federal regulation at 40 CFR 52.1582(c) which resulted from its partial disapproval of Section 16.3 of the March 1, 1976 version of New Jersey's Subchapter 16, "Control and Prohibition of Air Pollution by Volatile Organic Substances," promulgated on March 19, 1979 at 44 FR 16386. 40 CFR 52.1605, "EPA-approved New Jersey regulations," is also being revised to reflect this change. These actions result from the action being taken today to revoke 40 CFR 52.1595, "Gasoline loading, unloading and transfer," which has now been superseded by an approved New Jersey regulation.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this aciton 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.

Pursuant to the provisions of 5 U.S.C. 605(b), I certify 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. This rule withdraws certain SIP provisions pursuant to and consistent with a request by the State. It removes regulatory requirements and imposes no new requirements.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. This regulation is not major because it deletes rather than imposes regulatory requirements.

(Secs. 110, 172 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7502 and 7601))

Dated November 20, 1981.

Anne M. Gorsuch,

Administrator, Environmental Protection Agency.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

Subpart FF—New Jersey

§ 52.1582 [Amended]

1. Section 52.1582(c) is removed and reserved.

§ 52.1583 [Reserved]

2. Section 52.1583 is removed and reserved.

§ 52.1584 [Reserved]

3. Section 52.1584 is removed and reserved.

§ 52.1585 [Reserved]

4. Section 52.1585 is removed and reserved.

§ 52.1587 [Reserved]

5. Section 52.1587 is removed and reserved.

§ 52.1588 [Reserved]

6. Section 52.1588 is removed and reserved.

§ 52.1589 [Reserved]

7. Section 52.1589 is removed and reserved.

§ 52.1590 [Reserved]

8. Section 52.1590 is removed and reserved.

§ 52.1591 [Reserved]

9. Section 52.1591 is removed and reserved.

§ 52.1593 [Reserved]

10. Section 52.1593 is removed and reserved.

§ 52.1595 [Reserved]

11. Section 52.1595 is removed and reserved.

§ 52.1599 [Reserved]

12. Section 52.1599 is removed and reserved.

§ 52.1600 [Reserved]

13. Section 52.1600 is removed and reserved.

§ 52.1605 [Amended]

14. Section 52.1605 is amended by removing the seventeenth entry dealing with the March 1, 1978 version of Section 16.3 of Subchapter 16.

[FR Doc. 81-34115 Filed 11-24-81; 8:45 am]

BILLING CODE 6560-38-M

40 CFR Part 81

[A-5-FRL 1983-8]

Designation of Areas for Air Quality Planning Purposes: Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final rulemaking.

SUMMARY: This rulemaking changes the attainment status relative to the total suspended particulate (TSP) National Ambient Air Quality Standards (NAAQS) for Clermont County, Ohio. On October 5, 1978, (43 FR 46011) EPA designated Pierce and Batavia Townships in Clermont County as nonattainment of the secondary NAAQS for TSP. On March 19, 1980, (45 FR 17596) EPA proposed to reduce the size of the secondary nonattainment area within Pierce and Batavia Townships and to redesignate those areas not within the secondary nonattainment area as attainment of the primary and secondary NAAQS for TSP. Subsequent to the March 19, 1980 proposed rulemaking, additional air quality data were submitted which show that the data upon which the proposed nonattainment designation was based were invalid. Therefore, today, EPA is changing its TSP designation for a small area within Pierce and Batavia Townships from nonattainment of the secondary NAAQS to unclassifiable. The remainder of Clermont County will be attainment.

DATE: This action is effective December 28, 1981.

ADDRESSES: Copies of the redesignation request, the Notice of Proposed Rulemaking (45 FR 17596), and the supporting air quality data are available at the following addresses:

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

Public Information Reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216.

FOR FURTHER INFORMATION CONTACT: Delores Sieja at the EPA, Region V, address above or call (312) 886-6038.

SUPPLEMENTARY INFORMATION: The Clean Air Act Amendments of 1977 added Section 107(d) to the Clean Air Act (the Act). This section directed each State to submit to the Administrator of EPA a list of the NAAQS attainment status for all areas within the State. The Administrator was required to promulgate the State lists, with any necessary modifications. The Administrator published these lists in the **Federal Register** on March 3, 1978 (43 FR 8962), and made necessary amendments in the **Federal Register** on October 5, 1978 (43 FR 45993). These area designations are subject to revision whenever sufficient data become available to warrant a redesignation.

On March 3, 1978, EPA designated Pierce Township in Clermont County as nonattainment of the secondary NAAQS for TSP. This designation was based on monitored violations of the TSP secondary standard during 1977 at Ohio EPA's BMOP monitor located in Hamlet, Ohio. On October 5, 1978, EPA amended the Clermont County designation to expand the size of the secondary nonattainment area to include Batavia Township, since the monitored violations were recorded on the boundary between Batavia and Pierce Townships. On December 5, 1979, in conjunction with litigation on the Clermont County designation, EPA agreed to review the designation.

EPA reviewed data from the BMOP and another monitor operated by Ohio EPA and three monitors operated by Cincinnati Gas and Electric (CG&E) Company in Clermont County. The only pollution levels above the secondary standard for TSP were recorded at Ohio EPA's BMOP monitor during 1978. The four other monitors demonstrated attainment of both the primary and secondary standards.

EPA asked Ohio EPA to review the data and make a recommendation. On February 1, 1980, Ohio EPA recommended that all of Clermont County be redesignated to atttainment for TSP except for a small area around the BMOP monitor site which should be redesignated to unclassifiable because of the clear downward trends in the readings at the BMOP site. However, Ohio EPA did not provide a showing that the BMOP monitor data were invalid. EPA can redesignate an area to unclassifiable only upon a showing that the ambient monitor data upon which the designation was based were invalid.

Therefore, on March 19, 1980 (45 FR 17596) EPA proposed to redesignate Clermont County as recommended by Ohio EPA with the exception of the area around the BMOP monitor which EPA proposed to designate as nonattainment of the secondary NAAQS for TSP.

Interested parties were given until April 30, 1980 to comment on the proposed redesignation.

During and subsequent to the public comment period, CG&E submitted comments and a detailed description of the BMOP monitor site and data from two new TSP monitor sites (Hamlet and St. Bernadette) operated by the Southwestern Ohio Air Pollution Control Agency (SWOAPCA). The Hamlet and St. Bernadette sites were established by the SWOAPCA in March and April of 1980. The SWOAPCA and Ohio EPA also submitted additional information regarding the BMOP monitor site.

The Hamlet and St. Bernadette sites are located approximately 325 and 2,500 meters, respectively, from the BMOP monitor site. Data were submitted for the period March 22, 1980–March 29, 1981 for the Hamlet site and April 27, 1980–March 29, 1981 for the St. Bernadette site. These data were compared with available data for the same period for the BMOP site. No exceedances of the secondary NAAQS for TSP were observed at the Hamlet and St. Bernadette sites while two exceedances were recorded at the BMOP site. Also, for corresponding days with valid data, the BMOP site had a significantly higher arithmetic average. There are no major industrial or commercial traditional or nontraditional TSP sources in the Hamlet, Ohio area. Therefore, it appears that TSP fugitive emissions at or near the BMOP monitor were unduly influencing the data recorded at the site. The BMOP monitor is located near an unpaved, gravel parking lot.

Based upon the results of the data comparison of the Hamlet, St. Bernadette and BMOP monitor sites, EPA believes that the BMOP monitor data upon which the March 19, 1980 proposed designation was based were not valid. Therefore, EPA is changing its proposed TSP secondary nonattainment classification for the area surrounding the BMOP monitor to unclassifiable. The remainder of Clermont County will be designated to attainment based upon eight quarters of quality assured data showing attainment of the primary and secondary NAAQS for TSP. The redesignation is effective December 28, 1981.

It should be noted that after collection of two years of valid data at the new Hamlet and St. Bernadette sites, the TSP attainment status of the Hamlet area will be reevaluated. (The Southwestern Ohio Air Pollution Control Agency discontinued the BMOP site in May, 1981 because of the new Hamlet and St. Bernadette sites.)

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

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 an area's air quality designation and imposes no regulatory requirements. Any regulatory requirement which may occur as a result of this action will be dealt with in a separate notice.

This final rulemaking is issued under the authority of section 107 of the Clean Air Act as amended (42 U.S.C. 7407).

Dated: November 20, 1981.

Anne M. Gorsuch,
Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Subpart C—Section 107 Attainment Status Designations

Section 81.336 of Part 81 of Chapter I, Title 40, Code of Federal Regulations is amended. In the table for "Ohio—TSP", the entry for Clermont County should be revised to read as follows:

§ 81.336 Ohio

OHIO—TSP

	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Ohio Counties				
Clermont:				
The southern boundary being Concord Road (Twp Rd No. T-67). The western boundary being the Jenny Lind Road (Twp Rd No. T-202); north to Locust Lake Road (Twp Rd No. T-179); west to Lewis Road (Twp Rd No. T-178).			X	
The northern boundary being State Route 125 east to Amelia, Olive Branch Road. Then east again on Lucy Run Road (Twp Rd No. T-182); east again on Chapel Road (Twp Rd No. T-68).				
The eastern boundary is the Mt. Holly Lane Road excluding all portions of Monroe Township.				
The remainder of Clermont County				X

[FR Doc. 81-34116 Filed 11-24-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to 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).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program (202) 287-0230, Federal Management Agency, Washington, D.C. 20472.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection 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). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Agency has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

Pursuant to the provisions of 4 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 final 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 final base (100-year) flood elevations for selected locations are:

FINAL BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Alabama	Unincorporated areas of Macon County (FEMA 6020)	Uphapee Creek	Just upstream of State Highway 49	*217
			Just upstream of County Road 39	*227
			Just downstream of State Highway 199	*234
			Just upstream of State Highway 81	*255
		Bulger Creek	Approximately 3900 feet above the confluence with Uphapee Creek.	*225
		Calebee Creek	Just upstream of County Road 73	*254
			Just downstream of U.S. Highway 29	*298
		Persimmon Creek	Confluence with Calebee Creek	*272
			Just downstream of County Road 45	*284
		Branch One of Calebee Creek	Just upstream of State Highway 49	*302
			Just downstream of the Tuskegee Corporate Limits	*311
		Branch of Uphapee Creek	Just downstream of County Road 25	*260
		Branch Two of Calebee Creek	Just downstream of County Road 47	*312
	Maps available for inspection at Macon County Courthouse, East Northside Street, Tuskegee, Alabama 36483.			
Arkansas	City of Hamburg, Ashley County (FEMA 6094)	May Branch	Approximately 200 feet upstream of East Norman Avenue.	*155
			Approximately 300 feet upstream of N. Cherry Street	*160
	Maps available for inspection at City Hall, 305 East Adams Street, Hamburg, Arkansas 71646.			
Arkansas	City of Hope, Hempstead County (FEMA 6094)	Pate Creek	Just downstream of Lincoln Street	*307
			Just upstream of Spruce Street	*312
		Unnamed Tributary to Pate Creek	Just upstream of Missouri & Pacific Railroad	*318
			Just downstream of U.S. Highway 67	*324
		Two Mile Branch	Just upstream of Kansas City Southern Railroad	*354
			Just upstream of Patmos Road	*359
		North Tributary to Caney Creek	Just downstream of County Road	*302
		South Tributary to Caney Creek	Just upstream of the corporate limits	*306
			Just downstream of State Highway 174	*315
	Maps available for inspection at City Hall, East Avenue A, Hope, Arkansas 71801.			
Arkansas	City of Monticello, Drew County (FEMA 6094)	Tenmile Creek	Just upstream of Arkansas Highway 4	*217
		Tenmile Tributary	Approximately 300 feet upstream of Arkansas Highway 4.	*218
			Just downstream of Barkada Road	*236
		Godfrey Creek	Approximately 500 feet upstream of East Oakland Avenue.	*255
			Just downstream of East Gaines Avenue	*266
		Wood Creek	Just upstream of Highway 81 Spur	*212
	Maps available for inspection at City Hall, 204 West Gaines Street, Monticello, Arkansas 71656.			
Arkansas	City of Newport, Jackson County (FEMA 6094)	White River	Just upstream of U.S. Highway 67	*231
		Village Creek	Just upstream of State Highway 18	*231
		Newport Lake	Just downstream of Virginia Drive	*218
			Just upstream of U.S. Highway 67	*219
		Village Creek Outfall Ditch	Just upstream of U.S. Highway 67	*224
			Just upstream of McClarty Drive	*226
	Maps available for inspection at City Hall, 121 Walnut Street, Newport, Arkansas 72112.			
Connecticut	Durham, town, Middlesex County (Docket No. FEMA-6079).	Allyn Brook	Confluence with Coginchaug River	*152
			Upstream of Maple Avenue	*164
			Confluence of Ball Brook	*185
		Ball Brook	Confluence with Allyn Brook	*165
			Approximately 3,700' upstream of Maiden Lane	*205
		Coginchaug River	Downstream corporate limits	*152
			Upstream Meeting House Hill Road	*166
			Upstream Creamery Road	*177
			Approximately 2,250' upstream of Creamery Road	*186

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Hersig Brook	Upstream corporate limits	*202
			Confluence with Allyn Brook	*185
			Upstream of High School Drive	*197
			Approximately 1,100' upstream of High School Drive	*210
		Parmalee Brook	Confluence with Coginchaug River	*156
			Downstream Indian Lane	*167
			Approximately 1,300' upstream Indian Lane	*200
			Upstream Saw Mill Road	*222
			Approximately 6,200' upstream Saw Mill Road	*255
Maps available for inspection at the Town Clerk's Office, Town Hall, Durham, Connecticut.				
Connecticut	Tolland, town, Tolland County (Docket No. FEMA-6079).	Willimantic River	Downstream corporate limits	*330
			Upstream of Depot Road	*352
			100' upstream of U.S. Route 44	*372
			100' upstream of Interstate Route 86	*381
			Approximately 6,650' upstream of Interstate Route 86	*400
			Approximately 200' downstream of Central Vermont Railway (most upstream crossing).	*426
			Upstream corporate limits	*436
Maps available for inspection at the Town Planners Office, Town Hall, 52 Tolland Green, Tolland Connecticut.				
Florida	Unincorporated areas of Lake County (FEMA) 6089)	Lake Akron	Entire shoreline	*49
		Lake Amos	Entire shoreline	*65
		Lake Apopka	Entire shoreline	*69
		Bass Lake	Entire shoreline	*51
		Bear Pond	Entire shoreline	*60
		Lake Beauclair	Entire shoreline	*66
		Blue Lake	Entire shoreline	*135
		Lake Bracy	Entire shoreline	*70
		Lake Burns	Entire shoreline	*75
		Lake Carlton	Entire shoreline	*66
		Cherry Lake	Entire shoreline	*89
		Cook Lake	Entire shoreline	*70
		Lake Cooley	Entire shoreline	*71
		Crescent Lake	Entire shoreline	*70
		Lake Dora	Entire shoreline	*66
		East Lake	Entire shoreline	*80
		Lake Edwards	Entire shoreline	*60
		Lake Eldorado	Entire shoreline	*66
		Lake Elsie	Entire shoreline	*75
		Lake Etowah	Entire shoreline	*74
		Lake Franklin	Entire shoreline	*105
		Lake Gertrude	Entire shoreline	*73
		Lake Gibson	Entire shoreline	*76
		Lake Grace	Entire shoreline	*49
		Lake Hermosa	Entire shoreline	*74
		Island Lake	Entire shoreline	*75
		Lake Jewel	Entire shoreline	*50
		Lake Joanna	Entire shoreline	*155
		Johns Lake	Entire shoreline	*101
		Lake Kathryn	Entire shoreline	*45
		Lake Lincoln	Entire shoreline	*75
		Lake Louisa	Entire shoreline	*100
		Lake Lucise	Entire shoreline	*80
		Lake Lulu	Entire shoreline	*49
		Lake Minnehaha	Entire shoreline	*100
		Lake Minneola	Entire shoreline	*98
		Mirror Lake	Entire shoreline	*50
		Mount Plymoth Lake	Entire shoreline	*65
		Lake Nettie	Entire shoreline	*65
		Lake Owen	Entire shoreline	*70
		Lake Pearl	Entire shoreline	*80
		Perch Lake	Entire shoreline	*51
		Ponding area 1	Entire shoreline	*169
		Ponding area 2	Entire shoreline	*115
		Ponding area B10B	Entire shoreline	*66
		Ponding area B10C	Entire shoreline	*66
		Ponding area B10D	Entire shoreline	*84
		Ponding area B10E	Entire shoreline	*80
		Ponding area B10F	Entire shoreline	*70
		Ponding area B10G	Entire shoreline	*65
		Ponding area B10H	Entire shoreline	*70
		Ponding area B10I	Entire shoreline	*90
		Ponding area B10J	Entire shoreline	*100
		Ponding area B10K	Entire shoreline	*66
		Ponding area B10M	Entire shoreline	*65
		Ponding area B10N	Entire shoreline	*65
		Ponding area B10O	Entire shoreline	*65
		Ponding area B21D	Entire shoreline	*60
		Ponding area B21E	Entire shoreline	*58
		Ponding area B21F	Entire shoreline	*60
		Ponding area B30A	Entire shoreline	*60
		Ponding area B30C	Entire shoreline	*62
		Ponding area B30D	Entire shoreline	*60
		Ponding area F1A	Entire shoreline	*75
		Ponding area F1C	Entire shoreline	*74

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Ponding area F1D	Entire shoreline	*75
		Ponding area F1E	Entire shoreline	*75
		Ponding area F1F	Entire shoreline	*72
		Ponding area F1G	Entire shoreline	*71
		Ponding area F1H	Entire shoreline	*70
		Ponding area F3C	Entire shoreline	*70
		Ponding area F3D	Entire shoreline	*70
		Ponding area F3F	Entire shoreline	*75
		Ponding area F3G	Entire shoreline	*65
		Ponding area F3H	Entire shoreline	*70
		Ponding area F3I	Entire shoreline	*70
		Ponding area F4C	Entire shoreline	*65
		Ponding area F5B	Entire shoreline	*80
		Ponding area F6A	Entire shoreline	*75
		Ponding area F6B	Entire shoreline	*75
		Ponding area F6C	Entire shoreline	*75
		Ponding area F6D	Entire shoreline	*75
		Ponding area G7B	Entire shoreline	*69
		Ponding area G7C	Entire shoreline	*64
		Ponding area G7D	Entire shoreline	*70
		Ponding area G7E	Entire shoreline	*70
		Ponding area G7F	Entire shoreline	*70
		Ponding area G7H	Entire shoreline	*69
		Ponding area G7I	Entire shoreline	*70
		Ponding area G7J	Entire shoreline	*70
		Ponding area G7HA	Entire shoreline	*65
		Ponding area G8B	Entire shoreline	*70
		Ponding area H1B	Entire shoreline	*70
		Ponding area H1C	Entire shoreline	*70
		Ponding area H1D	Entire shoreline	*75
		Ponding area H1E	Entire shoreline	*71
		Ponding area H1H	Entire shoreline	*70
		Ponding area H1I	Entire shoreline	*70
		Ponding area H5A	Entire shoreline	*71
		Ponding area H5B	Entire shoreline	*71
		Ponding area H5C	Entire shoreline	*71
		Ponding area H5E	Entire shoreline	*75
		Ponding area H5F	Entire shoreline	*75
		Ponding area H5G	Entire shoreline	*82
		Ponding area H6E	Entire shoreline	*85
		Ponding area H6F	Entire shoreline	*80
		Ponding area H6K	Entire shoreline	*80
		Ponding area K1A	Entire shoreline	*75
		Ponding area K1B	Entire shoreline	*65
		Ponding area K5A	Entire shoreline	*89
		Ponding area K5B	Entire shoreline	*75
		Ponding area K5C	Entire shoreline	*70
		Ponding area K5E	Entire shoreline	*80
		Ponding area K5F	Entire shoreline	*78
		Ponding area K5H	Entire shoreline	*74
		Ponding area L1A	Entire shoreline	*83
		Ponding area L1B	Entire shoreline	*83
		Ponding area L1C	Entire shoreline	*85
		Ponding area L1D	Entire shoreline	*85
		Ponding area L1E	Entire shoreline	*80
		Ponding area L1F	Entire shoreline	*80
		Sap Pond	Entire shoreline	*84
		Lake Saunders	Entire shoreline	*75
		Lake Schimmerhorn	Entire shoreline	*51
		Lake Sidney	Entire shoreline	*49
		Silver Lake	Entire shoreline	*70
		Lake Smith	Entire shoreline	*70
		Smith Pond	Entire shoreline	*85
		South Lake	Entire shoreline	*51
		Sunset Valley	Entire shoreline	*80
		Lake Swatara	Entire shoreline	*73
		Lake Tavares	Entire shoreline	*84
		Trout Lake	Entire shoreline	*49
		North Twin Lake	Entire shoreline	*65
		South Twin Lake	Entire shoreline	*65
		Unnamed pond south of Lake Eldorado.	Entire shoreline	*70
		Unnamed pond southwest of Lake Eldorado.	Entire shoreline	*74
		Unnamed lake east of Lake Joanna.	Entire shoreline	*85
		Unnamed lake north of Lake Nettie.	Entire shoreline	*105
		Unnamed lake northeast of Lake Swatara.	Entire shoreline	*75
		West Crooked Lake system	Entire shoreline	*74
		Lake Woodward	Entire shoreline	*75
		Lake Yale	Entire shoreline	*61
		St. John's River	Just upstream of State Highway 40	*7
			Just downstream of the confluence of Snake Creek	*8
		Wekiva River	Approximately 500 feet upstream of State Highway 46	*11
			Approximately 500 feet downstream of Seaboard Coast Line Railroad.	*12

Maps available for inspection at Planning Department, Lake County Courthouse, 2nd Floor, 315 West Main Street, Tavares, Florida 32778.

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Georgia	City of Quitman, Brooks County (FEMA-6094)	Jefferson Street Ditch	Just upstream of Oglesby Avenue	*122
			Approximately 100 feet downstream of Southern Railway.	*138
		Okapilco Creek	Just upstream of the most downstream crossing of the corporate limits.	*109
	Maps available for inspection at City Hall, Screven Street, Quitman, Georgia 31643.			
Illinois	(C) Johnston City, Williamson County (Docket No. FEMA-6089).	Lake Creek	About 600 feet downstream of Grand Avenue	*404
			At confluence with Shakerag tributary	*411
		Shakerag tributary	Just upstream of 9th Street	*413
			About 550 feet upstream of East 14th Street	*431
	Maps available for inspection at the Clerk's Office, City Hall, 500 South Washington, Johnston City, Illinois.			
Illinois	(C) Rochelle, Ogle County (Docket No. FEMA-6079)	Kyte River	At the downstream corporate limits	*772
			About 160 feet downstream of 7th Street	*780
			About 250 feet upstream of South Main Street	*785
			Just downstream of the Burlington Northern Railroad	*786
			Just upstream of the Burlington Northern Railroad	*789
			About 120 feet upstream of the Chicago and North Western Railroad.	*790
			At the upstream corporate limits	*793
		Unnamed tributary No. 1	At the mouth	*790
			Just downstream of Caron Road	*790
		Ryley ditch	At the mouth	*789
			About 4,350 feet upstream of First Avenue	*789
	Maps available for inspection at the Engineer's Office, Municipal Building, Rochelle, Illinois.			
Illinois	(C) Tuscola, Douglas County (Docket No. FEMA-6089).	Scattering fork	About 1,300 feet downstream of Egyptian Trail Road	*648
			About 200 feet downstream of Egyptian Trail Road	*650
			At upstream corporate limits (upstream of Washington Street).	*652
		Hayes branch	Just upstream of Prairie Street	*650
			About 0.5 mile upstream of North Line Road	*652
	Maps available for inspection at the Clerk's Office, City Hall, 204 North Parke, Tuscola, Illinois.			
Indiana	(Uninc.) Porter County (Docket No. FEMA-6079)	Salt Creek	About 300 feet upstream of Interstate 80	*617
			Just upstream of 600 North Road	*630
			Just downstream of State Route 130	*642
			Just upstream of Norfolk & Western Railway (west of 325 West Road).	*648
			About 300 feet downstream of 250 West Road	*661
			Just upstream of Norfolk & Western Railway (east of 250 West Road).	*670
			Just upstream of Joliet Road	*680
			Just upstream of U.S. Route 30	*691
			Just downstream of Meridian Road	*691
		Kankakee River	At downstream county boundary	*650
			Just upstream State Route 49	*660
			At upstream county boundary	*666
		Lake Michigan	Within Porter County	*584
	Maps available for inspection at the Porter County Planning Commission Office, 1401 North Calumet Avenue, Valparaiso, Indiana.			
Indiana	(C) Shelbyville, Shelby County (Docket No. FEMA-6079).	Big Blue River	At downstream corporate limit	*751
			Just upstream of Conrail	*759
			About 0.9 mile upstream of the confluence of the Little Blue River.	*764
		Little Blue River	At confluence with the Big Blue River	*761
			At upstream corporate limit	*768
	Maps available for inspection at the Mayor's Office, Town Hall, 44 West Washington Street, Shelbyville, Indiana.			
Kansas	(C) Manhattan, Riley and Pottawatomie Counties (Docket No. FEMA-6079).	Kansas River	Confluence of Big Blue River	*1,010
			About 1,350 feet upstream of State Highway 177	*1,018
			About 2,500 feet upstream of confluence of Wildcat Creek.	*1,020
		Wildcat Creek	About 280 feet downstream of Union Pacific Railroad (at corporate limit).	*1,020
			About 900 feet upstream of confluence of Rolling Hills tributary (at corporate limits).	*1,043
		Little Kitten Creek	Just upstream of U.S. Highway 24	*1,062
			About 1.8 miles upstream of U.S. Highway 24 (at corporate limit).	*1,119
		Virginia-Nevada	Mouth at Wildcat Creek	*1,036
			Just downstream of Anderson Avenue	*1,036
			About 850 feet upstream of Beechwood Terrace	*1,066
		CI-CO tributary	About 670 feet downstream of Anderson Avenue	*1,051
			About 100 feet downstream of Claflin Road	*1,051
			Just upstream of Claflin Road	*1,061
			About 1,400 feet upstream of Claflin Road	*1,076
		Rolling Hills tributary	Mouth at Wildcat Creek	*1,042
			About 3,200 feet upstream of mouth	*1,099
		Shallow flooding (overflow from Riverside drain).	Intersection of Hayes Drive and McCall Road	*1,008
			Intersection of Sarber Lane and Frontage Road	*1,008
			Just downstream of U.S. Highway 24	*1,008
	Maps available for inspection at the City Hall, Manhattan, Kansas.			

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Kansas	(Uninc.) Riley County (Docket No. FEMA-6079)	Kansas River	About 3,600 feet downstream of the Riley County-Wabaunsee County boundary.	*989
			About 6,700 feet upstream of the confluence of Dry branch.	*1,048
		Big Blue River	Downstream county boundary	*1,010
			Just downstream of the Tuttle Creek dam outlet portal	*1,028
		Wildcat Creek	Mouth at Kansas River	*1,020
			About 3,000 feet downstream of Fairman Road	*1,043
			About 1,700 feet upstream of Riley County Highway	*1,124
		Sevenmile Creek	Mouth at Kansas River	*1,034
			About 1,600 feet upstream of State Highway 114	*1,062
		Wolf Creek	Mouth at Big Blue River	*1,028
			Just downstream of State Highway 13	*1,068
			Just upstream of State Highway 13	*1,086
			About 5,000 feet upstream of State Highway 13	*1,130
		Deep Creek	Downstream county boundary	*989
			Just downstream of County Road 917	*1,010
		Phiel Creek	Mouth at Big Blue River	*1,028
			Just upstream of U.S. Highway 24	*1,040
			About 150 feet downstream of State Highway 113	*1,130
		Eureka Valley tributary	Mouth at Kansas River	*1,034
			Just downstream of county road (at boundary of Fort Riley Military Reservation).	*1,074
		Dry branch	Mouth at Kansas River	*1,045
			Just downstream of State Highway 114	*1,056
			About 2,800 feet upstream of State Highway 114	*1,068
		Sevenmile Creek and dry branch overflow.	About 600 feet downstream of City of Ogden corporate limits.	*1,046
			About 100 feet upstream of State Highway 114	*1,058
		Little Kitten Creek	Mouth at Wildcat Creek	*1,050
			Just downstream of Chicago, Rock Island and Pacific Railroad.	*1,054
			Just downstream of County Road 412	*1,060
			Just upstream of upstream City of Manhattan corporation limits.	*1,119
			About 3,900 feet upstream of upstream City of Manhattan corporate limits.	*1,147
		Tuttle Creek Lake	Shoreline	*1,136
	Maps available for inspection at the Riley County Courthouse, Manhattan, Kansas.			
Maine	Limington, town, York County (Docket No. FEMA-5979).	Saco River	Downstream corporate limits	*224
			Upstream of State Route 25	*232
			5,000' upstream of State Route 25	*240
			Downstream of State Route 11	*255
			Approximately 527' upstream of State Route 11	*261
			Approximately 18,500' upstream of State Route 11	*270
			Upstream corporate limits	*278
		Little Ossipee River	Downstream of Hardscrabble Road	*227
			500' upstream of Hardscrabble Road	*238
			1,700' downstream of Milltum Road	*251
			1,300' downstream of Milltum Road	*260
			1,000' downstream of Milltum Road	*267
			Just downstream of Milltum Road	*281
			Upstream of State Route 117	*291
			Upstream corporate limits	*295
	Maps available for inspection at the Town Hall, Limington, Maine.			
Maine	Naples, town, Cumberland County (Docket No. FEMA-5966).	Songo River	Confluence with Sebago Lake	*268
			Downstream side of Songo Lock dam	*272
			Confluence of Bay of Naples	*274
		Crooked River	Confluence with Songo River	*272
			Upstream side of Songo Lock Road	*274
			Downstream side of State Route 302	*283
			Downstream side of State Route 11	*290
			Approximately 100' downstream of Edes Falls Road	*297
			Upstream side of Edes Falls Road	*301
			Approximately 7,480' upstream of Edes Falls Dam	*308
		Sebago Lake	Entire shoreline within community	*268
		Bay of Naples	Entire shoreline within community	*274
		Long Lake	Entire shoreline within community	*274
	Maps available for inspection at the Naples Town Hall, Naples, Maine.			
Maine	New Gloucester, town, Cumberland County (Docket No. FEMA-5978).	Royal River	Downstream corporate limits	*105
			Approximately 600 feet upstream of State Route 231	*113
			Upstream of Canadian National Railroad (downstream crossing).	*123
			Upstream of Canadian National Railroad (furtherest upstream crossing).	*128
			Approximately 2,800 feet downstream of the upstream corporate limits.	*140
			Upstream corporate limits	*158
	Maps available for inspection at the Town Offices, New Gloucester, Maine.			

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maine	Waterford, town, Oxford County (Docket No. FEMA-6015).	Crooked River	Downstream corporate limits	*446
			State Route 118 (upstream)	*478
			McIntire Road (upstream)	*482
			Hunts Corner Road (upstream)	*493
			Fiske Road (upstream)	*499
			Private Road (upstream)	*544
			Approximately 5,200' upstream of State Route 35	*555
		Kedar Brook	Confluence with Keoka Lake	*499
			State Route 37 (upstream)	*506
		Keoka Lake	Entire shoreline	*499
Maps available for inspection at the Waterford Town House, Waterford, Maine.				
Massachusetts	Boston, City, Suffolk County (Docket No. FEMA-6074).	Boston Harbor-Massachusetts Bay	North, northeast, and northwest shoreline of Logan International Airport.	*9.5
			Belle Isle Inlet from Suffolk Downs Race Track to Logan International Airport.	*9.5
			Deer Island—northwestern shore	*9.5
			Deer Island—southeastern, southern and eastern shore.	*10.0
			Extending from confluence with Mystic and Chelsea Rivers south and southeast to Reserved Channel.	*10.0
			Extending from Reserved Channel southeast and east to Outer Harbor Islands and Corporate Limits.	*10.0
			Conrail right-of-way from confluence with Chelsea River to Boston Inner Harbor.	*10.0
			Thompson Island—northeastern shore	*10.0
			Thompson Island—northwestern and southwestern shore.	*10.5
			Mystic River—west of Mystic River Bridge to Corporate Limits.	*10.5
			Chelsea River—east of Andrew P. McArdle Bridge to Corporate Limits.	*10.5
			Old Harbor—entire shoreline	*10.5
			Dorchester Bay and Savin Hill Cove—entire shoreline extending to the Neponset River.	*11.5
		Charles River	Downstream Corporate Limits	*91
			Upstream Corporate Limits	*91
		Charles River Basin	Upstream Corporate Limits	*4.5
			Upstream New Charles River Dam	*4.5
			Downstream New Charles River Dam	*10.0
		Mother Brook	Confluence with Neponset River	*40
			Upstream Corporate Limits	*51
		Muddy River	Confluence with Charles River Basin	*4
			Upstream Louis Pasteur Bridge	*10
			At Willow Pond	*11
		Neponset River	Confluence with Dorchester Bay	*11.5
			Downstream Lower Mills Dam	*11.5
			Upstream Lower Mills Dam	*16
			Upstream MBTA Bridge (second upstream crossing)	*22
			Upstream Bluehill Parkway	*28
			Upstream Tileston & Hollingsworth Dam	*35
			Confluence of Mother Brook	*40
			Upstream Corporate Limits	*44
		Stony Brook	Upstream Enneking Parkway	*57
			Downstream Access Road	*61
			Upstream Access Road	*67
			Approximately 1,000' upstream Access Road	*95
			Approximately 2,170' upstream Access Road	*120
			At Turtle Pond	*133
Maps available for inspection at the Zoning Division, Boston Redevelopment Authority, Boston City Hall, Boston, Massachusetts.				
Michigan	(C) Galesburg, Kalamazoo County (Docket No. FEMA-6079).	Kalamazoo River	Just upstream of 35th Street	*779
			Just upstream of Climax Road	*786
Maps available for inspection at the City Hall, 200 East Michigan, Galesburg, Michigan.				
Michigan	(C) Marshall Calhoun County (Docket No. FEMA-6089).	Kalamazoo River	About 1200 feet upstream of Interstate 69	*860
			Just downstream of dam (about 400 feet upstream of South Marshall Avenue).	*890
			Just upstream of dam (about 400 feet upstream of South Marshall Avenue).	*901
			About 4400 feet upstream of South Marshall Avenue	*901
		Rice Creek	Just downstream of Monroe Street	*890
			About 4300 feet upstream of South Marshall Avenue	*897
		Mill Race	Mouth at Rice Creek	*893
			Just upstream of dam (about 100 feet upstream of mouth).	*897
			About 2800 feet above mouth	*898
Maps available for inspection at the City Hall, 323 W. Michigan Avenue, Marshall, Michigan.				
Michigan	(C) Williamston Ingham County (Docket No. FEMA-6079).	Red Cedar River	About 2.25 miles downstream of South Putnam Street	*862
			About 1.05 miles upstream of South Putnam Street	*868
		Deer Creek	Mouth at Red Cedar River	*864
			About 2150 feet upstream of West Wallace Street	*864
		Unnamed Tributary	Mouth at Red Cedar River	*864
			About 1500 feet upstream of West Church Street	*864
Maps available for inspection at the Clerk's Office, City Hall, 161 East Grand River Avenue, Williamston, Michigan.				

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Minnesota	(C) Appleton, Swift County (Docket No. FEMA-6089)	Pomme De Terre River	At downstream corporate limits	*982
			Just upstream of State Highways 7 and 119	*993
			At upstream corporate limits	*999
Maps available for inspection at the Appleton Civic Center, 323 West Schlieman Avenue, Appleton, Minnesota.				
Minnesota	(C) Oak Park Heights, Washington County (Docket No. FEMA-6094).	St. Croix River	Within community	*692
Maps available for inspection at the City Hall, 14168 57th Street, North, Stillwater, Minnesota.				
Missouri	(C) Bethany, Harrison County (Docket No. FEMA-6089).	Big Creek	About 1500 feet downstream of abandoned Burlington Northern railroad.	*847
			At confluence of West Fork Big Creek	*851
		East Fork Big Creek	About 5000 feet upstream of 12th Street	*860
Maps available for inspection at the City Hall, P. O. Box 344, Bethany, Missouri.				
Missouri	(C) Burlington Junction, Nodaway County (Docket No. FEMA-6079).	Nodaway River	Just upstream of Norfolk and Western Railway	*919
			Just downstream of confluence of North Branch Nodaway River.	*920
Maps available for inspection at the City Hall, Box B, Burlington Junction, Missouri.				
Missouri	(C) Hopkins Nodaway County (Docket No. FEMA-6079).	Hundred and Two River	About 1500 feet downstream of County Highway JJ	*1037
			At confluence of Middle Fork of Hundred and Two River.	*1040
		East Fork of Hundred and Two River.	About 400 feet upstream of Burlington Northern railroad.	*1044
Maps available for inspection at the City Hall, Hopkins, Missouri.				
Missouri	(C) Trimble, Clinton County (Docket No. FEMA-6079)	Dicks Creek	Just downstream of County Highway F (downstream of Oak Street).	*930
			Just downstream of Maple Street	*937
			Just upstream of County Highway F (near Red Bud)	*944
Maps available for inspection at the City Hall, Trimble, Missouri.				
New Hampshire	Roxbury, Town, Cheshire County (Docket No. FEMA-5966).	Otter Brook	Approximately 4,890' downstream of Roxbury Road	*582
			Approximately 4,140' downstream of Roxbury Road	*590
			Approximately 3,190' downstream of Roxbury Road	*600
			Approximately 2,170' downstream of Roxbury Road	*610
			Roxbury Road	*622
			Approximately 1,090' upstream of Roxbury Road	*630
			Approximately 2,440' upstream of Roxbury Road	*640
			Approximately 3,470' upstream of Roxbury Road	*650
			Approximately 4,380' upstream of Roxbury Road	*660
			Approximately 5,070' upstream of Roxbury Road	*668
Maps available for inspection at the Roxbury Town Office, Keene, New Hampshire.				
New Jersey	Bogota, Borough, Bergen County (Docket No. FEMA-6060).	Hackensack River	Upstream Corporate Limits	*9
			Downstream Corporate Limits	*9
Maps available for inspection at the Borough Hall, 375 Larch Avenue, Bogota, New Jersey.				
New Jersey	Chester, Township, Morris County (Docket No. FEMA-6080).	Lamington River	1,350' downstream of Ironia Road	*691
			Upstream Corporate Limits	*694
		Burdette Brook	Downstream Corporate Limits 2,500' upstream of State Route 24.	*432
			Upstream of Old Mill Road (First crossing)	*471
			1,910' upstream of Old Mill Road (First crossing)	*500
			Upstream of Footbridge	*531
			3,450' upstream of Footbridge	*600
			Downstream of Old Mill Road (Second crossing	*634
			Downstream of Dam	*692
			Upstream of Dam	*701
			Downstream of South Road	*707
		Peapack Brook	Downstream Corporate Limits	*273
			2,000' upstream of Saint Bernards Road	*300
			1,680' downstream of Farm Access Road	*325
			Upstream of Farm Access Road	*357
		Gladstone Brook	Downstream Corporate Limits	*273
			Downstream of Access Road	*300
			1,110' upstream of Access Road	*313
		Indian Brook	Downstream Corporate Limits	*401
			1,350' upstream of State Route 24	*425
			Confluence with Burnett Brook	*448
Maps available for inspection at the Office of the Tax Assessor, Municipal Building, Chester, New Jersey.				
New Jersey	Hampton, Borough, Hunterdon County (Docket No. FEMA-6073).	Musconetcong River	Downstream Corporate Limits	*335
			Approximately 3,100' upstream of Corporate Limits	*340
			State Route 31 (Upstream side)	*344
Maps available for inspection at the Office of the Borough Clerk, Borough Hall, Hampton, New Jersey.				
New York	Clarence, Town Erie County (Docket No. FEMA-6080)	Got Creek	Corporate Limits	*591
			Newhouse Road (Downstream Side)	*603
			Approximately 1,300' upstream of Newhouse Road	*607
		Ransom Creek	Corporate Limits	*584

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Miles Road (Upstream Side)	*592
			Connor Road (Downstream Side)	*602
			Conrail	*616
			Clarence Center Road (Upstream Side)	*624
			Goodrich Road (Upstream Side)	*630
			Approximately 7,150' upstream of Goodrich Road	*649
Maps available for inspection at the Town Hall, 1 Town Place, Clarence, New York 14031.				
New York	Weedsport, Village, Cayuga County (Docket No. FEMA-6060).	Cold Spring Brook	Downstream Corporate Limits	*392
			Upstream Conrail	*395
			Upstream Corporate Limits	*895
Maps available for inspection at the Office of the Village Clerk, Village Hall, 8892 South Street, Weedsport, New York.				
North Carolina	Town of Clayton, Johnston County (FEMA-6094)	Little Creek	Just downstream of State Highway 42	*239
			Just downstream of State Road 1553	*263
		Little Creek Tributary	Just downstream of U.S. Highway 70	*272
			Just upstream of U.S. Highway 70	*280
		Sams Creek	Just downstream of Laura Street (State Road 1708)	*231
			Just upstream of Laura Street (State Road 1708)	*241
Maps available for inspection at the Town Hall, Clayton, North Carolina 27520.				
North Carolina	Farmville (Town), Pitt County (FEMA-6027)	Little Contentnea Creek	Intersection of Duke Drive and Dale Drive	*62
			50 feet upstream from center of Seaboard Line Railroad.	*66
Maps available for inspection at City Hall, 124 N. Main Street, Farmville, North Carolina.				
North Carolina	Town of Pikeville, Wayne County (FEMA-6094)	The Slough	Upstream Seaboard Coastline Railroad	*134
			Downstream Seaboard Coastline Railroad	*129
			Upstream Goldsboro St.	*129
			Downstream Goldsboro St.	*129
			Downstream corporate limits	*123
Maps available for inspection at Town Hall, 112 South Railroad Street, Pikeville, North Carolina 27863.				
North Carolina	Town of Smithfield, Johnston County (FEMA 6094)	Neuse River	Just upstream of U.S. Highway 301 (State Highway 96).	*121
			Just downstream of U.S. Highway 70	*126
		Swift Creek	Just upstream of State Highway 210 (in area of backwater from Neuse River).	*125
		Spring Branch	Just upstream of 2nd Street	*130
			Just upstream of 6th Street	*135
			Just upstream of Belmont Street	*144
		Buffalo Creek	Just downstream of U.S. Highway 301	*132
			Just upstream of U.S. Highway 301	*137
		Poplar Creek	Just upstream of SR 1913 (affected by backwater from Neuse River).	*129
Maps available for inspection at Town Hall, Smithfield, North Carolina 27577.				
Ohio	(V) Elmore, Ottawa County (Docket No. FEMA-6089)	Portage River	About 3,500 feet downstream of Toledo Street	*598
			About 2,600 feet upstream of Conrail	*600
Maps available for inspection at the Mayor's Office, Town Hall, 344 Rice Street, Elmore, Ohio.				
Ohio	(V) Oak Harbor, Ottawa County (Docket No. FEMA-6089).	Portage River	About 1.5 miles downstream of Locust Street	*579
			About 1,300 feet upstream of Norfolk and Western Railway.	*580
Maps available for inspection at the Mayor's Office, Municipal Building, 146 Church Street, Oak Harbor, Ohio.				
Oregon	North Plains (city), Washington County FEMA-6094	McKay Creek	At east end of Kaybern Avenue	*170
Maps available for inspection at City Hall, 440 Commercial Avenue, North Plains, Oregon.				
Pennsylvania	Cranberry, Township, Butler County (Docket No. FEMA-6080).	Brush Creek	Downstream corporate limits	*973
			Upstream of Powell Road	*980
			Approximately 6,000' upstream of Powell Road	*988
			Upstream of Rochester Road	*999
			Confluence of Coal Run	*1,007
			Upstream of Freedom Road	*1,011
			Upstream of Commonwealth Drive	*1,019
			Upstream corporate limits	*1,024
		Coal Run	Confluence with Brush Creek	*1,007
			Upstream of Pennsylvania Turnpike	*1,012
			Upstream of Rochester Road	*1,026
			Upstream of Interstate Route 79	*1,034
			Upstream of Fox Run Road	*1,057
			Upstream of Canterbury Trail	*1,070
			Downstream of Northfield Road	*1,090
Maps available for inspection at the Cranberry Municipal Building, 1506 Rochester Road, R.D. 5, Mars, Pennsylvania.				
Pennsylvania	Greenfield, Township, Blair County (Docket No. FEMA-5973).	Frankstown branch, Juniata River	Downstream corporate limits	*1,053
			Confluence of Polecat Run	*1,075
			Walnut Street (upstream)	*1,129
			Approximately 1,460' downstream of Township Route 312.	*1,155
		South Poplar Run	Confluence with Frankstown branch, Juniata River	*1,147

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Approximately 400' downstream of Legislative Route 07002.	*1,231
			Approximately 80' upstream of Legislative Route 07042.	*1,429
			Upstream side of Legislative Route 07002 (extended)	*1,504
			Approximately 1,100' downstream of Township Route 506.	*1,539
			Approximately 1,100' upstream of Township Route 506	*1,604
			Approximately 860' downstream of confluence of Big Lick branch.	*1,731
			Approximately 480' upstream of confluence of Big Lick branch.	*1,793
		Carson Run	Confluence with South Poplar Run	*1,489
			Approximately 800' upstream of first private road	*1,575
			Approximately 200' upstream of second private road	*1,604
Maps available for inspection at the Greenfield Township Building, East Freedom, Pennsylvania.				
Pennsylvania	North Middleton, township, Cumberland County (Docket No. FEMA-6005).	Conodoguinet Creek	Downstream corporate limits	*411
			State Route 34 (upstream side)	*413
			Longs Gap Road (upstream side)	*417
			Dam (upstrean side)	*418
			Confluence of Meetinghouse Run	*424
			State Route 74 (upstream side)	*427
			6000' upstream of State Route 74	*430
			Meadowbrook Road (upstream side)	*438
			Upstream corporate limits	*438
		Wertz Run	Confluence with Conodoguinet Creek	*441
			State Route 34 (downstream side)	*411
		Letort Spring Run	Downstream corporate limits	*435
			Post Road (upstream side)	*437
			Marshall Road (upstream side)	*437
			Barry Drive (upstream side)	*446
			Ashburn Drive (upstream side)	*447
			Pratt Avenue (upstream side)	*447
			Upstream corporate limits	*448
		Branch of Letort Run	Post Road (upstream side)	*437
			Marshall Road (upstream side)	*440
			Barry Drive (upstream side)	*443
			Ashburn Drive (upstream side)	*447
			Pratt Avenue (upstream side)	*447
			Upstream corporate limits	*448
Maps available for inspection at the North Middleton Township Building.				
Texas	Unincorporated areas of Bee County (FEMA-6122)	Poesta Creek	Just upstream of Old Beeville Road	*160
			Just upstream of State Highway 202	*171
			Just upstream of U.S. Highway 181	*195
		Salt Branch	Just upstream of U.S. Business 181	*196
		Talpacate Creek	Just downstream of Kennedy Street	*209
			Just upstream of Old Charco Road (FM 460)	*245
			Just upstream of the Route 516 Spur	*274
		Salt Creek	Just upstream of Ellis Road	*211
			Just downstream of Jones Road	*228
			Just downstream of Southern Pacific Railroad	*276
		Unnamed tributary	Just downstream of U.S. Highway 59	*221
Maps available for inspection at County Judge's Office, County Courthouse, Beeville, Texas 78102.				
Texas	Unincorporated areas of Travis County (FEMA-5955)	Apache Shores Creek	Just downstream of Running Deer Trail	*527
			Just upstream of Apache Lake Dam	*609
		Apache Shores tributary	Just upstream of Geronimo Trail	*557
			Just upstream of Indian Creek Road	*612
		Barton Creek	Just downstream of Barton Springs Road	*447
			Just upstream of loop 360	*536
		Bear Creek	Just downstream of Missouri Pacific Railroad	*620
			Just upstream of FM 1626	*663
		Bear Creek tributary	Just downstream of Hewitt Road	*680
			Just upstream of Frate Baker Lane	*703
		Bee Creek	Just upstream of Road Runner Road	*618
		Big Sandy Creek	Just downstream of Highway 1431	*730
			Just upstream of Highway 1431	*739
			Just upstream of Round Mountain Road	*901
		Big Sandy Creek tributary 1	Just upstream of Highway 1431	*727
		Bid Sandy Creek tributary 3	Just upstream of Round Mountain Road	*923
		Boggy Creek	Just downstream of Interstate Highway 35	*597
			Just upstream of Interstate Highway 35	*603
			Just upstream of Missouri Pacific Railroad	*699
		Bull Creek	Just upstream of loop 360 (near confluence of tributary 2).	*598
			Just upstream of Spicewood Springs Road (near confluence of tributary 4).	*717
		Bull Creek tributary 1	Just upstream of county limits	*522
		Bull Creek tributary 2	Upstream of loop 360	*629
		Bull Creek tributary 3	Just upstream of a small dam at 800 feet above mouth.	*639
		Bull Creek tributary 4	Just upstream of Spicewood Springs Road	*728
		Bull Creek tributary 5	Just upstream of confluence of tributary 6	*776
		Bull Creek West	Just upstream of West Frontage Road	*535

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of FM 2222 near confluence of tributary 1.	*535
		Carson Creek	Just upstream of Dalton Lane	*443
			Just upstream of Riverside Drive	*484
			Just upstream of Hoake Lane	*510
			Just upstream of Montopolis Drive	*548
		Colorado River	Just upstream of confluence with Gilleland Creek	*409
			Just upstream of State Highway 973	*420
			Just downstream of Bolm Road	*432
		Lake Travis	Shoreline	*716
		Cypress Creek	Just upstream of Highway 2769	*740
			Just upstream of Cypress Creek tributary 1	*749
		Cypress Creek tributary 1	Just upstream of confluence of Cypress Creek tributary 2.	*764
		Cypress Creek tributary 2	Just upstream of Highway 2769	*768
		Decker Creek	Just upstream of Taylor Lane	*495
			Just upstream of the confluence of Decker Creek tributary 1.	*427
		Decker Creek tributary 1	Just upstream of unpaved road	*447
			Just upstream of earth dam	*503
		Dry Creek	Just upstream of Bee Caves Road	*560
			Just upstream of Walsh Tarleton Drive	*642
			Just downstream of West Lake High Drive	*685
			Just upstream of West Lake High Drive	*710
		Dry Creek north	Approximately 300 feet upstream of Mt. Bonnell Road	*516
			Approximately 200 feet downstream of FM 2222	*578
		Dry Creek south	Just upstream of River Road	*405
			Just upstream of west bound State Highway 71	*414
			Just upstream of FM 812	*497
			Just upstream of FM 973	*512
		Gilleland Creek	Just upstream of Taylor Lane	*419
			Just upstream of confluence of Gilleland Creek tributary 1.	*447
		Hancock branch	Just upstream of Shoal Creek Boulevard	*623
			Just upstream of Houston St	*651
			Just upstream of Koenig Lane	*666
			Just upstream of Justin Lane	*706
		Harris branch	Just upstream of Dessau Road	*662
			Just upstream of Kansas Missouri and Texas Railroad	*676
		Hurst Creek	Just downstream of Lohman Crossing Road	*748
			Just upstream of World of Tennis Boulevard	*784
		Hurst Creek tributary 1	Approximately 200 feet downstream of Carla Van Road.	*744
		Lime Creek	Just upstream of Lime Creek tributary 2	*778
		Lime Creek tributary 1	Just downstream of Trails End Road	*779
			Just upstream of Trails End Road	*782
		Lime Creek tributary 2	Just upstream of Trails End Road	*808
		Little Barton Creek	Just upstream of Highway 71	*764
			Just upstream of confluence of Little Barton tributary	*844
		Little Barton tributary	Just downstream of Highway 71	*671
			Just upstream of Highway 71	*877
		Little Bear Creek	Just upstream of Travis/Hays Counties Lines	*647
		Onion Creek	Just upstream of Highway 71	*437
			Just downstream of Burleson Road	*463
			Just upstream of Highway 183	*477
			Just upstream of Old Lockhart Road	*580
			Just upstream of Interstate Highway I-35	*597
		Rinard Creek	Just upstream of Bradshaw Road	*573
		Slaughter Creek	Just upstream of I-35	*589
			Just upstream of Missouri Pacific Railroad	*660
			Just upstream of Brodie Lane	*735
			Just upstream of Wyldwood Road	*757
		Slaughter Creek tributary 1	Just downstream of Slaughter Creek Drive	*666
			Just upstream of Missouri Pacific Railroad	*674
		Unnamed tributary to Lake Austin	Approximately 2,000 feet upstream of West Lake Drive	*520
		Yaupon Creek	Just upstream of Duck Lake Drive	*748
			Just upstream of World of Tennis Boulevard	*776
			Just upstream of Rolling Green Drive	*807
			Just upstream of Lohmann Crossing Road	*888
		Walnut Creek	Just upstream of U.S. Route 290	*518
			Just downstream of Manor Road	*502
			Just downstream of Cameron Road (Blue Goose Road).	*542
			Just upstream of Dessau Lane	*581
			Just downstream of North Lamar Boulevard	*624
			Just downstream of Burnet Road	*689
			Just upstream of Missouri Pacific Railroad	*792
		Walnut Creek tributary 3	Just upstream of Manor Road	*511
			Just upstream of U.S. Highway 290	*525
		Walnut Creek tributary 4	Just downstream of Manor Road	*517
			Just downstream of Springdale Road	*536
		Walnut Creek tributary 5	Just upstream of Springdale Road	*532
			Just upstream of Sansom Road	*546
		Walnut Creek tributary 7	Just downstream of Duval Road	*773
		Walnut Creek tributary 8	Just downstream of Missouri Pacific Railroad	*797
		Walnut Creek tributary 9	Just downstream of McNeil Drive	*752
			Just upstream of Howard Lane	*774
		Walnut Creek tributary 10	Just upstream of Delorbles Drive	*756

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Williamson Creek	Just upstream of confluence of tributary 1	*500
			Just upstream of Brodie Lane	*708
			Just upstream of U.S. Highway 290	*811
			Just upstream of Oakhill Bee Caves Road	*836
			Just downstream of Silvermile Drive	*892
		Williamson Creek tributary 1	Just downstream of Nuckles Crossing Road	*562
			Just upstream of Nuckles Crossing Road	*570
		Dry Fork branch	Just upstream of William Cannon Boulevard	*700
		Williamson Creek tributary 5	Just upstream of State Highway 71	*857
			Just upstream of Oak Meadow Drive	*873
		Wolfs branch	Just upstream of Parmer Lane	*668
			Just upstream of Howard Lane	*734
Maps available for inspection at Travis County Courthouse Annex, Eleventh and San Antonio Avenue, Austin, Texas 78767.				
Virginia	Boykins, town, Southampton County (Docket No. FEMA-6060).	Tarrara Creek	Bryant Avenue (extended)	
			Downstream of Main Street	*31
				*36
			Downstream of intersection of Seaboard Coast Line with corporate limits.	*39
Maps available for inspection at the Town Hall, Boykins, Virginia.				
Wisconsin	(Uninc.) Racine County (Docket No. FEMA-6073)	Hushers Creek	At confluence with Root River	*671
			Just upstream of Seven and Half Mile Road	*674
			About 240 feet downstream of County Highway H	*706
			Just upstream of County Highway H	*713
		Hoods Creek	At confluence with Root River	*648
			About 2,850 feet downstream of State Highway 38	*672
			Just upstream of Airline Road	*692
			Just upstream of County Highway H	*719
			About 1,900 feet upstream of State Highway 20	*730
		Root River Canal	About 1.19 miles downstream of Seven Mile Road	*686
			Just downstream of Six Mile Road	*693
			About 0.8 mile upstream of Five Mile Road	*697
		Hoods Creek tributary	At confluence with Hoods Creek	*726
			About 1.1 miles upstream of confluence with Hoods Creek.	*728
		Root River	About 4.0 miles downstream of abandoned railroad (at City of Racine downstream corporate limit).	*636
			Just downstream of Four Mile Road	*656
			About 0.55 mile upstream of 43rd Street	*680
		West branch Root River Canal	At confluence with Root River Canal	*697
			Just downstream of Washington Avenue	*702
			About 0.31 mile upstream of 58th Road	*707
		East branch Root River Canal	At confluence with Root River Canal	*697
			Just upstream of Three Mile Road	*704
			About 0.07 mile upstream of 50th Road	*720
			About 0.36 mile downstream of Ives Groves Road	*730
			Just upstream of 55th Drive	*750
			About 0.14 mile downstream of County Highway KR	*762
			Just downstream of County Highway KR	*768
		Tributary No. 1 of the west branch Root River Canal.	At confluence with west branch Root River Canal	*698
			Just downstream of County Highway K (Four Mile Road).	*706
			About 400 feet upstream of County Highway K (Four Mile Road).	*712
			About 0.27 mile upstream of private farm bridge (about 1.27 miles downstream of Five Mile Road).	*723
			Just upstream of Five Mile Road	*737
			About 0.39 mile upstream of County Highway U (76th Street).	*743
		Tributary No. 2 of west branch Root River Canal.	At confluence of west branch Root River Canal	*701
			About 3800 feet upstream of County Highway U	*717
		Tributary No. 2A of west branch Root River Canal.	At confluence with tributary No. 2 of west branch Root River Canal.	*701
			Just upstream of farm bridge (about 0.73 mile upstream of confluence with tributary No. 2 of west branch Root River Canal).	*707
			About 1.69 miles upstream of confluence with tributary No. 2 of west branch Root River Canal.	*721
		Tributary No. 3 of west branch Root River Canal.	At confluence with west branch Root River Canal	*702
			Just upstream of 61st Drive	*716
			About 0.36 mile upstream of 61st Drive	*721
		Muskego drainage canal	At confluence with Wind Lake	*773
			About 2,250 feet upstream of Loomis Road	*774
		White River	Just downstream of Bienemann Road	*766
			About 5,500 feet upstream of Bienemann Road	*768
		Des Plaines River	Just upstream of County Highway KR	*706
			About 3,100 feet upstream of County Highway KR	*711
		Unnamed tributary No. 1 to Des Plaines River.	Just upstream of County Highway KR	*738
			About 1,660 feet upstream of County Highway KR	*754
		Unnamed tributary No. 2 to Des Plaines River.	At confluence with Des Plaines River	*707
			About 1,060 feet upstream of confluence with Des Plaines River.	*713
		Honey Creek	At confluence with White River	*766
			About 6,300 feet upstream of Spring Prairie Road	*770
		Eagle Creek	Just upstream of County Highway A	*783

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Just upstream of Church Road	*792
			Just upstream of County Highway N	*796
			Just downstream of Eagle Lake outlet structure	*796
		Unnamed tributary to Goose Lake branch canal.	At confluence with Goose Lake branch canal	*772
			Just downstream of North Britton Road	*775
		Goose Lake branch canal	At confluence with Wind Lake Canal	*772
			About 5,350 feet upstream of Hansen Road	*773
		Wind Lake drainage canal	About 2,000 feet downstream of State Highway 36	*768
			Just upstream of Wind Lake Road	*773
		Unnamed tributary to Wind Lake	About 600 feet downstream of Wind Lake Road	*773
			About 1,700 feet upstream of farm bridge (about 10,150 feet upstream of County Highway S).	*776
		Waxdale tributary	At confluence with north branch Pike River	*670
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*761
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*678
			Just upstream of Village of Sturtevant upstream corporate limit.	*713
			About 0.68 mile upstream of Village of Sturtevant upstream corporate limits.	*736
		Waubeesee Lake canal	At confluence with Wind Lake drainage canal	*773
			Just upstream of County Road 36 (North Milwaukee Avenue).	*777
			Just upstream of South Loomis Road	*779
		Kilbourn Road ditch	About 5,900 feet downstream of Braun Road	*729
			About 2,200 feet upstream of Braun Road	*736
		Tributary to Kilbourn Road ditch	At confluence with Kilbourn Road ditch	*730
			About 2,970 feet upstream of confluence of Kilbourn Road ditch.	*735
		Hoosier Creek	At confluence with Fox River	*754
			Just upstream of State Highway 142	*758
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*767
			Just upstream of Weiler Road	*770
		Hoosier Creek canal	At confluence with Hoosier Creek	*758
			About 2.3 miles upstream of confluence with Hoosier Creek.	*773
		Hoosier branch canal	At confluence with Hoosier Creek	*755
			At Wheatland Road	*755
		Spring Brook	At confluence with Fox River	*757
			Just upstream of Soo Line Railroad	*764
			Just upstream of State Highway 83	*768
			Just upstream of Fish Hatchery Road	*799
			Just downstream of Lake Bohner control structure	*805
		Fox River	At downstream county boundary	*752
			Just downstream of State Highway 83	*762
			At upstream county boundary	*777
		Tributary to Pike River	Just upstream of County Highway KR	*615
			Just upstream of Lathrop Avenue	*632
		Chicory tributary	At confluence of north branch Pike River	*668
			Just downstream of Chicago and North Western Railroad.	*674
			Just upstream of Chicago and North Western Railroad	*678
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*705
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*719
			About 2,650 feet upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*723
		North branch Pike River	At downstream county boundary	*657
			Just upstream of Braun Road	*668
			Just upstream of State Highway 20	*680
			Just upstream of Chicago and North Western Railroad	*687
			Just upstream of County Highway C	*692
		Unnamed tributary No. 1 to north branch Pike River.	At confluence with north branch Pike River	*661
			Just downstream of Chicago and North Western Railroad.	*673
			Just upstream of Chicago and North Western Railroad	*679
			Just downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*699
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*705
			About 2,550 feet upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*714
		Lake Michigan	Shoreline	*584
		Tichigan Lake	Shoreline	*776
		Fox River Lake	Shoreline	*776
		Eagle Lake	Shoreline	*799
		Bohner Lake	Shoreline	*805
		Brown's Lake	Shoreline	*770

FINAL BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county (Docket No.)	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Wind Lake	Shoreline	*773
		Long Lake	Shoreline	*781
		Waubeesee Lake	Shoreline	*760
		Buena Lake	Shoreline	*776

Maps available for inspection at the Office of the Zoning Administrator, Racine County Highway and Office Building, 14200 Washington Avenue, Racine, Wisconsin.

(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 26, 1981.

Lee Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-33724 Filed 11-24-81; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Service Order No. 1495]

Burlington Northern Railroad Company and Fort Worth and Denver Railway Company Authorized To Use Tracks and/or Facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 2 to Fifth Revised Service Order No. 1495.

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

EFFECTIVE DATE: 11:59 p.m., November 30, 1981, and continuing in effect until 11:59 p.m., December 31, 1981, unless otherwise modified, amended or vacated by order of this Commission.

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

SUPPLEMENTARY INFORMATION:

Decided: November 19, 1981.

Upon further consideration of Fifth Revised Service Order No. 1495 (46 FR 48212 and 54559), and with respect to the duration of this amendment, the limited extension of time is to permit the Commission to further consider the matter of future extensions as indicated by the Commission's Notice of September 21, 1981, and good cause appearing therefor:

It is ordered, Fifth Revised Service Order No. 1495 is amended by substituting the following paragraph (n) for paragraph (n) thereof:

§ 1033.1495 Service Order 1495.

(a) *Burlington Northern Railroad Company and Fort Worth and Denver Railway Company authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).* * * *

* * * * *

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1981, unless otherwise modified, amended or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., November 30, 1981.

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

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

By the Commission, Railroad Service Board, members J. Warren McFarland, Bernard Gaillard and John H. O'Brien. J. Warren McFarland not participating.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-33965 Filed 11-24-81; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order No. 1473]

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

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 1 to Twenty-seventh Revised Service Order No. 1473.

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

EFFECTIVE DATE: 11:59 p.m., November 30, 1981, and continuing in effect until 11:59 p.m., December 31, 1981, unless otherwise modified, amended or vacated by order of this Commission.

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

SUPPLEMENTARY INFORMATION:

Decided: November 19, 1981.

Upon further consideration of Twenty-seventh Revised Service Order No. 1473 (46 FR 56799), and with respect to the duration of this amendment, the limited extension of time is to permit the Commission to further consider the matter of further extensions as indicated by the Commission's Notice of September 21, 1981, and good cause appearing therefor:

It is ordered, Twenty-seventh Revised Service Order No. 1473 is amended by substituting the following paragraph (n) for paragraph (n) thereof:

§ 1033.1473 Service Order 1473.

(a) *Various railroads authorized to use tracks and/or facilities of the Chicago, Rock Island and Pacific Railroad Company, Debtor (William M. Gibbons, Trustee).* * * *

* * * * *

(n) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., December 31, 1981, unless otherwise modified, amended, or vacated by order of this Commission.

Effective date. This order shall become effective at 11:59 p.m., November 30, 1981.

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

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

By the Commission, Railroad Service Board, members J. Warren McFarland, Bernard Gaillard and John H. O'Brien. J. Warren McFarland not participating.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-33964 Filed 11-24-81; 8:45 am]
BILLING CODE 7035-01-M

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49 CFR Part 1331

[Ex Parte No. 297 (Sub-No. 5)]

Motor Carrier Rate Bureaus; Implementation of Pub. L. 96–296; Correction

AGENCY: Interstate Commerce Commission.

ACTION: Final rules; correction.

SUMMARY: At 45 FR 86736, December 31, 1980, the Commission published rules which brought Part 1331 of the CFR into conformance with the Commission's decision in this proceeding which set new standards governing the activities of motor carrier rate bureaus. Amendments were also made to conform the regulations to the codification of the Interstate Commerce Act. A typographical error in instruction number 4 of those amendments made § 1331.5 read § 1331.45. This notice corrects that error.

FOR FURTHER INFORMATION CONTACT: Ann Guthridge, 202–275–7281.

SUPPLEMENTARY INFORMATION: In the list of amendments to Part 1331 appearing on page 86736, under instruction number 4, change the heading "§ 1331.45 [Amended]" to read "§ 1331.5 [Amended]."

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-33970 Filed 11-24-81; 8:45 am]
BILLING CODE 7035-01-M

Proposed Rules

Federal Register
Vol. 46, No. 227
Wednesday, November 25, 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.

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Part 701

Organization and Operations of Federal Credit Unions

AGENCY: National Credit Union Administration (NCUA).

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed rule is to replace §§ 701.26, 701.27–1, and 701.28 with one section which enhances the scope of contractual agreements which may be entered into by Federal credit unions. The rule is being proposed because of the belief that the existing sections, which it will replace, are confining to the extent that many Federal credit unions are unable to benefit from the increasing sophistication of facilities, equipment, and management expertise which is evolving in the financial marketplace. The ability to benefit from the more sophisticated facilities, equipment, and management expertise through contractual agreements will result in improved service to members and economies to all parties involved.

DATE: Comments must be received by January 22, 1982.

ADDRESS: Send comments to Robert S. Monheit, Regulatory Development Coordinator, Office of General Counsel, National Credit Union Administration, 1776 G Street, N.W., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Joseph W. Petrosky, Office of Examination and Insurance. Telephone: (202) 357–1065.

SUPPLEMENTARY INFORMATION: Prior to the promulgation of § 701.27–2 (Credit Union Service Corporation), §§ 701.26 (Credit Union Service Center), 701.27–1 (Purchase and Sale of Accounting Services), and 701.28 (Joint Operations and Activities) provided the only vehicles through which Federal credit unions could contract with vendors, or agree with other credit unions, to share or utilize fixed assets and/or purchase or sell operational functions. These sections are designed to permit contractual agreements within well defined and specified areas of operation.

Section 701.26 empowers a Federal credit union to contract with a vendor other than a Federal credit union to provide a credit union service center, which is defined as providing services to include, but not necessarily limited to, physical facilities, centralized management, and accounting services. The regulation further sets forth several prerequisites to such a contract which are designed to ensure that each credit union's identity is preserved, internal control features are adequate, NCUA has access to records, and requirements contained in other regulations such as surety coverage, minimum security devices, and advertisement of insured status are met. Section 701.26 also requires the NCUA Board's approval of the initial contracts between a service center and a Federal credit union. This approval process has been delegated to the regional director. Finally, § 701.26 forbids an official or employee of a participating Federal credit union from having a pecuniary interest in the service center or from receiving any salary or compensation from the vendor, other than reimbursement of necessary expenses incurred in connection with the vendor's activities.

Section 701.27–1 empowers a Federal credit union to purchase accounting services for the maintenance of all or a portion of its accounting records. approval by the NCUA board is not required but notification to the regional director at least 30 days prior to the date on which the service is to commence is required. Paragraph (f) of this section empowers a Federal credit union, utilizing data processing for the maintenance of its own records, to lease or sell its software and to sell data processing capacity in excess of its own needs. Contracts for sale or lease of software and sale of excess data processing capacity require approval by the regional director and total proceeds derived from the sale of excess data processing capacity cannot exceed 10 percent of a Federal credit union's total operating income without approval of the NCUA Board.

Section 701.28 empowers a Federal credit union to agree with one or more other credit unions to share quarters and to carry on business operations either individually or jointly. Required components of the agreement are: segregation of each credit union's assets and records, maintaining each credit union's individual identity, equitable sharing of costs and centralized management controls over joint personnel and facilities which, nevertheless, permit each credit union to retain its responsibility for carrying on its own business. Agreements entered into under this section require approval of the NCUA Board.

While these sections were adequate and relevent to conditions existing for many years, the financial environment in which credit unions operate has undergone significant changes in recent years, reflecting rapidly advancing technology. Efforts by Federal credit union officials to access the improved technology, through contractual agreements, have been frustrated, on occasion, by the narrow confines of the existing regulations. This frustration has sometimes surfaced in the form of creative interpretations of the regulations which, though inspired at times, posed supervision problems and demonstrated the need for a regulatory review of existing regulations.

The following are examples of such situations:

(1) A Federal credit union's authority to enter into a contract for joint ownership of a building or other fixed assets is not delineated in any of the existing regulations;

(2) Some vendors are desirous of offering physical facilities and servicing member transactions, but not providing accounting services, while others are desirous of providing accounting services and servicing member transactions in the credit union's own physical facilities. Neither of these contractual agreements falls within the framework of existing regulations.

(3) Some Federal credit unions wish to utilize excess staff time by providing specialized services, such as loan counseling or loan collection, to other credit unions within the framework of a contractual agreement. The authority to enter into such contract is not clearly within the provisions of existing regulations. The authority of a Federal credit union to contract with another

credit union for utilization or sharing of microfilm equipment or storage facilities is another example of the type of arrangement that is not adequately addressed in the existing regulations.

Analysis of Proposed Change:

Sections 701.26 and 701.28 require that contracts or agreements entered into within the scope of these sections be approved by the NUCA Board. Section 701.27–1 requires notification to the regional director prior to purchasing accounting services and approval by the regional director prior to selling or leasing excess data processing capacity. Approval of the NCUA Board is required if the total proceeds derived from the sale of excess data processing capacity is to exceed 10 percent of a Federal credit union's total operating income. The proposed rule establishes the framework within which contracts can be entered into and eliminates the approval/notification process, with one exception. Approval of the NCUA Board will continue to be required if a Federal credit union's income derived from contractual agreements is to exceed 10 percent of total operating income during a calendar year.

The proposed rule incorporates those provisions of the existing sections which provide guidance to Federal credit union officials and assure NCUA access to Federal credit union records. The rule also retains the prohibition against credit union officials/employees having a pecuniary interest in or receiving salary or compensation from any vendor with which the Federal credit union enters into a contractual agreement. Regarding § 701.26(b)(2), it is envisioned that an operating or users' manual will be used to provide the specific information concerning the procedures to be used by the parties in complying with the terms of the contractual agreement. This provision should ensure a complete understanding of the provisions of the contract and the methodology used in its implementation.

Although definition of "Fixed Assets" and "Operational Functions" are provided, it is not intended that the examples given be considered all-inclusive. Generally speaking, a Federal credit union will be permitted to contract for any function or service which it would be authorized to provide itself, and to contract for sharing, utilization, or joint ownership of any fixed asset which it would be permitted to purchase itself.

Contractual agreements may expose the credit union to various liabilities and complications which are not easily recognizable. For this reason, it is recommended that Federal credit union officials seek legal guidance prior to entering into any contracts permitted by the proposed rule.

The proposed rule, if adopted, will not have a significant economic impact on a substantial number of small credit unions (less than $1 million in assets) because the proposed rule lessens the burden for these credit unions in a number of areas. Therefore, a Regulatory Flexibility Analysis is not required, 5 U.S.C. 605(b).

Rosemary Brady,

Secretary of the Board.

November 19, 1981.

(Sec. 120, 73 Stat. 635 (12 U.S.C. 1766), Sec. 209, 84 Stat. 1104 (12 U.S.C. 1789))

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

Accordingly, it is proposed that 12 CFR 701.26, 701.27–1, and 701.28 be removed and that a new 12 CFR 701.26 be added as set forth below.

§ 701.26 Credit Union Service Contracts.

(a) *Definitions.* As used in this section:

(1) Operational functions means any activity or service which a Federal credit union would be authorized to provide itself.

(2) Fixed Assets—The definitions found in § 701.36(b) and the limitations found in § 701.36(c) are incorporated by reference.

(b) *Requirements in Contract.*

(1) A Federal credit union may enter into a contractual agreement with one or more credit unions or vendors for sharing, utilizing, renting, leasing, purchasing, selling, and/or joint ownership of fixed assets or operational functions. The board of directors of each Federal credit union is responsible for determining that the contractual agreement is in writing, complies with applicable Federal and/or state law, and provides for the following:

(i) The individual identity of the credit union and the confidentiality of the members in all transactions;

(ii) The types of operational functions to be provided, any limitations, and the costs of the services subject to periodic review;

(iii) The procedure for arbitrating disputes, assigning, mediating, or terminating the contractual agreement; and

(iv) The immediate availability and possession of the Federal credit union's books and records and any system controls related to the maintenance of the Federal credit union's records for examination by the National Credit Union Administration and audit by the supervisory committee.

(2) The files of the Federal credit union shall contain specific information concerning the procedures to be used by the parties to the contractual agreement in complying with its terms.

(3) A Federal credit union shall not pay in advance the actual or estimated charges for more than 3 months of contractual payments.

(4) A Federal credit union entering into a contractual agreement shall notify its surety company and obtain written assurance from surety that coverage extends to the operational functions and any losses incurred as a result of the contractual agreement.

(c) When a Federal credit union contracts with a vendor, no official or employee of the Federal credit union or member of their families may have a pecuniary interest in, nor receive any salary or compensation from the vendor.

(d) Unless otherwise approved by the regional director, a Federal credit union's income derived in any 1 calendar year from contractual agreements shall not exceed 10 percent of its total operating income.

[FR Doc. 81-34014 Filed 11-24-81; 8:45 am]

BILLING CODE 7535-01-M

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12 CFR Parts 701 and 745

Payment on Shares by Public Units

AGENCY: National Credit Union Administration.

ACTION: Proposed rule.

SUMMARY: As part of its ongoing program of updating, clarifying, and simplifying existing regulations, the National Credit Union Administration (NCUA) has reviewed its regulation governing public unit accounts. The proposed rule, in addition to clarifying and simplifying the existing rule, would give additional flexibility to the boards of directors of Federal credit unions in the establishment of policies pertaining to public unit accounts.

DATE: Comments must be received by January 31, 1982.

ADDRESS: Send comments to Robert S. Monheit, Senior Attorney, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW., Washington, D.C. 20456.

FOR FURTHER INFORMATION CONTACT: Thomas C. Buckman, Office of Examination and Insurance at the above address. Telephone number: (202) 357–1065.

SUPPLEMENTARY INFORMATION: Public Law 93–495 (October 29, 1974, 88 Stat.

1500) amended Sections 107(7), 111, and 207(c) of the Federal Credit Union Act to permit Federal credit unions to accept public unit funds and to provide for the insurance of such funds. Section 701.32 of the NCUA Rules and Regulation as promulgated May 30, 1975 (40 FR 23445 (1975)), restates the authority as provided in the Federal Credit Union Act (Act) and limits the individual and aggregate amount of public unit accounts.

Proposed Changes

The proposed rule would (1) eliminate unnecessary language from the rule that simply restates the language contained in the Act, (2) clarify the term "public unit," (3) allow the board of directors of a Federal credit union to establish its own policies pertaining to whether or not shares in public unit accounts shall be subject to a notice of intention to withdraw such funds, and (4) allow a Federal credit union with assets of $2,000,000 or more to accept a larger percentage of such acounts.

Elimination of Unnecessary Language

Sections 107 and 207 of the Act clearly specify the conditions under which Federal credit unions may accept public unit funds. Language in the present rule which merely restates the language in the Act is proposed to be eliminated from the rule itself.

Clarification

The definition of the term "public unit" has been clarified to include nonappropriated fund instrumentalities which are considered to be instrumentalities of Federal, state, or local governments. This is not a change in NCUA's policy, rather it is simply a clarification.

Notice of Intention To Withdraw

The current rule provides that the owners of public unit accounts may be required to provide a prior written notice of intention to withdraw such funds for a period not to exceed 60 days. Consistent with NCUA Board's regulation of share accounts, the proposed rule permits the board of directors of a Federal credit union to establish its own policies pertaining to providing prior written notice of intention to withdraw public unit funds. The proposed rule retains the right of the board of directors of a Federal credit union to waive the notice requirement if it is deemed appropriate.

Reduction of Restrictions

The present rule limits the maximum amount of a single public unit account in a Federal credit union to 5 percent of the credit union's total assets and the aggregate amount of such accounts is limited to 20 percent of the total assets.

The proposed rule would retain the present restrictions for Federal credit unions with assets of less than $2,000,000. However, the proposed rule would broaden the authority of Federal credit unions with assets of $2,000,000 or more. Under the proposed rule Federal credit unions with assets of $2,000,000 or more would be permitted to accept a single public unit account up to an amount that did not exceed 10 percent of its total assets. The limitation pertaining to the aggregate amount of such accounts would be increased from 20 percent to 30 percent of assets for Federal credit unions with assets of $2,000,000 or more.

The purpose of the present limitations is to prevent unforeseen liquidity problems that could result if a Federal credit union were to accept large amounts of public unit accounts and did not invest such funds in liquid assets. Because of the nature of public unit accounts, these funds are normally withdrawn without notice as government officials fund commitments. The proposed relaxation of the rule will place a greater responsibility upon the boards of directors of Federal credit unions to develop a sound funds management program to balance volatile share capital with short-term liquid assets with a positive return. NCUA believes that larger Federal credit unions for the most part will have more resources which can be allocated to a funds management program and therefore, the proposed rule limits the expanded authority to Federal credit unions with assets of $2,000,000 or more.

Technical Amendments

Sections 701.37–1, 701.37–2, and 745.10 of the NCUA Rules and Regulations contain references to pertinent sections of the Public Unit Rule. The proposed changes in the Public Unit Rule will impact upon the aformentioned rules. Therefore, technical amendments are proposed in §§ 701.37–1, 701–37–2, and 745.10 in order that the policies pertaining to public unit accounts are applied uniformly.

Regulatory Procedures

The NCUA Board hereby certifies that the proposed rule will not have a significant economic impact on a substantial number of small credit unions since the proposed rule adds no additional paperwork burdens or restrictions upon them. Therefore, a regulatory flexibility analysis is not required, pursuant to 5 U.S.C. 553(d)(1).

By order of the National Credit Union Administration Board, November 18, 1981.

Rosemary Brady,

Secretary of the NCUA Board.

(12 U.S.C. 1766(a), 1757(6), 1787)

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

1. Section 701.32 is proposed to be revised to read:

§ 701.32 Payment on shares by public units.

(a) A Federal credit union may receive payments on shares from an officer, employee, or agent having custody of member or nonmember public unit funds of Federal, state, or local governments, or political subdivision thereof, as enumerated in section 207 of the Federal Credit Union Act.

(b) Withdrawal of shares held in public unit accounts may or may not be subject to a requirement providing for written notice of intention to withdraw the whole or any portion of such shares as determined by the board of directors of a Federal credit union.

(c) The maximum amount of each account established pursuant to this section shall not exceed 5 percent of the total assets at the time of the share payment if a Federal credit union's assets are less than $2,000,000, or 10 percent of total asssets if a Federal credit union's assets are $2,000,000 or more. The aggregate amount of all such accounts shall not exceed 20 percent of the total assets if a Federal credit union's assets are less than $2,000,000, or 30 percent of total assets if a Federal credit union's assets are $2,000,000 or more.

(d) The term "public unit" means the United States, any state of the United States, the District of Columbia, Puerto Rico, any territory or possession of the United States, any county, any municipality, or political subdivision thereof. The term also includes nonappropriated fund instrumentalities that are considered to be instrumentalities of Federal, state, or local governments.

(e) The term "political subdivision" includes any subdivision or any principal department of a public unit which has been expressly authorized by state statute and has been delegated some functions of government for its exclusive use and control by statute or ordinance. It also includes drainage, irrigation, navigation, improvement, levee, sanitary, school, or power districts and bridge or port authorities and other special districts created by state statute or agreements between the states. Excluded from the term are subordinate or nonautonomous

divisions, agencies, or boards within principal departments.

2. Section 701.37–1 is proposed to be amended by revising paragraph (e) to read as follows:

§ 701.37–1 Treasury tax and loan account.

* * * * *

(e) The sum of the amounts held in the TT&L Remittance Account and the TT&L Note Account shall not exceed 10 per centum of the total assets of the credit union. However, the aggregate amount limit imposed on all public unit funds placed in Federal credit unions under 12 CFR 701.32(c) is applicable to all funds accepted by Federal credit unions in accordance with 31 CFR Part 203.

* * * * *

3. Section 701.37–2 is proposed to be amended by revising paragraph (e) to read as follows:

§ 701.37–2 Federal credit unions acting as depositories and financial agents of the government.

* * * * *

(e) The sum of the amounts held in the Treasury General Account and U.S. Treasury Time Deposit-Open Account shall not exceed 10 per centum of the total assets of the credit union. However, the aggregate amount limit imposed on all public unit funds placed in Federal credit unions under 12 CFR 701.32(c) is applicable to all funds accepted by Federal credit unions in accordance with 31 CFR Part 202.

4. Section 745.10 is proposed to be amended by revising paragraph (b) to read as follows:

§ 745.10 Public unit accounts.

* * * * *

(b)(1) With respect to public funds invested in federally insured state credit unions, the maximum amount of each account shall not exceed 5 per centum of the total assets of the credit union at the time of the investment if a credit union's assets are less than $2,000,000, or 10 percent of total assets if a credit union's assets are $2,000,000 or more.

(2) No investment shall be accepted in an amount which would cause the aggregate amount of all such accounts to exceed 20 per centum of the total assets of the credit union if a credit union's assets are less than $2,000,000, or 30 percent of total assets if a credit union's assets are $2,000,000 or more.

* * * * *

[FR Doc. 81–34054 Filed 11–24–81; 8:45 am]

BILLING CODE 7535–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Parts 2 and 35

[Docket No. RM81–38]

Inclusion of Construction Work in Progress for Public Utilities; Notice Extending the Time for Reply Comment

November 20, 1981.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice extending the time for reply comment.

SUMMARY: On July 27, 1981, the Commission issued a Notice of Proposed Rulemaking to amend its regulations regarding the inclusion of construction work in progress (CWIP) in the rate base of public utilities to relieve severe financial difficulty (46 F.R. 39445, August 3, 1981). After twice extending the relevant deadlines, requests continue to be received by the Commission to extend the comment periods. These requests are granted to the extent set forth in the Notice.

DATES: Reply comments are due not later than December 23, 1981. Oral presentations are scheduled for December 7 and December 8, 1981, as previously announced.

ADDRESSES: All reply comments should be labeled as such. Filing should reference Docket No. RM81–38 and should be addressed to: Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

James Hoecker, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357–9342.

Ronald Rattey, Office of Regulatory Analysis, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 (202) 357–8186.

SUPPLEMENTARY INFORMATION:

The Commission continues to receive requests that more time be provided for preparation and submittal of reply comments on the proposed rule in this docket, beyond the additional time already provided by the Secretary.

To date, the Commission has received several petitions to extend the time period for reply comment and oral presentations.[1] The petitioners request that reply comments in this proceeding be accepted as late as February 1982 and that oral presentations be delayed until after all written comments are submitted.

The reply comment deadline is extended, as set forth below, to help accommodate these requests. There have been a sizeable number of initial written comments and certain delays in placing material in the public record or distributing the service list which have presented commenters with some difficulties with respect to efficient review of the record and preparation of responses. However, a substantial amount of time to comment has already been provided. It is important to bring this portion of the proceeding to a reasonable conclusion. Commenters are therefore afforded an additional four weeks to prepare and submit written reply comments.

The oral presentations will be held at Commission headquarters on December 7 and 8, 1981. Rescheduling of such hearing at this late date would cause participants great inconvenience. The state of the written record at that time will still permit a thorough airing of views. Responses to oral presentations may be included in written reply comments. Participants in the oral presentations will receive from the Commission information with respect to alloted time and other rules. They are encouraged to consolidate their presentations, where possible.

Reply comments are due not later than December 23, 1981. Oral presentations will be held at the Commission's Washington Offices at 825 North Capitol Street, N.E., on Monday, December 7, and Tuesday, December 8, 1981, beginning at 9:30 a.m. each day. The room number will be posted.

All filings and requests must be addressed to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington,

[1] On November 5 and 10, 1981, several municipal electric systems ("Public Systems") filed for extensions. On November 13, 1981, the following parties also requested more time: the National Rural Electric Cooperative Association, American Public Power Association, Oklahoma Municipal Power Authority, Village of Chatham, Illinois, Rio Grande Electric Cooperative, Mid-Tex Electric Cooperative, Kim-Wood Electric Cooperative, Magic Valley Electric Cooperative, Seminole Electric Cooperative, South Texas Electric Cooperative, and Medina Electric Cooperative. On November 16, 1981, a motion for extensions of time was also received from the Papago Tribal Utility Authority, the Borough of Lansdale, Pa., the Cities of Benton, Prescott, Osceola, North Little Rock, Conway, and Hope, Arkansas, and the Farmers Electric Cooperative Corporation of Arkansas.

D.C., 20426, and reference Docket No. RM81-38.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-34108 Filed 11-24-81; 8:45 am]
BILLING CODE 6717-01-M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 920

Public Comment Period and Opportunity for Public Hearing on Modified Portions of the Maryland Permanent Regulatory Program

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

ACTION: Proposed rule: Notice of receipt of permanent program modifications; public comment period and opportunity for public hearing.

SUMMARY: OSM is announcing procedures for the public comment period and for a public hearing on the substantive adequacy of program amendments submitted to satisfy conditions imposed by the Secretary of the Interior on the approval of the Maryland permanent regulatory program (hereinafter referred to as the Maryland Program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

This notice sets forth the times and locations that the Maryland program and proposed amendments are available for public inspection, the comment period during which interested persons may submit written comments on the proposed program amendments and the procedures that will be followed at the public hearing.

DATES: Written comments must be received on or before 4:00 p.m. on December 28, 1981, to be considered in the Director's decision on whether the proposed amendments satisfy the conditions.

A public hearing on the proposed modifications has been scheduled for December 16, 1981, from 7:00 p.m. to 9:00 p.m.

Any persons interested in making an oral or written presentation at the hearing should contact the person listed below by December 9, 1981.

If no person has contacted Ms. Struminski to express an interest in participating in the hearing by the above date, the hearing will be cancelled. A notice announcing any cancellation will be published in the **Federal Register.**

ADDRESSES: Written comments should be mailed or hand delivered to:

Office of Surface Mining Reclamation and Enforcement, Attention: Maryland Administrative Record, 603 Morris Street, Charleston, West Virginia 25301.

Hearings will be held at the Beall High School, East Main Street, Route 40, Frostburg, Maryland.

Copies of the Maryland program, the proposed modifications to the program, a listing of scheduled public meetings, and all written comments are available for review at the OSM Offices listed below and the Office of the State regulatory authority listed below, Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding holidays.

Office of Surface Mining Reclamation and Enforcement, Region I, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 342-8125.

Office of Surface Mining Reclamation and Enforcement, Administrative Record—SPA-20, Interior South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, Telephone: (202) 343-4728.

Department of Natural Resources, Tawes State Office Building, Annapolis, Maryland 21401, Telephone: (301) 269-2261.

FOR FURTHER INFORMATION CONTACT: Christine M. Struminski, Assistant Regional Director, Division of State and Federal Programs, 603 Morris Street, Charleston, West Virginia 25301, Telephone: (304) 342-8125.

SUPPLEMENTARY INFORMATION: On March 3, 1980, OSM received a proposed regulatory program from the State of Maryland. On December 1, 1980, following a review of that proposed program as outlined in 30 CFR Part 732, the Secretary of the Interior approved the program conditioned on the correction of minor deficiencies in the State law and regulations. Conditions "l" through "hh" relating to the Code of Maryland Regulations (COMAR) were to be corrected by April 1, 1981. Conditions "a" through "k" relating to the Maryland Strip Mining law and/or associated regulations were to be corrected by October 1, 1981. The approval was effective upon publication of the notice of conditional approval in the December 1, 1980, **Federal Register** (45 FR 79430-79451).

Information pertinent to the general background, revisions, modifications, and amendments to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and explanations of the conditions of approval of the Maryland program can be found in the December 1, 1980, **Federal Register** (45 FR 79430-79451) and the October 30, 1981, **Federal Register** (46 FR 54070-54071).

The Secretary of the Interior determined that the Maryland program contained the following minor deficiencies in the Maryland Strip Mining Law and related minor deficiencies in COMAR:

1. The Maryland Strip Mining Law, section NR 7-505(b)(2) and COMAR 08.13.09.10B allowed the State to approve surface coal mining operations in the Corridor of the Youghiogheny River, a National Wild and Scenic study river and permitted waivers to the distance prohibitions set forth in section 522(e) of SMCRA.

2. The Maryland Strip Mining Law, section NR 7-501(n) and COMAR 08.13.09.01B(d) did not adequately define "lands affected," "open pit mining," and "strip mining" as provided in section 701(28) of SMCRA.

3. The Maryland Administrative Procedures Act and COMAR 08.13.09.06B did not reference the right to appeal if the State fails to act within the prescribed time limits as provided in section 514(f) of SMCRA.

4. The Maryland Strip Mining Law, section NR 7-516(b) did not provide for criminal sanctions against a person who knowingly fails to make any statement, representation, or certification in any application or other document as provided in section 518(g) of SMCRA.

5. The Maryland Strip Mining Law, section NR 7-507(c) and COMAR 08.13.09.40E(3) provided an extension of the abatement period for greater than the maximum 90 days as provided in section 521(a)(3) of SMCRA.

6. The Maryland Strip Mining Law and COMAR did not contain provisions relating to the right of any person who may be adversely affected to request an adjudicatory hearing as provided in section 525(a)(1) of SMCRA.

7. The Maryland Environmental Standing Act, section NR 1-501, *et seq.*, restricted citizen suits to Maryland residents. Section 520(a) of SMCRA provides for "any person" to commence a civil action to compel compliance.

8. The Maryland Strip Mining Law did not contain provisions allowing any person to intervene as a matter of right in an action initiated by the State or the Secretary of the Department of the Interior as provided in sections 520(b)(1) and 520(c)(2) of SMCRA.

9. The Maryland Strip Mining Law, section NR 7-507(g) and COMAR did

not contain adequate provisions relating to the awarding of costs, including attorney fees, for plaintiffs in citizen suits as provided in section 520(d) of SMCRA.

10. The Maryland laws did not contain adequate provisions relating to the prohibition against indirect or direct financial interest in coal mining operations by employees as provided in section 517(g) of SMCRA.

11. The Maryland Strip Mining Law, section NR 7-505(c)(4) and COMAR 08.13.09.17 limited the funding of the small operator assistance program to the extent that Federal funds are available. This limitation is not provided for in section 507(c) of SMCRA.

In accepting the Secretary's conditional approval, Maryland agreed to correct deficiencies in the regulations which did not require revisions in the Maryland law by April 1, 1981, and the statutory and associated regulation deficiencies by October 1, 1981. The promulgated regulations submitted by Maryland were discussed in the September 4, 1981, **Federal Register** (46 FR 44475-44476).

On June 3, 1981, OSM received a letter from the Maryland Department of Natural Resources (see Maryland Administrative Record MD-165) transmitting statutory changes to the Maryland Code to satisfy conditions "a" through "k" as set forth by the Secretary on December 1, 1980. On September 9, 1981, revisions to the Maryland Code of Regulations proposed to coincide with the statutory revisions submitted on June 3, 1981, were forwarded to satisfy conditions "a," "c," "e," and "f" as set forth by the Secretary (see Maryland Administrative Record MD-166). A Notice of Final Action was forwarded on October 23, 1981, which was published in the *Maryland Register* on October 16, 1981, promulgating the proposed regulations submitted to OSM on September 9, 1981 (see Maryland Administrative Record MD-173). The Secretary now seeks public comment on the adequacy of these statutory and related regulation revisions in satisfying the conditions of the Maryland program approval.

Additional determination: I have determined that, pursuant to section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared for this rulemaking.

The Office of Management and Budget has granted OSM an exemption from sections 3, 4, 7 and 8 of Executive Order 12991 for State program approvals, amendments, and removal of conditions. Therefore, this rule is exempt from the Determination of Effects requirements of the Executive Order.

Dated: November 19, 1981.

J. R. Harris,

Director, Office of Surface Mining.

[FR Doc. 81-34036 Filed 11-24-81; 8:45 am]

BILLING CODE 4310-05-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA-6197]

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 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. R. Gregg 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 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 elevations for selected locations are:

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
California	Corning (City) Tehama County	Jewett Creek	Intersection of Fig Lane and Link Avenue	*272
Maps available for inspection at Department of Public Works, 794 3rd Street, Corning, California.				
Send comments to the Honorable Gary R. Strack, 794 3rd Street, Corning, California 96021.				
Connecticut	Willamantic, City Windham County	Shetucket River	Downstream Corporate Limits	*155
			Confluence of Willimantic and Natchaug River	*155
		Willimantic River	Confluence with Shetucket River	*155
			Downstream of 1st Dam	*163
			Dam approximately 850' downstream of Windham Road (downstream side).	*177
			Dam approximately 150' upstream of Windham Road (downstream side).	*199
			Approximately 80' upstream of dam at South Street (extended).	*220
			Dam approximately 400' downstream of Bridge Street (downstream side).	*229
			East end of Davis Street	*246
			CONRAIL bridge (downstream side)	*252
			Upstream Corporate Limits	*254
		Natchaug River	Confluence with Shetucket River	*155
			Willowbrook Road (downstream side)	*160
			Upstream Corporate Limits	*163
Maps available for inspection at the Building Department, Willimantic City Hall, P.O. Box 166, Windham, Connecticut.				
Send comments to the Honorable O. Paul Shew, City Manager of the City of Willimantic, City Hall, P.O. Box 166, Windham, Connecticut 06280.				
Georgia	Coweta County (Unicorporated Areas)	Wahoo Creek	20 feet downstream from the center of U.S. Highway 29 (State Highway 14).	*840
		Snake Creek	60 feet upstream from the center of Hospital Road	*849
		Little Wahoo Creek	40 feet downstream from the center of Roscoe Road	*816
		Tributary 1	Intersection of stream and the center of Wahoo Creek Sewage Treatment Plant Road.	*844
		Mineral Spring Branch	25 feet upstream from the center of Ishman Ballard Road.	*782
		Tributary 2	35 feet downstream from the center of Heery Road	*823
		Sandy Creek	Intersection of the creek and the center of Old Corinth Road.	*772
		Tributary 4	150 feet downstream from the center of Old Corinth Road.	*733
		Tributary 5	Intersection of stream and the center of Old Corinth Road.	*740
		Tributary 6	80 feet upstream from the confluence with tributary 5	*793
		Line Creek	150 feet downstream from the center of the Seaboard Coast Line Railroad.	*762
			50 feet upstream from the center of the dam at the downstream end of Wynns Pond.	*827
		Tributary 7	200 feet downstream from the center of Christopher Road.	*769
		Shoal Creek	100 feet downstream from the center of Andrew Bailey road.	*828
		Tributary 8	175 feet downstream from the center of a private road which intersects Lower Fayetteville Road approximately 1,500 feet southwest along Lower Fayetteville Road from Shoal Creek.	*799
		Tributary 9	165 feet downstream from the center of a private road which intersects McCollum-Sharpsburg Road Approximately 6,000 feet north along McCollum-Sharpsburg Road from State Highway 34 (at Thomas Crossroads).	*853
		Tributary 10	130 feet downstream from the center of Raymond Hill Road.	*896
		Little Creek	50 feet downstream from the center of Major Road	*880
		Simmon Creek	60 feet downstream from the center of Cannongate Road.	*694
		Tributary 11	950 feet upstream from the confluence with Simmon Creek.	*868
		Peeks Creek	50 feet downstream from the center of Collinsworth Road.	*878
		White Oak Creek	25 feet downstream from the center of Lower Fayetteville Road.	*813
		Paradise Lakes Branch	100 feet downstream from the center of McGahee Road.	*791
		Chandlers Creek	60 feet downstream from the center of Poplar Road	*799
		Turkey Creek	50 feet downstream from the center of Turkey Creek Road.	*821
		Tributary 12	60 feet upstream from the center of the dam at the downstream end of East Newnan Lake.	*896
		Sullivans Lake Branch	20 feet downstream from the center of Lower Fayetteville Road.	*828
		Tributary 13	200 feet upstream from the confluence with White Oak Creek.	*800
		Lake Amlajack Creek	150 feet downstream from the center of Interstate Highway 85.	*645
Maps available for inspection at County Commissioner's Office, 22 E. Broad, Newnan, Georgia.				
Send comments to the Honorable W. C. Adamson, P.O. Box 945, Newnan, Georgia 30264.				

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Idaho	Boundary County (Unincorporated Areas)	Deep Creek	160 feet downstream from the center of West Side Road.	*1,784
			200 feet upstream from the center of Highland Flats Road.	*1,982
		Trail Creek	Intersection of the creek and the center of U.S. Highway 2 and 95.	*2,040
		Fall Creek	Intersection of the creek and the center of Highland Flat Road.	*2,197
		Ruby Creek	160 feet west along Ruby Creek Road from its intersection with Old U.S. Highway 95.	*1,895
		Brown Creek	140 feet downstream from the center of U.S. Highway 2 and 95.	*1,970
		Twentymile Creek	40 feet upstream from the center of U.S. Highway 2 and 95.	*1,997
		Snow Creek	40 feet downstream from the center of West Side Road.	*1,808
		Caribou Creek	40 feet downstream from the center of West Side Road.	*1,795
		Moyie River	100 feet downstream from the center of U.S. Highway 95.	*2,811
	Maps available for inspection at Planning Office, Boundary County Courthouse, Bonners Ferry, Idaho.			
	Honorable Bill Curry, P.O. Box 419, Bonners Ferry, Idaho 83805.			
Illinois	(Uninc.) Rock Island County	Mississippi River	About 6.5 miles downstream of Muscatine Route 92	*554
			About 2.8 miles upstream of Lock and Dam No. 16	*559
			Just upstream of Lock and Dam No. 15	*566
			Just upstream of Lock and Dam No. 14	*577
			About 17.0 miles upstream of Interstate 80	*587
		Moline Pool/Sylvan Slough	At confluence with Mississippi River	*585
			Just upstream of the hydroelectric dam	*570
			About 2.8 miles upstream of Interstate 74	*572
		Rock River	About 1.0 mile downstream of State Route 199	*563
			About 0.75 mile upstream of 83rd Avenue	*588
		Meredosia Ditch	Just upstream of 83rd Avenue	*587
			About 1.9 miles upstream of State Route 5	*588
		Mill Creek	Just upstream of Interstate 280	*570
			Just downstream of Knoxville Road	*578
			Just upstream of 27th Street	*601
			Just downstream of U.S. Route 67	*652
		Coal Creek	At confluence with Rock River	*572
			Just upstream of 78th Avenue	*579
			About 1,500 feet upstream of U.S. Route 150	*624
		North Channel of Rock River	About 0.66 mile upstream of the Sears Dam	*565
			At divergence with Rock River	*567
	Maps available for inspection at the Building and Zoning Department, County Office Building, 1504 Third Avenue, Rock Island, Illinois.			
	Send comments to Honorable Paul Mulcahey, Chairman of the Rock Island County Board, Rock Island County, County Office Building, 1504 Third Avenue, Rock Island, Illinois 61201.			
Massachusetts	Lawrence, City, Essex County	Merrimack River	Downstream Corporate Limits	*33
			Downstream Essex Company Dam	*37
			Upstream Corporate Limits	*50
		Shawsheen River	Downstream Route 495	*34
			Upstream Corporate Limits	*34
		Spicket River	Confluence with Merrimack River	*34
			Upstream of Jackson Street	*49
			Corporate Limits	*60
	Maps available for inspection at the Office of the City Engineer, Lawrence City Hall, 200 Common Street, Lawrence, Massachusetts.			
	Send comments to the Honorable Lawrence LeFebre, Mayor of the City of Lawrence, Lawrence City Hall, 200 Common Street, Lawrence, Massachusetts 01840.			
Massachusetts	Sturbridge, Town, Worcester County	Cedar Pond	At dam	*576
			Approximately 1.6 miles upstream of dam	*576
		Cedar Meadow Brook	Confluence with Quinebaug River	*571
			Upstream of Hotel Driveway	*580
			Upstream of Private Drive	*595
			Approximately 1 mile upstream of Private Drive	*661
		Hamant Brook	Access Road	*568
			Upstream of dam (2nd upstream crossing)	*596
			Upstream of Trail Road	*639
			Upstream Interstate Route 86 (South)	*650
			Downstream State Route 15	*657
			Upstream State Route 15	*666
			Upstream Interstate Route 86 (North)	*691
		Leadmine Brook	Downstream Corporate Limits	*697
			Downstream Interstate Route 86	*698
			Upstream Interstate Route 86	*710
			Upstream of Leadmine Road	*749
			Approximately 0.7 mile upstream of Leadmine Road	*810
		Quinebaug River	Downstream Corporate Limits	*505
			Westville Dam	*522
			Leadmine Road	*571
			Confluence of Cedar Meadow Brook	*571
			Upstream of dam	*596
			Upstream of Holland Road	*610
			Approximately 0.5 mile upstream of Holland Road	*622

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
		Walker Pond	At dam	*584
			Approximately 1.4 miles upstream of dam	*587
		Quacumquasit Pond	Entire shoreline within community	*606

Maps available for inspection at the Sturbridge Town Hall, Main Street, Sturbridge, Massachusetts 01566.

Send comments to the Honorable Stanely Ropiak, Chairman of the Town of Sturbridge Board of Selectmen, Town Hall, Main Street, Sturbridge, Massachusetts 01566.

Massachusetts	Townsend, Town, Middlesex County	Squannacook River	Approximately 1,000' downstream of Corporate Limits	*258
			Approximately 2,200' upstream of confluence of Witch Brook.	*260
			Upstream of Spaulding Street Dam	*275
			Approximately 5,820' upstream of Spaulding Street Dam.	*276
			Upstream of Elm Street	*286
			Upstream of Boston and Maine Railroad (1st crossing)	*292
			Downstream of Turnpike Road	*296
			Upstream of Boston and Maine Railroad (2nd crossing).	*300
			Confluence of Walker Brook	*310
		Witch Brook	Confluence with Squannacook River	*259
			Uptream Warren Road	*269
			Approximately 4,250' upstream of Warren Road	*274
			Downstream of Pierce Road	*340
			Upstream of Pierce Road	*342
		Tributary A to Squannacook River	Confluence with Squannacook River	*294
			Upstream Meadow Road	*297
		Tributary B to Squannacook River	Confluence with Squannacook River	*296
			915' upstream of Dudley Road	*307
		Walker Brook	Confluence with Squannacook River	*310
			Approximately 1,000' upstream confluence with Mason Brook.	*311
			Upstream Gravel Pit Access Road (1st crossing)	*325
			Upstream Turnpike Road	*407
			Corporate Limits	*427
		Pearl Hill Brook	Confluence with Walker Brook	*310
			Approximately 3,600' upstream of Main Street	*338
			Approximately 8,290' upstream of Main Street	*368
		Willard Brook	Confluence with Walker Brook	*310
			Approximately 2,120' upstream of West Meadow Road	*347
		Locke Brook	Confluence with Willard Brook	*310
			Approximately 1,345' upstream of West Meadow Road	*336
		Mason Brook	Confluence with Walker Brook	*310
			Approximately 2,085' upstream of Turnpike Road	*340
			Upstream Corporate Limits	*368
		Graves Pond Brook	Approximately 490' downstream of Emery Road	*327
			Approximately 575' upstream of Graves Pond Dam	*349

Maps available for inspection at the Selectmen's Townsend Town Hall, Townsend, Massachusetts 01469.

Send comments to the Honorable Stephen Dunham, Chairman of the Town of Townsend Board of Selectmen, Town Hall, Townsend, Massachusetts 01469.

Massachusetts	Tyngsborough, Town, Middlesex County	Merrimack River	Downstream Corporate Limits	*103
			Upstream Corporate Limits	*110
		Lawrence Brook	Confluence with Merrimack River	*105
			Upstream of Lawndale Road	*123
			Upstream of Lakeview Avenue	*176
		Mascuppic Brook	Confluence of Lawrence Brook	*124
			Upstream of Coburn Road	*155
		Massapoag Pond	Entire shoreline within community	*168

Maps available for inspection at the Tyngsborough Office of the Board of Selectmen, Town Hall, Kendall Road, Tyngsborough, Massachusetts.

Send comments to the Honorable Kevin E. Coughlin, Chairman of the Town of Tyngsborough, Town Hall, Kendall Road, Tyngsborough, Massachusetts 01879.

Massachusetts	Upton, Town, Worcester County	Mill River	Corporate Limits	*290
			Whitewood Road (upstream side)	*301
			Access Road (upstream side)	*307
			Crockett Road (upstream side)	*336
			Corporate Limits (upstream)	*341
		West River	Downstream State Forest Boundary	*261
			Hartford Avenue (upstream side)	*264
			Dam approximately 1,500' upstream of Williams Street (upstream side).	*309
			Corporate Limits	*315
		Center Brook	Station Street (downstream side)	*273
			Prospect Street (downstream side)	*286
			Pratt Pond Dam	*300

Maps available for inspection at the Office of the Town Clerk, Upton Town Hall, Upton, Massachusetts.

Send comments to the Honorable Richard DesJardines, Chairman of the Upton Board of Selectmen, Upton Town Hall, Main Street, Upton, Massachusetts 01568.

Michigan	(V) Ovid Clinton County	Maple River	Just downstream of Grand Trunk Western Railroad	*719
			About 1,300 feet upstream of State Highway 21	*724

Maps available for inspection at the Village Hall, 114 East Front Street, Clinton, Michigan.

Send comments to the Honorable Walter Huffman, Village President, Village of Ovid, Village Hall, 114 East Front Street, Clinton, Michigan 48866.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Missouri	(C) Glasgow, Charlton and Howard Counties	Missouri River	About 0.3 mile downstream of confluence of Greggs Creek.	*626
			At confluence of Bear Creek	*626
		Greggs Creek	Just downstream of Industrial Drive	*626
			Just upstream of Industrial Drive	*633
			About 400 feet upstream of Fifteenth Street	*635
		Bear Creek	Within corporate limites	*628
	Maps available for inspection at the City Hall, 1st Market, Glasgow, Missouri.			
	Send comments to the Honorable George Himmelbey, Mayor, City of Glasgow, City Hall, 1st Market, Glasgow, Missouri 65254.			
Missouri	(C) Rocheport, Boone and Howard Counties	Missouri River	Within corporate limits	*593
	Maps available for inspection at the City Hall, Rocheport, Missouri.			
	Send comments to Honorable David Kerridge, City of Rocheport, City Hall, Rocheport, Missouri 65279.			
Montana	Beaverhead County (Unincorporated Areas)	Beaverhead River	Intersection of Beaverhead River and center of Interstate Highway 15.	*5,077
		Sheetflow	800 feet northwest from the confluence of Stodden Ditch and Beaverhead River.	#1
		Beaverhead River Overbank	50 feet upstream from center of Webster Lane	*5,034
		Blacktail Deer Creek	30 feet upstream from center of Interstate Highway 15 Access.	*5,072
		Junction Creek	Intersection of Junction Creek and center of Union Pacific Railroad.	*6,331
		Junction Creek Overbank	At the confluence of Junction Creek Overbank and Alder Creek.	*6,285
		Sheetflow	200 feet southwest from intersection of Union Pacific Railroad and Junction Creek.	#1
		Selway Slough	Intersection of Selway Slough and center of Schular Lane.	*5,044
		Stodden Slough	At the confluence of Stodden Slough and Stodden Ditch.	#1
	Maps available for inspection at Planning Department, Beaverhead County Courthouse, Dillon, Montana.			
	Send comments to Honorable Robert Miller, Box 1166, Dillon, Montana 59725.			
New Hampshire	Groton, Town, Grafton County	Cockermouth River	Downstream Corporate Limits	*617
			Upstream of North Groton Road	*624
			Approximately 3,685' upstream of the confluence of Punch Brook.	*653
		Punch Brook	Confluence with Cockermouth River	*627
			Downstream of Private Road	*780
			Upstream of North Groton Road	*822
	Maps available for inspection at the Groton Town House and at the Selectmen's Office, Groton, New Hampshire.			
	Send comments to the Honorable Richard Humphrey, Chairman of the Town of Groton Board of Selectmen, R.F.D. 1, Rumney, New Hampshire.			
New Jersey	Elsinboro, Township, Salem County	Salem River	Entire shoreline within the corporate limits	*9
		Delaware River	Entire shoreline within the corporate limits	*9
		Alloways Creek	Entire shoreline within the corporate limits	*9
	Maps available for inspection at the Elsinboro Township Municipal Building, Salem, New Jersey.			
	Send comments to Honorable H. Lee Lark, Mayor of the Township of Elsinboro, Box 16, R.D. 3, Salem, New Jersey 08079.			
New Jersey	Franklin, Township, Warren County	Musconetcong River	Downstream Corporate Limits	*278
			Person Road (upstream side)	*287
			Valley Station Road (upstream side)	*302
			Confluence of Sigler Brook	*314
			Main Street Dam (upstream side)	*327
			Valley Road (upstream side)	*333
			Upstream Corporate Limits	*334
		Sigler Brook	Confluence with Musconetcong River	*314
			Bloomsbury Road (upstream side)	*339
		Tributary M-8	Confluence with Musconetcong River	*303
			Bloomsbury Road (downstream side)	*328
			Approximately 430 feet upstream of Farm Access Road.	*341
		Pohatcong Creek	Downstream Corporate Limits	*277
			Herleman Road (upstream side)	*289
			Willow Grove Road (upstream side)	*293
			Conrail Bridge (upstream side)	*304
			Confluence of Montana Brook	*312
			Edison Road (upstream side)	*317
			Asbury Road (upstream side)	*338
			Biedleman Road (upstream side)	*365
			Upstream Corporate Limits	*370
		Mill Brook	Confluence with Pohatcong Creek	*336
			State Route 57 (upstream side)	*357
			Approximately 1,000 feet upstream of Small Dam	*420
		Montana Brook	Confluence with Pohatcong Creek	*312
			Farm Access Road (upstream side)	*347
			Approximately 100 feet upstream of State Route 57	*370
	Maps available for inspection at the Franklin Municipal Building, Route 57, Broadway, New Jersey.			
	Send comments to Honorable Carl Seigler, Mayor of the Township of Franklin, Franklin Municipal Building, Route 57, Box 31, Broadway, New Jersey 08808.			

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New Jersey	Greenwich, Township, Warren County	Musconetcong River	Downstream Corporate Limits	*258
			Conrail (downstream side)	*266
			Upstream Corporate Limits	*279
		Pohatcong Creek	Downstream Corporate Limits	*226
			State Route 173 (downstream side)	*242
			Interstate Route 78 (downstream side of downstream crossing).	*251
			Confluence of Merrill Creek	*262
			Upstram Corporate Limits	*277
		Merrill Creek	Confluence with Pohatcong Creek	*262
			South Main Street (downstream side)	*294
			Conrail (downstream side)	*362
			Reservoir Road (upstream side)	*406
			Upstream Corporate Limits	*462
		Left Channel Merrill Creek	Confluence with Merrill Creek	*271
			Washington Street (upstream side)	*314
			Confluence of Merrill Creek	*343
		Lopatcong Creek	Downstream Corporate Limits	*251
			County Route 519 (upstream side)	*268
			Upstream Corporate Limits	*272

Maps available for inspection at the Greenwich Municipal Building, Stewartsville, New Jersey.

Send comments to Honorable James DeBosch, Mayor of the Township of Greenwich, R.R. #1, Box 307, Stewartsville, New Jersey 08886.

New Jersey	Netcong, Borough, Morris County	Musconetcong River	Downstream Corporate Limits	*791
			Approximately 800 feet upstream of downstream Corporate Limit.	*803
			Downstream side of Footbridge	*815
			Upstream of Private Drive	*820
			Upstream of Downstream Dam	*836
			Approximately 250 feet downstream of U.S. Route 206	*846
			Downstream U.S. Route 206	*854
			Upstream Corporate Limits	*862

Maps available for inspection at the Borough Hall, 40 Main Street, Netcong, New Jersey.

Send comments to Honorable Samuel Guglielmini, Mayor of Netcong, Borough Hall, 40 Main Street, Netcong, New Jersey 07857.

New Jersey	Salem City, Salem County	Salem River	Entire shoreline within corporate limits	*9
		Fenwick Creek	Entire shoreline within corporate limits	*9
		Keasbeys Creek	Confluence with Fenwick Creek	*9
			Grant Street (upstream side)	*9

Maps available for inspection at City Hall, One New Market Street, Salem, New Jersey.

Send comments to Honorable Kenneth R. Lewis, Mayor of the City of Salem, City Hall, One New Market Street, Salem, New Jersey 08079.

New York	Granby, Town, Oswego County	Oswego River	Downstream Corporate Limits	*316
			Downstream Corporate Limits at Fulton	*318
			Upstream Corporate Limits at Fulton	*356
			Downstream of Country Road 46	*362
			Upstream Corporate Limits	*364
		Ox Creek	Upstream Route 48	*360
			Ley Creek Road	*360

Maps available for inspection at the Town Hall, County Route 8, Granby, New York.

Send comments to Honorable Nelson Bailey, Supervisor of Granby, R.D. 1, Box 455, Fulton, New York 13069.

New York	Marshall, Town, Oneida County	Big Creek	Confluence with Oriskany Creek	*739
			Upstream of California Road	*761
			Downstream of Shanley Road	*810
			Approximately 2,400' upstream of Shanley Road	*837
			Approximately 4,000' upstream of Shanley Road	*860
			Upstream of Gridley Paige Road	*923
			Upstream of Sally Road	*946
			Upstream of Bogan Road	*959
			Upstream of State Route 315	*978
			Approximately 2,000' upstream of State Route 315	*1,000
			Downstream of Sewage Treatment Plant Drive	*1,073
			Upstream Corporate Limits	*1,104
		Tributary A to Big Creek	Downstream Corporate Limits	*1,241
			Approximately 3,100' upstream of Corporate Limits	*1,298
		Tributary A-1 to Big Creek	Downstream Corporate Limits	*1,232
			Approximately 1,660' upstream of Corporate Limits	*1,241
		Lindsley Brook	Downstream Corporate Limits	*944
			Upstream of Private Road	*964
			Downstream of State Route 3	*969
			Approximately 2,150' upstream of State Route 3	*1,039
		Oriskany Creek	Corporate Limits	*727
			Downstream of State Route 315	*754
			Approximately 2,000' upstream of confluence of Watermans Brook.	*771
			Approximately 5,000' upstream of confluence of Watermans Brook.	*795
			Upstream of Burnham Road	*826
			Approximately 2,500' upstream of Burnham Road	*846
			Upstream of Van Hyning Road	*866
			Approximately 2,500' downstream of Koppers Co. Drive.	*890

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
			Upstream of Conrail Highlevel Bridge	*914
			Upstream Corporate Limits	*928
		Watermans Brook	Confluence with Oriskany Brook	*760
			Approximately 2,200' upstream of confluence with Oriskany Creek.	*780
			Approximately 3,400' upstream of confluence with Oriskany Creek.	*799
			Downstream of Burnham Road	*831
			Approximately 1,400' upstream of Burnham Road	*852
			Approximately 2,400' upstream of Burnham Road	*871
			Approximately 4,200' upstream of Burnham Road	*908

Maps available for inspection at the Office of the Town Clerk located in the Music Museum, Deansboro, New York.

Send comments to the Honorable David B. Hazelden, Supervisor of the Town of Marshall, Fuess Cleary Road, Waterville, New York 13480.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Schroeppel, Town, Oswego County	Oneida River	Confluence with Seneca River and Oswego River	*368
			Schroeppel Bridge	*370
			Corporate Limits	*372
		Oswego River	Corporate Limits	*361
			County Road 46	*362
			Corporate Limits (downstream)	*364
			Corporate Limits (upstream)	*367
			Confluence of Seneca and Oneida Rivers	*368
		Fish Creek	Oneida River Road	*369
			Downstream of Sutton Road	*370
			Confluence of Tributary No. 2	*378
			County Route 54/Dam (downstream side)	*380
			County Route 54/Dam (upstream side)	*393
			Approximately 4,750' upstream County Route 54/Dam	*393
		Bell Creek	Confluence with Sixmile Creek	*369
			Dirt Road (downstream side)	*375
			Corporate Limits	*381
		Sixmile Creek	Approximately 2,780' downstream of confluence of Bell Creek.	*369
			County Road 54	*369
			Approximately 1,870' upstream of County Road 54	*369

Maps available for inspection at the Town Hall, 827 Main Street, Phoenix, New York.

Send comments to Honorable Arthur Oppelt, Supervisor of Schroeppel, Pennellville, New York 13132.

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Scriba, Town, Oswego County	Lake Ontario	Entire Shoreline	*249
		Oswego River	Downstream Corporate Limits	*297
			Upstream Corporate Limits	*298
		Wine Creek	Upstream of City Line Road	*343
			Upstream of Hall Road	*345
			Downstream of Churchill Road	*345
		Walker Creek	Upstream of Middle Road	*324
			Approximately 1,600' downstream from Creamery Road.	*334
			Upstream of Creamery Road	*342
			Downstream of State Route 104	*346
			Upstream of State Route 104	*355
		Lakeview Creek	Confluence with Lake Ontario	*249
			Approximately 1,100' downstream from East Lake Road.	*259
			Downstream of East Lake Road	*264
		Lycoming Creek	Confluence with Lake Ontario	*249
			Approximately 3,800' downstream from East Lake Road.	*260
			Downstream of East Lake Road	*267
			Upstream of East Lake Road	*277
			Downstream of Parkhurst Road	*277
			Upstream of Parkhurst Road	*282
			Upstream of Lycoming Road (downstream crossing)	*287
			Approximately 1,600' upstream from Lycoming Road (downstream crossing).	*296
			Approximately 2,700' upstream from Lycoming Road (downstream crossing)	*305
			Approximately 900' downstream from Lycoming Road (upstream crossing).	*317
			Downstream of Lycoming Road (upstream crossing)	*318
			Upstream of Lycoming Road (upstream crossing)	*324
			Upstream of Minor Road	*329
		Cliff Road Creek	Confluence with Lake Ontario	*249
			Approximately 1,450' downstream from Cliff Road	*259
			Downstream of Cliff Road	*271
			Upstream of Cliff Road	*27
			Upstream of East Lake Road	*27
			Approximately 1,900' downstream from Conrail bridge	*28
			Approximately 1,300' downstream from Conrail bridge	*29
			Downstream of Conrail bridge	*30
		Harbor Brook	City Line Road (extended)	*31

Maps available for inspection at the Scriba Municipal Building, Creamery Road, Oswego, New York.

Send comments to Honorable Frank B. Church, Supervisor of Scriba, R.D. 2, Box 76, Scriba, New York 13126.

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
New York	Waterville, Village Oneida County	Big Creek	Downstream Corporate Limits	*1,104
			Upstream side of Main Street	*1,196
			Upstream Corporate Limits	*1,221
		Tributary A to Big Creek	Confluence with Big Creek	*1,164
			Upstream side of Stafford Avenue	*1,214
			Upstream Corporate Limits	*1,234
		Tributary A-1 to Big Creek	Confluence with Tributary A to Big Creek	*1,223
			Upstream Corporate Limits	*1,232
	Maps available for inspection at the Waterville Village Hall, Waterville, New York.			
	Send comments to Honorable Stanley Dziekonski, Mayor of Waterville, 163 West Bacon Street, Waterville, New York 13480.			
Ohio	(C) Beaver creek, Green County	Beaver Creek	About 0.77 mile downstream of U.S. Route 35	*796
			Just upstream of U.S. Route 35	*806
			About 0.4 mile upstream of U.S. Route 35	*807
		Little Beaver Creek	Mouth at Beaver Creek	*807
			Just upstream of North Fairfield Road	*834
			Just upstream of Grange Hall Road	*859
			About 800 feet upstream of East Patterson Road	*877
		Fairbrook School Tributary	Mouth at Little Beaver Creek	*812
			About 1,000 feet upstream of North Fairfield Road	*906
		Zimmerman Brook	Mouth at Little Beaver Creek	*837
			About 630 feet upstream of Dayton-Xenia Road	*874
		Fairground Road Tributary	Just upstream of Beaver Valley Road	*835
			About 100 feet upstream of Hanes Road	*925
		New Germany Branch	About 0.46 mile downstream of Locke Drive	*871
			Just downstream of Fairfield Road	*950
	Maps available for inspection at the Planning Administrator's Office, City Hall, 1599 North Central Drive, Beavercreek, Ohio.			
	Send comments to Honorable Frederick L. Berta, Mayor, City of Beavercreek City Hall, 1599 North Central Drive, Beavercreek, Ohio 45432.			
Ohio	(V) Cygnet, Wood County	Rocky Ford Creek	About 1,500 feet downstream of Front Street	*699
			About 1,500 feet upstream of Front Street	*701
	Maps available for inspection at the Town Hall, East Front Street, Cygnet, Ohio.			
	Send comments to Honorable Eldon L. Martin, Mayor, Village of Cygnet, Town Hall, East Front Street, Cygnet, Ohio 43413.			
Ohio	(V) Pemberville, Wood County	Portage River	About 0.27 mile downstream of Chessie System	*644
			About 0.53 mile upstream of Bridge Street	*648
		North Branch Portage River	At confluence with Portage River	*646
			About 0.3 mile upstream of Conrail (abandoned)	*646
	Maps available for inspection at the Mayor's Office, Town Hall, 115 Main Street, Pemberville, Ohio.			
	Send comments to Honorable Jay E. Parker, Mayor, Village of Pemberville, Town Hall, 115 Main Street, Pemberville, Ohio 43450.			
Tennessee	Town of Hartsville, Trousdale County	Little Goose Creek	Just upstream of Broadway Street	*469
			Just downstream of McMurry Boulevard (State Highway 10 and 25).	*477
		Big Goose Creek	Just downstream of McMurry Boulevard (Highway 25)	*470
		Welch Branch	Just upstream of Hale Street extended	*471
		Cumberland River	Just downstream of Tennessee Highway 141	*466
	Maps available for inspection at Town Register's Office, City Hall, 210 Broadway Street, Hartsville, Tennessee 37074.			
	Send comments to Mayor James Donohoe or Pauline Ford, Town Register, City Hall, P.O. Box 3, Hartsville, Tennessee 37074.			
Tennessee	Unincorporated Areas of Trousdale County	Cumberland River	Just downstream of confluence of Rocky Creek	*458
			Just upstream of U.S. Highway 231 and State Highway 10.	* 460
			Just downstream of State Highway 141	*466
		Big Goose Creek	Just downstream of State Highway 25 (McMurray Boulevard).	*470
			Just upstream of State Highway 25	*471
			Just downstream of Old Lafayette Road	*495
		Little Goose Creek	Approximately 260 feet upstream of State Highway 10 and 25.	*478
			Approximately 400 feet downstream of Louisville and Nashville Railroad.	*514
			Just upstream of Willard Road	*551
		Rocky Creek	Just downstream of U.S. Highway 231	*486
			Just downstream of State Highway 25	*527
		Dixon Creek	Just downstream from Durham Road	*500
			Just downstream of Dixon Creek Road	*536
		Welch Branch	Approximately 500 feet downstream from Old State Highway 25.	*499
	Maps available for inspection at Trousdale County Executive's Office, County Courthouse, Main Street, Box 69, Hartsville, Tennessee 37074.			
	Send comments to Mr. C. K. Smith, County Executive, Trousdale County Courthouse, P.O. Box 69, Hartsville, Tennessee 37074.			
Washington	Concrete (Town), Skagit County	Skagit River	Intersection of 3rd Street and Benjamin Street	*188
			Intersection of Forest Avenue and Washington Avenue	*190
	Maps available for inspection at Town Hall, Concrete, Washington.			
	Send comments to the Honorable Norman Strand, Mayor, Town of Concrete, Washington 98237.			
Washington	Lynden (City), Whatcom County	Nooksack River	Area approximately 200 feet south of intersection of East Front Street and Lawrence Street.	*82
		Fishtrap Creek	Intersection of creek and center of Main Street	*75
	Maps available for inspection at City Engineer's Office, 323 Front Street, Lynden, Washington.			
	Send comments to the Honorable Egbert Maat, 323 Front Street, Lynden, Washington 98264.			

PROPOSED BASE (100-YEAR) FLOOD ELEVATIONS—Continued

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Wisconsin	(V) Greendale, Milwaukee County	Root River	About 0.52 mile downstream of Loomis Road	*704
			Just upstream of College Avenue	*712
			Just downstream of Forest Home Avenue	*721
		Tributary No. 1	About 900 feet downstream of Ramsey Avenue	*778
			Just upstream of Ramsey Avenue	*786
			About 1900 feet upstream of Ramsey Avenue	*787
		Tributary No. 2	At confluence with Root River	*704
			About 200 feet upstream of Root River Drive	*719
			Just upstream of Eastway (upstream crossing)	*760
			About 0.43 mile upstream of South 51st Street	*803
		Tributary No. 3	At confluence with Root River	*715
			About 250 feet upstream of Parkway Drive	*717
			About 0.40 mile upstream of Parkway Drive	*741
		Tributary No. 4	At confluence with Root River	*718
			About 900 feet upstream of Parkway Drive	*728
			About 0.41 mile upstream of Parkway Drive	*738
		Tributary No. 5	At confluence with Root River	*720
			Just upstream of Edgerton Avenue	*724
			About 1,700 feet upstream of Edgerton Avenue	*740
		Scout Lake Creek	At confluence with Dale Creek	*720
			Just upstream of Loomis Road	*725
			About 0.46 mile upstream of Loomis Road	*734
			Just downstream of West Grange Avenue	*790
		Dale Creek	At confluence with Root River	*705
			About 300 feet downstream of Schoolway	*724
			About 400 feet downstream of West Grange Road	*744
			Just downstream of Mansfield Drive	*804
		Whitnall Park Creek	At confluence with Tess Corners Creek	*711
			Just upstream of College Avenue	*715
			Just downstream of South 92nd Street	*715
		Tess Corners Creek	At confluence with Root River	*709
			Just downstream of South 92nd Street	*715

Maps available for inspection at the Village Manager's Office, Village Hall, 6500 Northway, Greendale, Wisconsin.
Send comments to Honorable Gerald Meyers, Village President, Village of Greendale, Village Hall, 6500 Northway, Greendale, Wisconsin 53129.

Wisconsin	(V) Hartland, Waukesha County	Bark River	Just upstream of State Highway 83	*902
			About 200 feet downstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*907
			Just upstream of Chicago, Milwaukee, St. Paul and Pacific Railroad.	*912
			Just upstream of East Capitol Drive	*920
			About 1,800 feet upstream of Hartbrook Drive	*923

Maps available for inspection at the Village Engineer's Office, Village Hall, 210 Cottonwood Avenue, Hartland, Wisconsin.
Send comments to Honorable Kenneth T. Leque, Village President, Village of Hartland, Village Hall, 210 Cottonwood Avenue, Hartland, Wisconsin 53029.

(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. 4001428); Executive Order 12127, 44 FR 19367; and delegation of authority to the Associate Director).

Issued: October 30, 1981.

Lee M. Thomas,

Associate Director, State and Local Programs and Support.

[FR Doc. 81-33691 Filed 11-24-81; 8:45 am]

BILLING CODE 6718-03-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1044

[Ex Parte No. MC-58 (Sub-No. 1)]

Regulations Governing Designation of Process Agents by Motor Carriers and Brokers; Modification

AGENCY: Interstate Commerce Commission.

ACTION: Notice of withdrawal of proposed rules and discontinuance of proceeding.

SUMMARY: This proceeding was instituted to consider modification of existing rules concerning the mechanics by which motor carriers and brokers make known the identity of their "process agents." The Commission has decided to withdraw the proposed rules and discontinue this proceeding. This decision is based on the overwhelming opinion of affected parties that retention of existing rules is preferable to the modified rules proposed.

FOR FURTHER INFORMATION CONTACT: Martin E. Foley (202) 275-7348.

SUPPLEMENTARY INFORMATION: This proceeding was instituted by a notice of proposed rulemaking (NPR) published in the **Federal Register** on February 2, 1981 (49 FR 10180), to consider modification of existing rules concerning the mechanics by which motor carriers and brokers make known the identity of their "process agents" as required by section 10330(b) of the Interstate Commerce Act (49 U.S.C. 10330(b)). Basically, under the proposed modification, motor carriers filing tariffs or schedules with this Commission would have been required to identify process agents in those filed publications; brokers (and motor carriers not otherwise required to file tariffs or schedules with the Commission) could have continued to

identify their process agents through the long-standing use of a specific Commission form (BOC-3). The stated purpose of the proposal was to allow easier access to identity of carriers' agents, to reduce the carriers' paperwork burden, and to conserve Commission resources.

The 28 comments received in response to our NPR were overwhelmingly in opposition to the proposal. Contrary to an expectation that tariffs and schedules would be recognized as a viable, and inexpensive, medium for disclosing process agents, the commenters believe that process would be more cumbersome, more costly and less efficient than the current system (use of form BOC-3 by carriers and brokers alike). A few commenters recognized that the proposal would likely result in resource savings to the Commission, but argued that any such gain would be more than offset by added burdens to the carriers and the public.

Although we are not entirely persuaded that commenters have forecast accurately the impact of the proposal's adoption, we will accept their collective judgement that the carrier and public interest is better served by retention of the existing scheme of identifying process agents. Accordingly we are withdrawing the proposed rules and discontinuing this proceeding.

This decision does not significantly affect the quality of the human environment or the conservation of energy resources. Our action here to discontinue the proceeding makes unnecessary any analysis concerning the impact of the proposal on small businesses or small organizations under the mandates of 5 U.S.C. 603.

Decided: November 18, 1981.

By the Commission, Chairman Taylor, Vice Chairman Clapp, Commissioners Gresham and Gilliam.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-33807 Filed 11-24-81; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 652

Atlantic Surf Clam and Ocean Quahog Fisheries

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

ACTION: Proposed rule; notice of initial approval and availability of plan amendments.

SUMMARY: The Assistant Administrator for Fisheries (Assistant Administrator), NOAA, has given initial approval to Amendment 3 to the Fishery Management Plan for Atlantic Surf Clam and Ocean Quahog Fisheries (FMP). The amendment extends the FMP indefinitely. The amendment contains management measures intended to allow the fishery more easily to achieve optimum yield. A Secretarial amendment continues the vessel moratorium for the surf clam fishery beyond January 1, 1982, until otherwise amended.

DATE: Written comments must be received on or before January 11, 1982.

ADDRESSES: Comments should be sent to: Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930-3097. Mark the outside of the envelope "Comments on Surf Clam/Ocean Quahog Amendment." Copies of Amendment 3, current regulations, and the Secretarial amendment are available on written request.

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

SUPPLEMENTARY INFORMATION: The FMP was prepared by the Mid-Atlantic Fishery Management Council (Council) in consultation with the New England and South Atlantic Fishery Management Councils. On November 17, 1977, the Secretary of Commerce implemented the FMP through promulgation of emergency regulations, and final regulations were published on February 17, 1978 (43 FR 6952). Subsequent amendments to the FMP have refined and continued the management program through the present. Portions of Amendment 3 have been implemented as emergency rules. The existing regulations, published on January 3, 1980 (45 FR 786), were intended to implement the FMP through December 31, 1981. The proposed regulations will replace the existing regulations and implement Amendment 3.

The surf clam resource is beginning to recover from the severely depressed levels of the mid-1970s. During this recovery, population abundance will fluctuate until the resource reaches the new equilibrium level. The process for determining annual quotas must allow for this variability. As significant numbers of small clams mature, it is important to protect clams until they reach a size where their yield and value is optimal. Management measures for highly productive areas, where small surf clams have been protected, must direct fishing effort so that the resource will not be damaged or overfished, and so that industry can plan for the reopening to make efficient use of the resource. The Council also wanted to develop the vessel moratorium into a more flexible and responsive long-term limited-entry program which could allow new entries into the fishery when the proper conditions exist.

Optimum Yield for the Fisheries

The original FMP established annual levels of optimum yield (OY), U.S. capacity to harvest and process, and total allowable level of foreign fishing (TALFF). The values were fixed in the FMP and could be changed only by FMP amendment. This amendment establishes a flexible procedure which will allow the Regional Director of the National Marine Fisheries Service, in consultation with the Council, to specify quota values on an annual basis from within a range which has been identified as OY. The Regional Director will consider stock assessments, catch records, and other relevant information concerning exploitable biomass and spawning biomass, fishing mortality rates, incoming recruitment, projected effort and catches, and areas likely to be reopened to fishing in his selection of a quota value from the OY range. The quotas will be adopted after the public has had an opportunity to review and comment on the values selected.

A flexible procedure for annually selecting quotas is desirable for several reasons. The surf clam population in the mid-Atlantic is beginning to increase and there is reason to believe that quotas could be increased by substantial, but as yet undetermined, amounts over the next several years. Our knowledge about the abundance, distribution, and life history of surf clams in New England, and ocean quahogs in the Western Atlantic, continues to improve, and the additional information we receive may mandate changes in quotas for these resources. A procedure allowing annual adjustments to the quotas under specific criteria will ensure that harvest quotas will be responsive to the needs of the resource and industry. The range from which a quota may be selected has been defined for each resource, taking into account estimates of maximum sustainable yield, minimum resource requirements of the industry, and domestic capacity to harvest and process. The current fishery quotas are at the lower end of each range, so that exercise of the flexibility

provision will, in each instance, result in resource availability equal to or greater than current quotas.

The OY range for each resource management unit is as follows:

[Limit in pounds]

Resource unit	Low limit	High limit
Mid-Atlantic surf clam	30,000,000	50,000,000
New England Surf Clam	425,000	1,700,000
Ocean quahog	40,000,000	60,000,000

Establishing a 5½ Inch Minimum Surf Clam Size

Emergency regulations establishing a 5½ inch minimum surf clam size were effective July 26, 1981 (46 FR 37051). The size limit was imposed at the urgent request of the Council and industry and was intended to achieve several important results. The size limit increases spawning opportunity for surf clams, which should increase recruitment into the fishery in the future. The size limit also prevents the harvest of large quantities of small surf clams which are inferior in terms of their yield and the type of product which can be produced from them.

Industry recognizes that smaller surf clams have a lower yield and value than clams of 5½ inches or greater in length. However, no individual operator can unilaterally cease from taking small clams without possibly putting himself at a competitive disadvantage. A measure preventing the harvest of small surf clams requires each operator to make optimal use of the resource. Industry has stated that the current situation is one where management is crucial to promote its own best collective interest.

Establishing a Procedure for the Controlled Reopening of Areas Currently Closed to Surf Clam Fishing

The FMP was implemented in 1977 primarily in response to a nearly complete collapse of the surf clam resource and fishery, largely due to overfishing. During the last four years, the resource has begun to recover. Large beds of small "seed" clams now populate areas which had been seriously depleted. These areas were closed under provisions of the FMP to allow small clams to increase in yield so that they could make a significant contribution to the fishery. Clams in several of the closed areas are approaching optimum commercial size. However, the beds are so extensive and so densely populated that their harvest must be controlled after reopening to prevent wholesale damage of the clams. The clams in the closed areas now represent a significant proportion of the total available resource and, unless they are properly husbanded, the fishery could again enter the undesirable "boom and bust" cycles which characterized the earlier fishery.

The Regional Director will regulate fishing in closed areas by opening them in phases, dictated by the growth of clams in segments of the beds. Each year, based on resource assessments, the Regional Director will identify those beds or portions of beds expected to contain primarily large (over 5½ inch) surf clams, and estimate the amount of clams which can be taken from mature areas. That information will be factored into the annual determination of the resource quota. The Secretary will publish a notice identifying areas to be reopened over the following year, and the amount of clams that will be available in those areas.

If management measures are to be applied in a reopened area that are different from those in effect for the general fishery, the Regional Director will propose a range of allowable fishing times for the reopened areas, and possibly a schedule for vessel operations. The public will have an opportunity to comment on the proposal. Thereafter, the Regional Director may adjust fishing practices in reopened areas, within the prescribed limits, upon written notice.

The reopened areas will be managed separately from the general fishery, until the catch per unit of effort in the controlled areas is equivalent to that of the general fishery. From that time onward, the controlled areas will be managed as part of the general fishery.

Secretarial Amendment to Continue the Vessel Moratorium

The current vessel moratorium for the surf clam fishery has been extended by the Secretary of Commerce and will continue until the limited entry system prepared by the Council can be reviewed and implemented.

Section 304(c)(1)(A) of the Magnuson Act provides that the Secretary may prepare a fishery management plan, or an amendment to any such plan, if certain conditions are met pertaining to the timeliness of Council action and the necessity for an amendment.

At its meeting on July 9, 1981, the Council passed a motion to notify the Secretary of Commerce that "should the limited entry portion of Amendment No. 3 to the Surf Clam and Ocean Quahog Plan require the plan to be initially implemented without limited entry, that the moratorium should be extended until the plan can be fully implemented." The Council's Surf Clam Industry Advisory Subpanel, which represents a broad spectrum of individuals and firms affected by surf clam management programs, endorsed the Council's recommendation on August 28, 1981.

Amendment 3 contains a proposed modification of the limited access system; however, the Council adopted one version on June 11 and subsequently adopted a revised version on July 9. The additional time consumed by making the revision, and thie subsequent period needed to review a limited entry system that could have a major economic impact under E.O. 12291, meant the revised Amendment was not received in time for review, approval, and implementation by January 1, 1982.

The original EMP provided evidence that the surf clam resource was declining, and that there was a surplus of harvesting capacity in the fishery. A real potential for overfishing was present that warranted drastic controls on fishing effort as well as a limit on the number of vessels. Despite the declining abundance of surf clams, new vessels entered the fishery in 1977 because of the high value of and expanding demand for surf clam products.

The number of surf clam vessels active in the surf clam fishery has declined under the FMP from 157 in 1978 to 123 in 1980. Despite this decrease, there is still surplus harvesting capacity in the fishery as evidenced by the continued tight restrictions on weekly fishing hours (rarely exceeding 24 hours). Permitted vessels are operating with increased harvesting efficiency through fishing gear modifications. The result is that the surplus of harvesting capacity is as great or greater than it was when the FMP was implemented.

Should the present vessel moratorium terminate without being replaced immediately with some form of limited entry, there is real potential that additional vessels will enter the fishery because the increasing abundance of surf clams, their high value, and the strong demand for the fried strip product are powerful inducements. Any new vessels would further increase the surplus harvesting capacity, and decrease the productivity and efficiency of those operators who have been under severe restrictions since 1977.

The existing vessel moratorium system as proposed by the Council was subjected to public hearings on the original FMP and Amendments 1 (44 FR 55590) and 2 (45 FR 786), and discussed in an Environmental Impact Statement and supplements (46 FR 23299). This action will have no impact on the human environment beyond that described in the above documents. The vessel

moratorium, as continued by the Secretary, meets the requirements for establishment of a system for limiting access to a fishery under section 303(b)(6) of the Magnuson Act, the national standards, and other applicable law.

Further Review of the Limited Entry Portion of the Amendment

The Council's amendment included a provision to establish a permanent limited entry program for vessels in the surf clam fishery. The proposed program is intended to facilitate management, prevent further overcapitalization and overfishing, encourage stability in the fishing community, prepare for relaxation of other management measures, allow traditional operators to recover some of their "investment" in the management program, and allow new entry while preventing addition of excessive fishing effort.

The proposal would represent the first use of a comprehensive, permanent limited-entry program under the authority of the Magnuson Act. The issues raised by a limited-entry system are important and must be fully considered. The flexible procedure for determining quotas, the minimum size limit, and the procedures for opening closed areas must be implemented quickly to resolve pressing fishery concerns. Therefore, the proposed limited-entry portion of the amendment was severed from the amendment to allow a thorough review without the pressure of a short deadline.

Other Provisions

The amendment also (1) removes the termination date of the FMP, which was January 1, 1982, allowing it to continue indefinitely; (2) extends the portion of the year during which make-up periods can be claimed for fishing time lost due to bad weather, to the months of November through April; (3) allows vessel operators themselves to determine if weather conditions are severe enough to claim a make-up period; (4) extends the surf clam fishing week to include Sunday; (5) expands the opportunity for vessel operators to change their surf clam fishing schedules; (6) exempts personal-use fishermen from the licensing requirements of the FMP; (7) eliminates the fee to replace a vessel permit; and (8) revises the vessel marking requirements to conform them to requirements of other mid-Atlantic fishing regulations. Each of these modifications is intended to increase operational flexibility for fishermen and other small entities under the management program. The modifications will reduce the burden of management on members of the public affected directly and indirectly by the FMP.

Redundant or unnecessary portions of the regulations have been removed. This includes the portion of the penalty section dealing with permit sanctions. Other portions of the 1980 regulations are proposed to implement carry-over provisions of the FMP.

A series of public hearings was held in Cape Charles, Virginia; Salisbury, Maryland; Wakefield, Rhode Island; and Wildwood Crest, New Jersey, to discuss the Council's amendment. The Council considered the oral comments received and made minor revisions to the amendment reflecting those and written comments.

These amendments to the FMP were approved by the Assistant Administrator under section 304(a) of the Magnuson Fishery Conservation and Management Act.

National Environmental Policy Act of 1969

Amendment 3 and the Secretarial Amendment basically continue the resource conservation program initiated by the FMP. A supplemental environmental impact statement prepared for the amendment (46 FR 23299) found that the management program will provide for the long-term viability of the resources while minimizing negative impacts on the surf clam fishery and permitting full development of the ocean quahog fishery.

Classification

The Administrator, NOAA, has determined that this amendment of the FMP is not a major rule under E.O. 12291. The action is expected to have an incremental effect on the economy of less than $1 million annually. The action is not expected to lead to an increase in costs or prices of more than 10 percent. The action will not adversely affect competition, investment, or productivity. Each of the recommended management measures is likely to produce net benefits to the fishery, the region, and the national economy. Each has positive resource conservation impacts that should increase the long-term supply of clams, reduce their prices, and increase employment. The measures have positive general impacts in that they tend to increase stability in the fishery and encourage the highest value use of the resource.

The Administrator also determined that this amendment will not have a significant economic impact on a substantial number of small business entities and, therefore, does not require a regulatory flexibility analysis. The regulatory impact review prepared for this action found that this rule is expected to result in net benefits to the fishery (i.e., small businesses), the region, and the national economy.

Reporting and recordkeeping requirements proposed here are virtually the same as those published January 3, 1980. Office of Management and Budget (OMB) approval numbers have been obtained for the Surf Clam and Ocean Quahog FMP under: 0648–0016, the logbook family of forms; 0648–0013, dealer reports; and 0648–0097, vessel permits. An Information Collection Budget (ICB) and SF–83 package have been prepared for submission to OMB for two information collections included in 50 CFR 652: for the extended period during which fishermen can claim a make-up day due to bad weather; and for the Notice of Intent to Process form completed by processors to provide the annual estimate of processing capacity required by section 303(a)(5) of the Magnuson Act.

Dated: November 19, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

It is proposed to revise 50 CFR Part 652 to read as follows:

PART 652—ATLANTIC SURF CLAM AND OCEAN QUAHOG FISHERIES

Subpart A—General Provisions

Sec.

652.1 Purpose.
652.2 Definitions.
652.3 Foreign fishing.
652.4 Permits.
652.5 Recordkeeping and reporting requirements.
652.6 Vessel identification.
652.7 Prohibitions.
652.8 Facilitation of enforcement.
652.9 Penalties.

Subpart B—Management Measures

652.21 Catch quotas.
652.22 Effort restrictions.
652.23 Closed areas.
652.24 Vessel moratorium.
652.25 Size restrictions.

Authority: 16 U.S.C. 1801 *et seq.*

Subpart A—General Provisions

§ 652.1 Purpose.

This Part regulates fishing for surf clams (*Spisula solidissima*) and ocean quahogs (*Arctica islandica*) in the Atlantic Ocean fishery conservation zone.

§ 652.2 Definitions.

In addition to the definitions in the Act, and unless the context requires

otherwise, the terms used in this Part shall have the following meaning:

(a) *Act* means the Magnuson Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.*, as amended.

(b) *Assistant Administrator* means the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street, N.W., Washington, D.C. 20235.

(c) *Authorized officer* means:

(1) Any commissioned, warrant, or petty officer of the Coast Guard;

(2) Any certified Enforcement or Special Agent of the NMFS;

(3) Any officer designated by the head of any Federal or State agency which has entered into an agreement with the Secretary of Commerce or the Commandant of the Coast Guard to enforce the provisions of the Act; or

(4) Any Coast Guard personnel accompanying and acting under the direction of any person described in paragraph (c)(1) of this section.

(d) *Bushel* means a standard unit of measure presumed to hold 1.88 cubic feet of surf clams or ocean quahogs in the shell.

(e) *Cage* means a standard unit of measure presumed to hold 32 bushels of surf clams or ocean quahogs in the shell. The outside dimensions of a standard cage generally are 3' wide, 4' long and 5' high.

(f) *Council* means the Mid-Atlantic Fishery Management Council.

(g) *Directed fishery* means, with respect to any species, a fishery conducted for the purpose of catching that species.

(h) *Fish* means any finfish, mollusks (including surf clams and ocean quahogs), crustaceans, and all other forms of marine animal and plant life other than marine mammals, birds, and highly migratory species.

(i) *Fishery Conservation Zone (FCZ)* means the zone contiguous to the territorial sea of the United States, the inner boundary of which is a line coterminous with the seaward boundary of each of the coastal States and the outer boundary of which is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured.

(j) *Fishing* means:

(1) The catching, taking or harvesting of fish;

(2) The attempted catching, taking or harvesting of fish;

(3) Any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish; or

(4) Any operations at sea in support of, or in preparation for, any activity described in paragraph (j) (1), (2), or (3) of this section.

The term "fishing" does not include any scientific research activity which is conducted by any scientific research vessel.

(k) *Fishing trip* means a departure from port, transit to the fishing grounds, fishing, and discharge of any part of the catch on board.

(l) *Fishing vessel* means any vessel, boat, ship, or other craft which is used for, equipped to be used for, or of a type which is normally used for:

(1) Fishing; or

(2) Aiding or assisting one or more vessels at sea in the performance of any activity relating to fishing, including, but not limited to, preparation, supply, storage, refrigeration transportation or processing.

(m) *Mid-Atlantic Area* means that portion of the FCZ south of a straight line connecting the point 41°18.27' N. latitude and 71°54.47' W. longitude with the point 38°37.0' N. latitude and 67°18.8' W. longitude, the outward boundary of the FCZ.

(n) *New England Area* means that portion of the FCZ north of a straight line connecting the point 41°18.27' N. latitude and 71°54.47' W. longitude with the point 38°37.0' N. latitude and 67°18.8' W. longitude, the outward boundary of the FCZ.

(o) *NMFS* means the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration.

(p) *Operator* means, with respect to any vessel, the master or other individual on board and in charge of that vessel.

(q) *Owner* means, with respect to any vessel:

(1) Any person who owns that vessel in whole or in part;

(2) Any charterer of the vessel, whether bareboat, time, or voyage; or

(3) Any person who acts in the capacity of a charterer, including but not limited to parties to a management agreement, operating agreement, or any similar agreement that bestows control over the destination, function or operation of the vessel.

(r) *Person* means any individual, corporation, partnership, association, or other entity.

(s) *Personal use* means harvest of surf clams or ocean quahogs for use as bait, for human consumption, or for other purposes (not including sale or barter) in amounts not to exceed 2 bushels per person per trip.

(t) *Regional Director* means the Regional Director, Northeast Region, NMFS, Federal Building, 14 Elm Street, Gloucester, MA 01930-3097. Telephone 617-281-3600.

(u) *Secretary* means the Secretary of Commerce or the designee of the Secretary.

(v) *Vessel of the United States* means:

(1) A vessel documented or numbered by the Coast Guard under U.S. law; or

(2) A vessel, under five net tons, which is registered under the laws of any State.

§ 652.3 Foreign fishing.

Fishing for surf clams or ocean quahogs in the FCZ by any vessel other than a vessel or the United States is prohibited.

§ 652.4 Permits.

(a) *General.* (1) *Requirement.* A vessel owner or operator must obtain a permit in order to:

(i) Conduct a directed fishery for surf clams or ocean quahogs within the FCZ, or

(ii) Land or transfer to another vessel any surf clams or ocean quahogs or part thereof caught within the FCZ.

(2) *Exemption.* Vessels taking surf clams or ocean quahogs for personal use are exempt from this section.

(b) *Eligibility.*

(1) *Surf clams—New England and Mid-Atlantic.* A vessel is eligible for a permit to harvest surf clams in both the New England and Mid-Atlantic Areas if it meets any of the following criteria:

(i) The vessel has landed surf clams in the course of conducting a directed fishery for surf clams between November 18, 1976, and November 17, 1977; or

(ii) The vessel was under construction for, or was being rerigged for, use in the directed fishery for surf clams on November 17, 1977. For the purpose of this paragraph, "under construction" means that the keel had been laid, and "being rerigged" means physical alteration of the vessel or its gear had begun to transform the vessel into one capable of fishing commercially for surf clams; or

(iii) The vessel is replacing a vessel of substantially similar harvesting capacity which involuntarily left the surf clam fishery during the moratorium, and both the entering and replaced vessels are owned by the same person.

(2) *Surf clams—New England only.* Any vessel of the United States is eligible for a permit allowing it to harvest surf clams in the New England Area only.

(3) *Ocean quahogs.* Any vessel of the United States is eligible for a permit allowing it to harvest ocean quahogs only.

(c) *Application.* Permit applications may be obtained by contacting the Regional Director. The owner or operator may apply for a permit by submitting an application form supplied by the Regional Director containing at least the following information:

(1) Names, mailing addresses, and telephone numbers of the owner and operator;

(2) The name of the vessel;

(3) The vessel's United States Coast Guard documentation number or State license number;

(4) Engine and pump horsepower;

(5) Homeport of the vessel;

(6) Directed fishery or fisheries;

(7) Fish hold capacity (in cages or bushels);

(8) Dredge size and number of dredges;

(9) Amount of surf clams and ocean quahogs landed between November 18, 1976, and November 17, 1977 (in bushels, if applicable);

(10) Number of fishing trips between November 18, 1976, and November 17, 1977;

(11) Date of beginning of construction or rerigging (if applicable);

(12) Signature of the owner or operator; and

(13) Any other information which may be necessary for the issuance or administration of the permit.

(d) *Issuance.* The Regional Director will issue a permit to each eligible vessel for which an application is submitted. The eligibility of a vessel to fish for surf clams will be determined consistent with this section. There will be no fee for the permit.

(e) *Appeal of denial of permit.* (1) Any applicant denied a permit by the Regional Director may appeal to the Assistant Administrator for review of the denial. Any such appeal must be in writing. Any of the following grounds may form the basis for review:

(i) Applicant believes denial was in error;

(ii) Applicant was prevented by circumstances beyond his control from meeting relevant criteria;

(iii) Applicant has new or additional information which might change the initial decision; or

(iv) Applicant can show that significant and unusual hardship will result from the denial.

(2) The appeal may be presented, at the option of the applicant, at a hearing before a person appointed by the Assistant Administrator to hear the appeal.

(3) The decision of the Assistant Administrator will be the final decision of the Department of Commerce.

(f) *Transfer.* A permit is valid only for the vessel for which it is issued.

(g) *Display.* The permit must be carried, at all times, on board the vessel for which it is issued, and must be maintained in legible condition. The permit, the vessel, its gear and catch shall be subject to inspection upon request of any authorized officer.

(h) *Expiration.* Except as provided in paragraph (h)(2), a permit will expire:

(1) When the owner or operator retires the vessel from the fishery (it shall be a rebuttable presumption that failure to land any surf clams or ocean quahogs for 52 consecutive weeks constitutes retirement from the fishery), or

(2) When the ownership of the vessel changes; however, the Regional Director may authorize continuation of a vessel permit for the surf clam fishery if the new owner so requests and the vessel meets the relevant criteria of eligibility set forth in § 652.4(b). Applications for continuation of a permit must be addressed to the Regional Director.

(i) *Sanctions.* Subpart D of 50 CFR 621 (Civil Procedures) governs the imposition of permit sanctions against a permit issued under this Part. As specified in that subpart D, a permit may be revoked, modified, or suspended if the permitted vessel is used in the commission of any offense prohibited by the Act or these regulations; or if a civil penalty or criminal fine imposed under the Act, and pertaining to a permitted vessel, is not paid.

§ 652.5 Recordkeeping and reporting requirements.

(a) *Dealers.* (1) *Weekly report.* Any person who buys surf clams and ocean quahogs from a fishing vessel subject to these regulations shall provide at least the following information to the Regional Director on a weekly basis, on forms supplied by the Regional Director:

(i) Name and mailing address of dealer or processing plant;

(ii) Name and permit number of the vessel from which surf clams or ocean quahogs are landed or received;

(iii) Dates of purchases;

(iv) Number of bushels purchased, by species;

(v) Price per bushel, by species; and

(vi) Meat yield per bushel, by species.

(2) *Annual report.* All persons required to submit reports under paragraph (a)(1) of this section shall also provide the following information to the Regional Director on an annual basis, on forms supplied by the Regional Director:

(i) Number of dealer or processing plant employees during each month of the year just ended;

(ii) Number of employees engaged in production of processed surf clam and ocean quahog products, by species, during each month of the year just ended;

(iii) Plant capacity to process surf clam and ocean quahog shellstock, or to process surf clam and ocean quahog meats into finished products, by species; and

(iv) An estimate, for the next year, of the capacities described in paragraph (a)(2)(iii) of this section.

If the capacities described in paragraph (a)(2)(iii) of this section change more than ten percent during any year, the processor shall promptly notify the Regional Director of the change in capacity.

(3) *At-sea activities.* All persons purchasing, receiving, or processing any surf clams or ocean quahogs at sea for transport to any port of the United States must submit information identical to that required by paragraphs (a) (1) and (2) of this section and provide those reports to the Regional Director on the same frequency basis.

(b) *Owners and operators.* (1) *Daily fishing log.* The owner or operator of any vessel conducting any fishing operations subject to these regulations shall maintain, on board the vessel, an accurate daily fishing log for each fishing trip, on forms supplied by the Regional Director showing at least:

(i) Name and permit number of the vessel;

(ii) Total amount in bushels of each species taken;

(iii) Date(s) caught;

(iv) Time at sea;

(v) Duration of fishing time;

(vi) Locality fished;

(vii) Crew size;

(viii) Crew share by percentage;

(ix) Landing port;

(x) Date sold;

(xi) Price per bushel; and

(xii) Buyer.

(2) *When to fill in log.* To the extent possible, owners or operators shall fill out such logbooks before landing any surf clams or ocean quahogs at the end of any fishing trip. All logbook information required in paragraph (b)(1) of this section must be filled in for each fishing trip before starting the next fishing trip.

(3) *Inspection.* The owner or operator shall make the logbook available for inspection by an authorized officer, or by an employee of the NMFS designated by the Regional Director to make such inspections, an any time during or after a trip.

(4) *Record retention.* For one year after the date of the last entry in the log,

the owner or operator shall keep each logbook at the owner or operator's principal place of business.

(5) *Weekly reports.* The owner or operator shall submit weekly reports to the Regional Director, on forms supplied by the Regional Director. If no fishing trip is made during a week, a report so stating must be submitted.

(6) *Annual reports.* All persons required to submit reports under paragraph (b) of this section shall submit annually to the Regional Director, on forms supplied by the Regional Director, at least the following information relating to vessel characteristics: name of the vessel, vessel's U.S. Coast Guard documentation number or State license number, engine and pump horsepower, homeport of vessel, hold capacity (in bushels or cages), and dredge size and number of dredges

§ 652.6 Vessel identification.

(a) *Official number.* Each fishing vessel 25 feet in length or longer subject to these regulations shall display its official number on the port and starboard sides of the deckhouse or hull, and on an appropriate weather deck so as to be visible from enforcement vessels and aircraft. Vessels under 25 feet in length do not need to display any number. The official number is the documentation number issued by the U.S. Coast Guard or the certificate of number issued by a State or the Coast Guard for undocumented vessels.

(b) *Markings.* Such markings shall be at least eighteen (18) inches in height for fishing vessels over 65 feet in length, and at least ten (10) inches in height for all other vessels over 25 feet in length. The official number shall be permanently affixed to or painted on the vessel and shall be block Arabic numerals of a color that contrasts with the background.

(c) *Duties of the operator.* The operator of each vessel shall:

(1) Keep the required identifying markings clearly legible and in good repair; and

(2) Ensure that no part of the vessel, its rigging or its fishing gear obstructs the view of the markings from an enforcement vessel or aircraft.

(d) *New Jersey vessels.* Instead of complying with paragraphs (a) and (b) of this section, vessels licensed under New Jersey law may use the appropriate vessel identification markings established by that State.

§ 652.7 Prohibitions.

(a) No permit holder shall catch and retain on board any surf clams or ocean quahogs:

(1) During closed seasons; or

(2) In closed areas as specified in these regulations; or

(3) On days of the week on which fishing for these species is not permitted.

(b) No permit holder shall fish for surf clams except during the authorized time period(s) assigned to the vessel he is operating.

(c) No permit holder shall catch and retain on board any surf clams on other than an authorized surf clam fishing trip.

(d) No person shall possess, have custody of or control of, ship, transport, offer for sale, deliver for sale, sell, purchase, import, export, or land, any surf clams, ocean quahogs, or parts thereof, which were taken in violation of the Act, these regulations, or any other regulations issued under the Act.

(e) No person engaged in the surf clam or ocean quahog fisheries as an owner or operator, or as a dealer, processor, buyer, or receiver shall unload or cause to be unloaded, or sell or buy, any surf clams or ocean quahogs whether on land or at sea, without preparing and submitting the documents required by § 652.5.

(f) No person shall:

(1) Refuse to permit an authorized officer to board a fishing vessel subject to such a person's control for purposes of conducting any search or inspection, no matter where that vessel may be located, in connection with the enforcement of the Act, these regulations, or any other regulations issued under the Act;

(2) Forcibly assault, resist, oppose, inpede, intimidate or interfere with any authorized officer in the conduct of any search or inspection described in paragraph (f)(1) of this section;

(3) Resist a lawful arrest for any act prohibited by these regulations; or

(4) Interfere with, delay, or prevent, by any means, the apprehension or arrest of another person, knowing or being advised by authorities that such other person has committed any act prohibited by these regulations.

(g) No person shall use any fishing vessel to engage in fishing without a permit, unless exempted under § 642.4(a)(2), or after the revocation or during the period of suspension of an applicable permit issued under § 652.4.

(h) No permit holder shall alter, erase or mutilate:

(1) any permit issued under § 652.4.

(2) any letter of authorization issued under § 652.22.

(i) No permit holder in the Mid-Atlantic Area shall have in his possession surf clams taken in violation of the size limit prescribed in § 652.25.

(j) No person shall violate any other provision of the Act, these regulations, or any applicable permit issued under § 652.4.

§ 652.8 Facilitation of enforcement.

(a) *General.* The owner or operator of any fishing vessel subject to these regulations shall immediately comply with instructions issued by the authorized officer to facilitate safe boarding and inspection of the vessel, its gear, logbook, and catch for purposes of enforcing the Act and these regulations.

(b) *Signals.* Upon being approached by a Coast Guard vessel or aircraft, or other vessel or aircraft authorized to enforce the Act, the operator of the fishing vessel shall be alert for communications conveying enforcement instructions. VHF-FM radiotelephone is the normal method of communicating between vessels. Should radiotelephone communication fail, however, other methods of communication including visual signals, may be employed. The following signals extracted from the International Code of Signals are among those which may be used, and are included here for the safety and information of fishing vessel operators:

(1) "L" meaning "You should stop your vessel instantly";

(2) "SQ3" meaning "You should stop or heave to; I am going to board you";

(3) "AA AA AA etc." which is the call to an unknown station; to which the signalled vessel should respond by illuminating the vessel identification required by § 652.6.

(c) *Boarding.* A vessel signaled to stop or heave to for boarding shall:

(1) Stop immediately and lay to or maneuver in such a way as to permit the authorized officer and his/her party to come aboard;

(2) Provide a safe ladder for the authorized officer and the boarding party;

(3) When necessary to facilitate the boarding, provide a man rope, safety line and illumination for the ladder; and

(4) Take such other actions as necessary to ensure the safety of the authorized officer and his/her party and to facilitate the boarding.

§ 652.9 Penalties.

Any person or fishing vessel found to be in violation of these regulations, including the logbook and other reporting requirements, shall be subject to the civil and criminal penalty provisions and forfeiture provisions prescribed in the Act, in 50 CFR Parts 620 (Citations) and 621 (Civil

Procedures), and in other applicable law.

Subpart B—Management Measures

§ 652.21 Catch quotas.

(a) *Surf clams: Mid-Atlantic Area.* The amount of surf clams which may be caught in the Mid-Atlantic Area by fishing vessels subject to these regulations will be specified annually within the range of 1,800,000 and 2,900,000 bushels. This annual quota will be divided into equal quarterly quotas, the quarters being January 1–March 31, April 1–June 30, July 1–September 30, and October 1–December 31. Each fishing quarter will begin on the first Sunday of the new calendar quarter.

(1) *Establishing Quotas.* Prior to the beginning of the fishing year, the Regional Director will prepare a written report, based on the latest available stock assessment report prepared by the National Marine Fisheries Service, data reported by harvesters and processors under these regulations, and other relevant data. The report will include consideration of:

(i) Exploitable biomass and spawning biomass relative to optimum yield;

(ii) Fishing mortality rates relative to optimum yield;

(iii) Magnitude of incoming recruitment;

(iv) Projected effort and corresponding catches; and

(v) Status of areas previously closed to surf clam fishing that are to be opened during the year and areas likely to be closed to fishing during the year.

(2) *Public Review.* Based on the data presented in the report above, the Secretary will propose an annual surf clam quota and will publish it in the **Federal Register**. Comments on the proposed annual quotas may be submitted to the Regional Director within 30 days after publication. The Secretary will consider all comments, determine an appropriate annual quota, and publish the annual quota in the **Federal Register**.

(3) *Adjustments.* If the actual actual catch of surf clams in any one quarter falls more than 5,000 bushels short of the specified quarterly quota, the Regional Director will add the amount of the shortfall to the succeeding quarterly quotas. If the actual catch of surf clams in any quarter exceeds the specified quarterly quota, the Regional Director will subtract the amount of the excess from the succeeding quarterly quotas.

(4) *Notice.* The Secretary will publish a notice in the **Federal Register** whenever an adjustment is made to the quarterly quota for surf clams. The Regional Director will send notice of any adjustment of the quarterly quota to each surf clam processor and to each licensed surf clam vessel operator.

(b) *Surf Clams: New England Area.* The amount of surf clams which may be caught in the New England Area by fishing vessels subject to these regulations will be specified annually between 25,000 and 100,000 bushels, using the procedures and criteria set forth in § 652.21(a).

(c) *Ocean Quahogs.* The amount of ocean quahogs which may be caught by fishing vessels subject to these regulations will be specified annually between 4,000,000 and 6,000,000 bushels, using the procedures and criteria set forth in § 652.21(a). If necessary, the Regional Director may establish quarterly quotas for ocean quahogs, which shall be based on historical fishing patterns. In that event, the Secretary will publish notice of such quarterly quotas in the **Federal Register**. In the event that the Regional Director establishes quarterly quotas for ocean quahogs, if the actual catch of ocean quahogs falls more than 5,000 bushels short of the specified quarterly quota, he will add the amount of the shortfall to the succeeding quarterly quotas. If the actual catch of ocean quahogs in any quarter exceeds the specified quarterly quota, the Regional Director will subtract the amount of the excess from the next succeeding quarterly quotas.

§ 652.22 Effort restrictions.

(a) *Surf clams. Mid-Atlantic Area.* (1) *Days of the week.* Fishing for surf clams shall be permitted only during the period beginning 0001 hours Sunday and ending 1800 hours Thursday.

(2) *Hours.* The Regional Director will notify each owner or operator of a fishing vessel engaged in the surf clam fishery in the Mid-Atlantic Area concerning the allowable combinations of fishing periods for varying levels of allowable fishing time. The vessel owner or operator shall send the Regional Director written notice of the owner or operator's selection of allowable surf clam fishing periods for that vessel. All selections must be provided to the Regional Director no less than 15 days prior to the intended effective date. The Regional Director will send a letter of authorization to each owner or operator, stating the periods during which the vessel is authorized to fish for surf clams. The letter of authorization shall be kept aboard the vessel at all times. Fishing shall be conducted only during the times and under those conditions authorized by the Regional Director in the letter of authorization. Fishing for any part of an authorized period will be counted as one day of fishing. In this paragraph, "fishing" means the actual or attempted catching of fish, but not activities in preparation for fishing, such as traveling to or from the fishing grounds. The presence of a vessel's fishing gear in the water at a time which is more than one-half hour before the beginning, or one-half hour after the end, of the vessel's authorized fishing period shall be prima facie evidence that the vessel is fishing in violation of these regulations.

(3) *Allowable fishing times.* At the beginning of each quarter the Secretary will publish in the **Federal Register** a notice of the allowable fishing times (hours per week, hours per month, or hours per quarter) so that fishing for surf clams may be conducted throughout the entire quarter with the minimum number of changes to fishing times. All fishing periods will end at 1800 hours.

(4) *Reduction.* If, on review of the available information and public comment, including current and expected levels of fishing effort, the Regional Director determines during any quarter that the quarterly quota for surf clams [as adjusted under § 652.21(a)(3)] probably will be exceeded, the Secretary may reduce the allowable fishing time.

(5) *Increase.* If, on review of the available information and public comment, including current and expected levels of fishing effort, the Regional Director determines during any quarter that the quarterly quota of surf clams [as adjusted under § 652.21(a)(3)] probably will not be harvested, and that the catch rate has not diminished as a result of a decline in abundance of stocks of surf clams, the Secretary may increase allowable fishing time to facilitate the harvest of the full quarterly quota.

(6) *Make-up periods.* During November, December, January, February, March, and April, fishermen may claim a make-up period, if, in the opinion of the vessel operator, weather or sea conditions would prevent effective fishing or endanger the vessel or crew.

(i) To claim the make-up period, the vessel owner or operator must contact the NMFS before the scheduled authorized fishing period starts. The Regional Director will notify each vessel owner or operator in writing as to the procedure to follow in contacting NMFS.

(ii) The make-up period will be equal in length to the scheduled authorized fishing period. It will begin 24 hours after the scheduled beginning of said period, except that if the make-up period could not then be completed before the end of the fishing week on Thursday at

1800 hours, then the make-up period will begin on the following Sunday.

(iii) Before using this make-up provision, each vessel owner must notify the Regional Director, in writing, of the port from which the vessel fishes. If that port changes, the vessel owner must promptly notify the Regional Director of the change, in writing.

(iv) Any vessel which uses a make-up period without claiming it under this procedure, or which fishes under a scheduled authorized fishing period for which it has claimed a make-up period, shall be liable to forfeit its use of the make-up provision in the future; the vessel and its owner or operator also may be subject to other penalties as prescribed in § 652.9 of these regulations.

(b) *Surf Clams, New England Area.* (1) *Allowable fishing times.* Fishing for surf clams will be permitted seven days per week.

(2) *Revisions.* When 50 percent of the quota of surf clams established under § 652.21(b) for the New England Area has been caught, the Regional Director will, on review of available information and public comment, determine whether the total catch of surf clams during the remainder of the year will exceed the annual quota. If the Regional Director determines that the quota probably will be exceeded, the Secretary may reduce the number of days per week, or establish authorized periods, during which fishing for surf clams is permitted.

(c) *Ocean Quahogs.* (1) *Allowable fishing times.* Fishing for ocean quahogs will be permitted seven days per week.

(2) *Revisions.* When 50 percent of the quota of ocean quahogs for any time period indicated in § 652.21(c) has been caught, the Regional Director will, on review of available information and public comment, determine whether the total catch of ocean quahogs during the applicable time period will exceed the quota for that time period. If the Regional Director determines that the quota probably will be exceeded, the Secretary may reduce the number of days during which fishing for ocean quahogs is permitted.

(d) *Closures.* If the Regional Director determines (based on logbook reports, processor reports, vessel inspections, or other information) that the quota for surf clams or ocean quahogs for any time period will be exceeded, the Secretary shall publish a notice in the **Federal Register** stating the determination and stating a date and time for closure of the surf clam or ocean quahog fishery for the remainder of the time period.

(e) *Notices.* The Secretary will publish a notice in the **Federal Register** of any change in allowable fishing times. The Regional Director will send notice of any closure or any change in allowable fishing times to each surf clam or ocean quahog processor and to each surf clam or ocean quahog permit holder.

(f) *Presumption.* The presence of surf clams or ocean quahogs aboard any vessel engaged in the surf clam or ocean quahog fishery, or the presence of any part of a vessel's gear in the water, more than 12 hours after a closure under this section, shall be prima facie evidence that such surf clams or ocean quahogs were taken in violation of these regulations.

§ 652.23 Closed areas.

(a) *Areas closed because of environmental degradation.* Certain areas are closed to all surf clam and ocean quahog fishing because of adverse environmental conditions. These areas will remain closed until the Secretary determines that the adverse environmental conditions have been corrected. If additional areas, due to the presence or introduction of hazardous materials or pollutants, are identified as being contaminated by the Food and Drug Administration, they may be closed by notice published by the Secretary, after public hearing is held to discuss and assess the effects of such a closure. The areas currently closed are described as follows:

(1) *Boston Foul Ground.* A waste disposal site known as the "Boston Foul Ground" and located at 42°25'36" N. latitude and 70°35'00" W. longitude with a radius of one nautical mile in every direction from that point.

(2) *New York Bight.* A polluted area and waste disposal site known as the "New York Bight Closure" and located at 40°25'04" N. latitude and 73°42'38" W. longitude and with a radius of six nautical miles in every direction from that point, extending northwestward from a point on the arc at 40°31'00" N. latitude and 73°43'38" W. longitude directly toward Atlantic Beach Light in New York to the limit of State territorial waters of New York; and extending southwestward from a point on the arc at 40°19'48" N. latitude and 73°45'42" W. longitude to a point at the limit of the State territorial waters of New Jersey at 40°14'00" N. latitude and 73°55'42" W. longitude.

(3) *Philadelphia and du Pont.* A pair of areas used for disposal of chemicals and sewage sludge known as the "Philadelphia and du Pont Closure" and located at at 38°23'15" N. latitude and 74°14'45" W. longitude; and 38°32'30" N. latitude and 74°20'00" W. longitude with a radius of four and three-quarters nautical miles in every direction from those two points.

(4) *106 Dumpsite.* A toxic industrial dump site known as the "106 Dumpsite" and located between 38°40'00" N. latitude and 39°00'00" N. latitude and between 72°00'00" W. longitude and 72°30'00" W. longitude.

(b) *Areas closed because of small surf clams.* Certain areas are closed because they contain small surf clams.

(1) *Closure.* The Secretary may close an area to surf clam and ocean quahog fishing if he determines, based on logbook entries, processor reports, survey cruises, or other information, that the area contains surf clams of which:

(i) 60 percent or more are smaller than 4½ inches in size, and

(ii) Not more than 15 percent are larger than 5½ inches in size. (Sizes are measured at the longest dimension of the surf clam.)

(2) *Reopening.* The Secretary may reopen areas or parts of areas closed under paragraph (b)(1) if he determines, based on survey cruises or other information, that:

(i) The average length of the dominant (in terms of weight) size class in the area is 5½ inches or more; or

(ii) The yield or rate of growth of the dominant size class in the area would be significantly enhanced through selective, controlled or limited harvest of surf clams in the area.

(3) *Control of reopened areas.* The Secretary will control the harvest of surf clams from reopened areas separate from the management of the general fishery until the catch per unit of effort in the reopened area is comparable to the average catch per unit of effort in the general fishery, at which time the reopened area will become part of the general fishery. Any of the following mechanisms may be used to control harvests from the reopened areas:

(i) The Regional Director may request that vessel operators announce their intent to fish within reopened areas.

(ii) The Regional Director, based on reference to survey information, may select an appropriate range of allowable fishing time for the reopened area to achieve parity with fishing practices in the general fishery. The range will be published for notice and comment subject to the procedures established in paragraph (c) below. The Regional Director may subsequently adjust fishing time within the range, based on logbook information, to maintain parity with the general fishery. These adjustments will be published by notice in accordance with paragraph (c) below.

(iii) The Regional Director may set a schedule for vessels to operate in reopened areas if he determines that the number of vessels planning to operate

simultaneously in a reopened area exceeds the number which can safely be accommodated in the area, or which can effectively be monitored by enforcement officers.

(iv) If the Regional Director determines, based on resource survey information, that the yield of surf clams in a reopened area will be enhanced by selective thinning of the surf clams in the area, he may temporarily suspend the surf clam size limit in that area. Areas of this type will be identified and defined in accordance with the notice and comment procedures established in subsection (c) below.

(c) *Procedure.* The Regional Director may hold a public hearing on the proposed closure or reopening of any area under paragraph (b). The Secretary will publish in the **Federal Register** a notice of any proposed area closure or reopening under paragraph (b), including any restrictions on harvest in a reopened area. Comments on the proposed closure or reopening may be submitted to the Regional Director within 30 days after publication. The Secretary will consider all comments and publish the final notice of closure or reopening, and any restrictions on harvest, in the **Federal Register.** Any adjustment to harvest restrictions in a reopened area will be made by **Federal Register** notice. The Regional Director will send notice of any action under this paragraph to each surf clam or ocean quahog processor and to each surf clam or ocean quahog permit holder.

(d) *Presumption.* The presence of surf clams or ocean quahogs aboard any fishing vessel, or the presence of any part of the vessel's gear in the water, in closed areas shall be prima facie evidence that such clams or quahogs were taken in violation of these regulations.

§ 652.24 Vessel moratorium.

The moratorium that became effective on November 17, 1977, prohibiting the entry of additional vessels into the surf clam fishery, shall remain in effect in the Mid-Atlantic Area until replaced by a revised limited-entry system.

§ 652.25 Size restrictions.

(a) *Minimum length.* A minimum size limit for surf clams of 5½ inches in length is imposed on the Mid-Atlantic Area fishery with the following exceptions:

(1) Ten percent of all full cages in possession, to the nearest whole cage (or at least one cage), can be withheld by the operator from inspection by an authorized officer; and

(2) As many as 240 surf clams in any full cage inspected by the authorized officer may be less than 5½ inches in length.

(b) *Measurement.* Length is measured at the longest dimension of the surf clam.

[FR Doc. 81-33983 Filed 11-24-81; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 46, No. 227
Wednesday, November 25, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

CIVIL RIGHTS COMMISSION

Kansas and Missouri Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that a meeting of the Kansas and Missouri Advisory Committees to the Commission will convene at 3:00 p.m. and will end at 5:00 p.m., on December 8, 1981, at the Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64127. The purpose of this meeting is to plan follow-up to the Commission school desegregation monograph and other programs.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairpersons, Benjamin H. Day, 313 Prospect, Leavenworth, Kansas 66048, (913) 296–3469, Joanne M. Collins, 4030 Bellefontaine, Kansas City, Missouri 64130, (816) 274–1321 or contact the Central States Regional Office, Old Federal Office Building, 911 Walnut Street, Kansas City, Missouri 64106, (816) 374–5253.

Meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 19, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81–33992 Filed 11–24–81; 8:45 am]

BILLING CODE 6335–01–M

Rhode Island Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that a meeting of the Rhode Island Advisory Committee to the Commission will convene at 7:30 p.m. and will end at 9:30 p.m., on December 14, 1981, at 12 Chapin Road, Barrington, Rhode Island, 02806. The purpose of this meeting is to introduce new members subsequent to the Committee recharter and discuss program planning.

Persons desiring additional information or planning a presentation should contact the Chairperson, Dorothy Zimmering, 12 Chapin Road, Barrington, Rhode Island, 02806, (410) 245–3515 or the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 19, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81–33986 Filed 11–24–81; 8:45 am]

BILLING CODE 6335–01–M

Vermont Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that a meeting of the Vermont Advisory Committee to the Commission will convene at 7:00 p.m. and will end at 9:00 p.m., on December 7, 1981, at the Vermont Federal Savings and Loan Association, Friendship Room, 99 State Street, Montpelier, Vermont, 05602. The purpose of this meeting is to discuss the affects of Federal funding cutbacks on civil rights programs; review the draft report on Franco-Americans and a kit on racial stereotyping.

Persons desiring additional information or planning a presentation to the Committee, should contact the Chairperson, Philip H. Hoff, 192 College Street, Hoff, Wilson and PO, Burlington, Vermont, 05401, (802) 658–4300 or contact the New England Regional Office, 55 Summer Street, 8th Floor, Boston, Massachusetts, 02110, (617) 223–4671.

The meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 19, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81–33993 Filed 11–24–81; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

International Trade Administration

International Affiliates Co., Inc., et al.; Order Temporarily Denying Export Privileges

In the matter of: Albert A. Goldberg, President, International Affiliates Co., Inc., and National-Tronics Company, 134 West 32nd Street, New York, New York 10001; International Affiliates Co., Inc., 134 West 32nd Street, New York, New York 10001; National-Tronics Company, 134 West 32nd Street, New York, New York 10001; Sarfraz A. Mir, Managing Director, S. J. Enterprises, 15—Block 14 Super Market, F–6 Islamabad, Pakistan, and 37–B School Road, 58–3 Islamabad, Pakistan; S. J. Enterprises, 15—Block 14 Super Market, F–6 Islamabad, Pakistan, and P.O. Box 1361, Islamabad, Pakistan.

The Department of Commerce, pursuant to the provisions of § 388.19 of the Export Administration Regulations (15 CFR 368, et seq. (1981)) (the Regulations), has requested the Hearing Commissioner to issue an order temporarily denying all export privileges to the above-named respondents.

The Department states that the above-named respondents are under investigation by the Compliance Division of the Department's Office of Export Administration. The Department states further that its investigation gives it reason to believe: (i) That the above-named respondents have engaged in a scheme whereby they have attempted to export a shipment of U.S.-origin zirconium, a metal used in a variety of nuclear and industrial applications, without obtaining the required validated export license; and (ii) that they may attempt future exports without the required authorization unless appropriate action is taken to preclude such attempts.

Based upon the showing made by the Department, I find that an order temporarily denying all export privileges to the above-named respondents is required in the public interest to

facilitate enforcement of the Export Administration Act of 1979 (50 U.S.C. app. 2401, et seq. (Supp. III 1979)) and the Regulations and to permit completion of the Department's investigation.

Accordingly, it is hereby, ordered

I. All outstanding validated export licenses in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondents, their successors or assigns, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States in whole or in part, or to be exported, or which are otherwise subject to the Export Administration Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity, (a) as parties or as representatives of a party to a validated export license application, (b) in the preparation or filing of any export license application or reexportation authorization, or of any document to be submitted therewith, (c) in the obtaining or using of any validated or general export license or other export control document, (d) in the carrying on of negotiations with respect to, or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part, exported or to be exported from the United States, and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any successor and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or services related thereto. Business organizations now known to be owned by or affiliated with the respondents specifically include: Gorez Corporation Inc., 134 West 32nd Street, New York, New York 10001. Inter-Tronics Co., Inc., 134 West 32nd Street, New York, New York 10001. ITL Corporation Inc., 134 West 32nd Street, New York, New York 10001. S. J. Enterprises, 10 Wahbat Road, Lahore, Pakistan. S. J. Enterprises, 13–A Mohammad Ali Housing Society, Miran Mohammad Shad Road, Carachi, Pakistan.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with any named respondent or related party, or whereby any named respondent or related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any named respondent or related party denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(b) of the Export Administration Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, International Trade Administration, U.S. Department of Commerce, Room 3886C, 14th and Constitution Avenue, N.W., Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which if requested, shall be held before the Hearing Commissioner at the earliest convenient date.

VI. This order is effective immediately. It remains in effect until the final disposition of any administrative or judicial proceeding or proceedings initiated against the named respondents have been completed. A copy of this order shall be served upon the respondents

Dated: November 19, 1981.

Thomas Hoya,

Hearing Commissioner.

[FR Doc. 81-33958 Filed 11-24-81; 8:45 am]

BILLING CODE 3510-30-M

Iowa State University, et al.; Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of 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). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, U.S. Department of Commerce, Washington, D.C. 20230, on or before December 15, 1981.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 2119 of the Department of Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 81–00289. Applicant: Iowa State University, Purchasing Department, Ames, IA 50011. Article: Mass Spectrometer, MAT 250 with Accessories. Manufacturer: Varian MAT, West Germany. Intended use of article: The article is intended to be used for precise measurement of $^{15}N/^{14}N$, $^{13}C/^{12}C$, and $^{18}O/^{16}O$ ratios in N_2, N_2O and CO_2. Studies will involve determination of the isotopic composition of compounds in solids, of plant materials, and of gases released from soils. Experiments to be conducted shall be extensive and long-term studies of nitrogen transformations in soils during field and laboratory studies. Application received by Commissioner of Customs: July 29, 1981.

Docket No. 81–00302. Applicant: Texas Tech University, Texas Tech Campus, Lubbock, TX 79409. Article: Architectural Lux Meter. Manufacturer: Megatron Limited, United Kingdom. Intended use of article: The article is intended to be used to measure natural lighting and artificial simulations on architectural models. The distribution of light intensities will be analyzed.

Experiments will consist of examination of the lighting characteristics of various earth-sheltered housing daylighting configurations. Application received by Commissioner of Customs: July 16, 1981.

Docket No. 81-00324. Applicant: University of California, Berkeley, Purchasing Department, 2405 Bowditch Street, Berkeley, CA 94702. Article: Mass Spectrometer, Model MS 50S with Accessories. Manufacturer: Kratos, United Kingdom. Intended use of article: The article is intended to be used for experiments in chemical, biological, biomedical, clinical, pharmaceutical and environmental toxicological research which will involve multicomponent, qualitative analytical studies as well as quantitative studies which will be carried out on trace components of substances isolated from complex chemical, biological and environmental milieux—in the latter case using stable isotopically-labeled synthetic specific analogs. Studies of the products of chemical reactions (both gas-phase and solution) aimed at developing knowledge of reaction mechanism will also be carried out. The article will also be used in the courses: Organic Chemistry Laboratory, Qualitative Organic Analysis, and Mass Spectrometry in the Life Sciences to train students and visiting scientists in analytical methodology for identification and qualitative structure determination of unknowns and knowns in complex mixtures isolated from biological, clinical and environmental milieux. Application received by Commissioner of Customs: July 24, 1981.

Docket No. 82-00010. Applicant: Yale University, Molecular Biophysics & Biochemistry, P.O. Box 6666, 260 Whitney Avenue, New Haven, CT 06511. Article: Rotating Anode X-ray Generator, GX 21, Type RA-6 and Accessories. Manufacturer: Elliott Brothers London Ltd., United Kingdom. Intended use of article: The article is intended to be used to determine the three-dimensional crystal structure of various biological macromolecules, mostly proteins and nucleic acids, using the techniques of x-ray crystallography. The goal of such research is to understand the biological function of these macromolecules in terms of their molecular structure. The 10 fold higher power of the article as compared to sealed tube generators allows larger structures to be studied. The article will be used in part for the training of graduate students in molecular biophysics and is essential for the research leading to their thesis. Application received by Commissioner of Customs: October 23, 1981.

Docket No. 82-00011. Applicant: Lehigh University, Purchasing Department, 404 Adams Street, Bethlehem, PA 18015. Article: QMC Bat Detector, Model S100. Manufacturer: QMC Instruments, Ltd., United Kingdom. Intended use of article: The article is intended to be used on research on house mouse ultrasonic vocalizations to detect the vocalizations of interest. This research is designed to answer basic questions concerning the evolution and physiology underlying animal communication as well as provide information which could be important for rodent pest control. Application received by Commissioner of Customs: October 9, 1981.

Docket No. 82-00012. Applicant: Ohio Valley Medical Center, Department of Pathology, 2000 Eoff Street, Wheeling, W. Va. 26003. Article: Electron Microscope, Model H-600-3 with Accessories. Manufacturer: Hitachi Scientific Instruments, Ltd., Japan. Intended use of article: The article is intended to be used for studies of human tissue for diagnosis research and education. The experiments to be conducted will involve diagnosis by observation of ultrastructural changes, especially in neuromuscular disease, kidney pathology and artificial heart valves. In addition, the article will be used for educational purposes in the courses: Pathology Residency, Medical Technology and E.M. Technology. Application received by Commissioner of Customs: October 9, 1981.

Docket No. 82-00013. Applicant: National Institutes of Health, Molecular Toxicology Section, Clinical Pharmacology Branch, COP, DCI, NCI, Building 10, Room 6N119, 9000 Rockville Pike, Bethesda, MD 20205. Article: Electron Microscope, Model JEM-100CX with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of intracellular localizations of cytotoxic antitumor drugs and drug metabolites, and correlations of these parameters with ultrastructural-level changes in metal-ion fluxes as well as perturbations in metal-containing enzymes (e.g. glutathione peroxidase, xanthine oxidase) that are involved in cellular defense mechanisms. The major objectives of this research program are to gain a better basic understanding of mechanisms of drug-induced cytotoxicity. This information is being pursued with the hope that better anticancer drugs can be developed with enhanced cytotoxic properties toward tumor cells but with minimized damaging effects toward normal tissues. Application received by Commissioner of Customs: October 15, 1981.

Docket No. 82-00015. Applicant: University of North Carolina, Department of Physiology, 186 Medical Research Wing, 206H, Chapel Hill, NC 27514. Article: Electron Microscope, Model EM 10CA with Accessories. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of tissue from mammalian central nervous system in which single neurons have been labelled for recognition in electron microscopy, biochemically prepared microtubules from mammalian brain, and postsynaptic membranes in situ (electric tissues and mammalian muscle) and after biochemical isolation. The objectives of all of these projects are to indentify morphological features of whole cells (the isolated neurons) and subcellular structure (microtubles and postsynaptic membranes) which will explain their function and assembly. The article will also be used for educational purposes having a research objective. This involves training graduate students and postdoctoral fellows to use the instrument up to the limits of its capabilities in their research efforts, which are directed toward the projects described. Application received by Commissioner of Customs: October 9, 1981.

Docket No. 82-00016. Applicant: VA West Side Medical Center, 820 S. Damen, Chicago, IL 60612. Article: Electron Microscope, Model JEM-100S with Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of biological and medical tissue specimens from intestine, liver, lung culture, pancreas, trachea and other materials. Research projects to be conducted will include the following:

Ion Fluxes Across Tracheo-Bronchial Membranes and Its Modulation by Pharmacological Agents.

Anti-Bacterial Defense Mechanism in Neutropenic Hosts.

Studies on the Control of Sodium Edematous States.

The Mechanism of the Immunologic Deficiency in Myeloma.

Cellular Mechanism(s) of Dysgammaglobulinemia in Lymphoproliferative Disorders.

Transplantation & Tumor Immunogenetics in randomly Bred Mammals.

Granulocyte Support During Bone Marrow Failure.

Autologous Bone Marrow Reconstitution and Extended Chemotherapy in Human Cancer.

The Relationship of Cytoplasmic RNA & A Particles in Myeloma Cells.

The Bile Canalicular Membrane-Role in Hepatocyte Bile Formation.

Studies in Ocular Physiology.
Factors Controlling Carbohydrate metabolism.
Experimental Investigation of Lung Lymphatic Regeneration.
ICC Protocol 78L1 Treatment Stage III Lung Carcinoma, Chemotherapy with Radiation VS. Radiation.
Role of Adrenergic System in Control of Parathyroid Hormone and Calcitonin Secretion.

Na-K-ATPase and Tubular Functions in Acute Renal Failure.

The objectives pursued in the course of each investigation are to observe, record and compare the ultrastructural features of the specimen under the various experimental conditions. The article will also be used to teach the basic operation of an electron microscope which include specimen and film loading and unloading, specimen observation, magnification, illumination, and micrography. Application received by Commissioner of Customs: October 9, 1981.

Docket No. 82-00017. Applicant: University of Rochester, Cancer Center, 601 Edgewood Avenue, Box 704, Rochester, NY 14642. Article: Therac 20/ Saturne Linear Accelerator with Accessories Manufacturer: A.E.C.L., Canada. Intended use of article: The article is intended to be used in a Radiation Physics project for the following: (1) To integrate dynamic imaging techniques and physically optimized treatment planning with dynamic delivery of radiation therapy, (2) to continue the investigation review of tumor response to radiation and to correlate the physical parameters of treatment with clinical outcome, and (3) to complete the systematic approach to standardize radiation treatment planning to major anatomic/organ sites. Application received by Commissioner of Customs: October 15, 1981.

Docket No. 82-00018. Applicant: Research Foundation of SUNY at Stony Brook, State University of New York, Department of Materials Science Engineering, Stony Brooks NY 11794. Article: Hemispherical Analyzer, Model 424 with Channeltron. Manufacturer: VG Scientific Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies of semiconductors and insulators. The phenomena to be studied are the reactions of specific surfaces with gases and vapors, chemsorption corrosion, uptake, epitaxy, etc. The article will also be used for graduate training in scientific research. Application received by Commissioner of Customs: October 9, 1981.

Docket No. 82-00019. Applicant: Stanford University, Procurement, AEL 109, Stanford, CA 94305. Article: Superconducting Magnet with Accessories. Manufacturer: Oxford Instruments Co., Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies of metalloproteins and their spectral analogues. The properties to be investigated are the electronic and geometric structure as well as the dynamic function of the active sites of metalloproteins.

The experiments to be conducted will include:

(1) Measurement of the magnet circular dichroism parameters,
(2) Measurement of magnetic linear dichroism, and
(3) Temperature and field dependent studies to relate ground state magnetic and excited state electronic properties.

Application received by Commmissioner of Customs: October 15, 1981.

Docket No. 82-00020. Applicant: National Cancer Institute, Building 37, Room 2E18, 9000 Rockville Pike, Bethesda, MD 20205. Article: Electron Microscope, Model EM 400 with Accessories. Manufacturer: N. V. Philips, the Netherlands. Intended use of article: The article is intended to be used for examination of a variety of materials including human and animal tissues, cultured cells, fractionated cell organelles, viruses, and purified proteins and nucleic acids in studies of both normal and disease processes in mammary epithelium and related tissues. Experiments conducted include those to identify and localize organelles characteristic of various mammary gland cell types (keratin filaments, casein granules, lysosomes, proviral particulates, specific secretory granules, etc.), to determine the location and character of desmosomes and basement membrane components during cytological differentiation, and to localize cytochemical markers specific for antibodies, antigens, proteins, enzymes and tissue or cellular compartments; comparisons are drawn among normal, developing, disease, and treated tissues. Application received by Commissioner of Customs: October 15, 1981.

Docket No. 82-00021. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 S. Cass Avenue, Argonne, IL 60439. Article: Excimer Laser, Model TE-861T with Optics Set. Manufacturer: Lumonics Inc., Canada. Intended use of article: The article is intended to be used to study the interaction of a magnetically confined fusion plasma with various first-wall and limiter surfaces in Tokamak devices. The interaction will be sampled by determining the atomic concentration of wall material in the near surface region using laser-induced fluorescence spectroscopy. This concentration is particularly important since wall atoms represent a major source of plasma impurities. Application received by Commissioner of Customs: October 15, 1981.

Docket No. 82-00022. Applicant: Maritime Institute of Technology and Graduate Studies, 5700 Hammonds Ferry Road, Linthicum Heights, MD 21090. Article: Radio Navigation Simulator with Accessories. Intended use of article: The article is intended to be used to provide faster than real time (accelerated real time) Loran-C and Decca Radionavigation signals to receivers in a dynamic fashion to permit simulation of vessel position changes for chart plotting exercises. In addition, the article will be used in an Electronic Navigation course to improve the capabilities of merchant mariners in the area of electronic navigation of vessels. Application received by Commissioner of Customs: October 16, 1981.

Docket No. 82-00023. Applicant: The University of California, Department of Chemistry, Davis, CA 95616. Article: Excimer Laser-pumped Dye Laser System. Manufacturer: Lambda physik GmBh & Co., West Germany. Intended use of article: The article is intended to be used in time resolved spectroscopic studies of organic research mechanisms and reactive intermediates in the gas phase and gas-phase nuclear magnetic resonance studies of photochemical reactions. Application received by Commissioner of Customs: October 23, 1981.

Docket No. 82-00024. Applicant: National Aeronautics and Space Administration, Goddard Space Flight Center, Greenbelt Road, Greenbelt MD, 20771. Article: Data Processing Equipment. Manufacturer: MacDonald Dettwiler and Associates, Ltd., Canada. Intended use of article: The article is intended to be used in a ground based data processing system to provide the capability to ingest, synchronize, demultiplex and reformat the raw electronic data stream from the Landstat-D-spacecraft Multispectral Scanner (MSS) sensor into a form suitable for subsequent processing. Application received by Commissioner of Customs: October 23, 1981.

Docket No. 82-00025. Applicant: Washington University, Department of Biology, Lindell and Skinker, St. Louis, MO 63130. Article: Electron Microscope, Model H-600-3 with Accessories. Manufacturer: Hitachi Ltd., Japan. Intended use of article: The article is

intended to be used for the following research projects:

(1) Analysis of the 3-dimensional relationships among membrane and cytoskeletal components of *Volvox* embryos, as part of an on-going program to study genetic control of development, using *Volvox* as a model organism.

(2) Analysis of structural changes in flagella, cell membranes and the mating structures of Chlamydomonas during sexual agglutionation.

(3) Physical mapping of genetically significant DNA molecules as part of an on-going genetic engineering program designed to transfer the storage protein genes of soybeans to other higher plants.

(4) Analysis of the structural organization of the ruffled membranes of osteoclasts as part of an on-going analysis of bone remodelling.

(5) Analysis of the formation of microvesicles at the tips of intestinal epithelial cell microvilli as a consequence of stimulation of the cells by tyroxin in culture.

(6) Comparative studies of the ultrastructure of the eggshells of squamate reptiles as part of a study of the evoluton of viviparity in reptiles.

(7) Analysis of ribosomal DNA transcription and mapping of cloned ribosomal genes in *Drosophila mercatorium* bearing a developmental defect that maps to the nucleolus organizer loci.

(8) Physical mapping and characterization of cloned genes of *tetrahymena* as part of an on-going study designed to elucidate the types and mechanisms of gene reorganization that accompany nuclear differentiation in this species.

In addition, the article will be used to train graduate students and postdoctoral personnel in applying electron microscopy techniques to their individual research projects. Application received by Commissioner of Customs: October 23, 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. 81-34018 Filed 11-24-81; 8:45 am]

BILLING CODE 3510-25-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Amending Export Visa Requirement for Certain Cotton, Wool and Man-Made Fiber Textiles and Apparel From the People's Republic of China

November 20, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Amending the visa agreement to exempt commercial shipments valued at $250 and under from the visa requirement and to clarify that export visas need not be dated.

SUMMARY: The Governments of the United States and the People's Republic of China have exchanged letters amending the visa mechanism established pursuant to the terms of the Bilateral Cotton, Wool and Man-Fiber Textile Agreement of September 17, 1980, as amended, between the two governments to exempt commercial shipments valued at $250 and under from the visa requirement and to ensure that merchandise is not denied entry for lack of a date on the export visa.

EFFECTIVE DATE: November 25, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377-4212).

SUPPLEMENTARY INFORMATION: On August 5, 1980, there was published in the **Federal Register** (45 FR 51873) a letter dated August 1, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established an export visa requirement for cotton, wool and man-made fiber textile products in Categories 300–369, 400–469 and 600–669, produced or manufactured in the People's Republic of China. The letter published below from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amends the letter of August 1, 1980 to exempt commercial shipments valued at $250 and under from the export visa requirement and to clarify that export visas need not be dated.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

November 20, 1981.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229

Dear Mr. Commissioner: This directive further amends, but does not cancel, the directive of August 1, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in Categories 300–369, 400–469 and 600–669, produced or manufactured in the People's Republic of China for which the Government of the People's Republic of China has not issued an appropriate export visa.

Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980, as amended, between the Governments of the United States and the People's Republic of China and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, the directive of August 1, 1980 is further amended, effective on November 25, 1981, to permit entry of commercial shipments value at $250 and under without an export visa. Further, merchandise should not be denied entry for lack of a date on the export visa.

The actions taken with respect to the Government of the People's Republic of China and with respect to imports of cotton, wool and man-made fiber textile products from China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-34019 Filed 11-24-81; 8:45 am]

BILLING CODE 3510-25-M

Adjusting the Level of Restraint for Certain Wool Apparel Products Exported From the Polish People's Republic

November 20, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing the level of restraint established for wool suit-type coats in Category 433, produced or manufactured in Poland, from 7,155 dozen to 7,942 dozen during the agreement year which began on January 1, 1981 by the application of swing (358 dozen) and carryforward (429 dozen).

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506), December 24, 1980 (45 FR 85142), May 5, 1981 (46 FR 25121), and October 5, 1981 (46 FR 48963) and October 27, 1981 (46 FR 52409)).

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 15, 1980 and March 21, 1981, as amended, between the Governments of the United States and the Polish People's Republic provides, among other things, for the borrowing of yardage in certain categories from the succeeding year's level with the amount used deducted from the level in the following year (carryforward); and that specific ceilings may be increased by

designated percentages (swing). Pursuant to the terms of the bilateral agreement and at the request of the Government of the Polish People's Republic, the import restraint level for Category 433 is being increased during the twelve-month period which began on January 1, 1981.

EFFECTIVE DATE: November 25, 1981.

FOR FURTHER INFORMATION CONTACT: Carl Ruths, International Trade Specialist, Office of Textile and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–4212).

SUPPLEMENTARY INFORMATION: On April 30, 1981 there was published in the **Federal Register** (46 F.R. 24224) a letter dated April 27, 1981 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established levels of restraint for certain cotton, wool and man-made fiber textile products, including Category 433, produced or manufactured in Poland which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1981 and extends through December 31, 1981 under the terms of a new bilateral agreement.

In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to permit entry for consumption and withdrawal from warehouse for consumption of wool textile products in Category 433, produced or manufactured in Poland, at the increased level of 7,942 dozen during the agreement year which began on January 1, 1981.

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

November 20, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229

Dear Mr. Commissioner: On April 27, 1981, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning on January 1, 1981 and extending through December 31, 1981 of cotton, wool and man-made fiber textile products in certain specified categories, produced or manufactured in Poland, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, and extended on December 15, 1977, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 15, 1980 and March 21, 1981, as amended, between the Governments of the United States and the Polish People's Republic; and in accordance with provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed, effective on November 25, 1981, to increase the twelve-month level of restraint for wool textile products in Category 433 to 7,942 dozen.[2]

The actions taken with respect to the Government of the Polish People's Republic and with respect to imports of wool textile products from Poland have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **Federal Register.**

Sincerely,

Arthur Garel,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-34030 Filed 11-24-81; 8:45 am]

BILLING CODE 3510-25-M

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 15, 1980 and March 21, 1981, as amended, between the Governments of the United States and the Polish People's Republic which provide, in part, that: (1) Within the aggregate and applicable group limits of the agreement, specific levels of restraint may be exceeded by designated percentages; (2) these levels may also be increased for carryover and carryforward; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

[2] The level of restraint has not been adjusted to reflect any imports after December 31, 1980.

COMMODITY FUTURES TRADING COMMISSION

Chicago Mercantile Exchange: Proposed Amendment to Its Frozen Pork Bellies Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of proposed contract market rule amendment.

SUMMARY: The Chicago Mercantile Exchange ("CME") has submitted an amendment to its Frozen Pork Bellies futures contract. The amendment would reduce the discount currently applied to deliveries of 16/18 pound bellies from $.025 to $.015 per pound. The Commodity Futures Trading Commission ("Commission") has determined that the amendment is of major economic significance and that, accordingly, publication of the proposed amendment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATE: Comments must be received on or before December 28, 1981.

ADDRESS: Interested persons should submit their views and comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581. Reference should be made to CME Rule 1404.C.

FOR FURTHER INFORMATION CONTACT: Jerome J. Huhman, Division of Economics and Education, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. (202) 254–7227; or De'Ana J. Hamilton, Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, (202) 254–8955.

SUPPLEMENTARY INFORMATION: The Commodity Futures Trading Commission, in accordance with section 5a (12) of the Commodity Exchange Act, ("Act"), 7 U.S.C. 7a(12) (Supp. III 1979), has determined that the proposed amendment to Rule 1404.C of the Chicago Mercantile Exchange concerning weight deviations and allowances of its Frozen Pork Bellies futures contract is of major economic significance. If approved by the Commission, the CME proposes to place the amendment into effect for the February 1983 and subsequent contracts. The scheduled date for listing of the February 1983 contract is January 4, 1982.

The text of CME's proposed amendment is printed below, using italics to indicate additions and brackets to indicate deletions:

Section 1404–C

C. Weight Deviations and [Allowances] *Discounts* Delivery units complying with all other rules of the futures contract but in the following weight range are deliverable with the specified [allowanes] *discount:*

16/18 pound units—[2½¢] *1½¢* [allowance] *discount*

* * * * *

Other materials submitted by the CME in support of its rule amendment may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552) and the Commission's regulations thereunder (17 CFR Part 145 (1981)), except to the extent that they may be entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Acts Compliance staff of the Office of the Secretariat at

the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposed amenndments, or with respect to other materials submitted by CME in support of its submission, should send such comments to Jane K. Stuckey, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, D.C. 20581, by December 28, 1981. Such comment letters will be publicly available except to the extent that they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9

Issued in Washington, D.C., on November 19, 1981.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-34017 Filed 11-24-81; 8:45 am]

BILLING CODE 6351-01-M

CONSUMER PRODUCT SAFETY COMMISSION

Commission Decision Concerning Dual Purpose Packaging Under the Poison Prevention Packaging Act

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Commission decision.

SUMMARY: On October 14, 1981, the Commission considered a staff recommendation to propose a rule that would prohibit the use of dual purpose closures for products requiring child-resistant packaging under the Poison Prevention Packaging Act. Two Commissioners voted for the staff recommendation to initiate rule-making, and two Commissioners voted not to begin the rule-making process at this time. The Chairman abstained from voting because of her earlier involvement as a consultant to members of the packaging industry. As a result of the split decision, the Commission, at this time, will not initiate regulatory action.

ADDRESS: All materials considered by the Commission during the course of this proceeding are available in the Office of the Secretary, Consumer Product Safety Commission, 1111 18th Street, NW., Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Robert Poth, Directorate for Compliance and Administrative Litigation, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492-6400.

SUPPLEMENTARY INFORMATION: For the last several years, the Commission staff has been investigating dual purpose closures, a type of packaging that is being used for products requiring special (child-resistant) packaging under the Poison Prevention Packaging Act of 1970 (PPPA) (15 U.S.C. 1471 et seq.). Dual purpose packaging is packaging which is intended to be used in two modes. In one mode the package complies with the Commission's existing standards and testing requirements for child-resistant packaging at 16 CFR 1700.15 and 1700.20. In the alternative mode, the package functions as a conventional, non-child-resistant package.

The Commission staff solicited comments from manufacturers of child-resistant packaging, including manufacturers of dual purpose packaging, as well as comments from its former Technical Advisory Committee established under the PPPA, and comments from recognized experts in the field of poison prevention. The staff also evaluated two consumer questionnaries and several household surveys on the issue of dual purpose packaging. In addition, the staff gathered economic information concerning dual purpose packaging. The staff included this information in a briefing package that was forwarded to the Commission in January 1981. Based on the information in the briefing package, the staff believes that dual purpose packaging is likely to become more widespread in use and will enable children to gain ready access to the contents, thereby increasing the risk of injury to children. The staff recommended that the Commission propose a regulation to prohibit the further use of dual purpose packaging as child-resistant packaging under the PPPA.

On June 11, 1981, the staff orally briefed the Commission on the issue of dual purpose packaging. To further facilitate the accumulation of available information, the Commission held a public meeting on June 16, 1981, at which interested persons presented their views on dual purpose packaging. A total of 34 individuals made presentations at the public meeting. As a result of the meeting, an additional 17 written comments were received on the issue. Individuals commenting included manufacturers of dual purpose packaging, a manufacturer of toilet bowl cleaners using child-resistant packages, retail pharmacists and an association representing retail pharmacists, physicians, a federal government agency, a U.S. Congressman, state agencies, associations of retired persons, a testing firm, a number of private citizens, and a consumer council group.

Persons who opposed any restrictions or prohibitions on the use of dual purpose packaging argued that the available information shows that the use of dual purpose packaging has not increased the likelihood of incidents of childhood ingestions.

On October 14, 1981, the Commission met to vote on the issue of whether to initiate rule-making to prohibit the use of dual purpose packaging as child-resistant packaging under the PPPA. Commissioners R. David Pittle and Edith Barksdale Sloan voted for the staff recommendation to initiate rule-making. Commissioners Stuart M. Statler and Sam Zagoria Voted not to begin regulatory action, based on information presently before the Commission. Chairman Nancy Harvey Steorts abstained from voting because of her earlier involvement as a consultant to members of the packaging industry. As a result of the split decision, under the Commission's internal operating procedures, the Commission will not at this time initiate regulatory action concerning dual purpose closures. Thus, packages with dual purpose closures that meet the definition of special packaging in the mode intended to be child-resistant will continue to be in compliance with applicable child-resistant packaging requirements for the substance in that package. However, the split decision does not indicate that the Commission has approved or endorsed dual purpose closures as child-resistant packaging. In addition, the Commission could at a later time, as with any other decision not to regulate a product, again consider the issue of whether to prohibit or restrict the use of dual purpose packaging as child-resistant packaging, particularly in view of new information or changed circumstances.

In the future the Commission staff will monitor the extent to which the use of dual purpose packaging expands for prescription drugs as well as for over-the-counter drugs and other household substances subject to child-resistant packaging standards. To the extent practicable, the staff will also closely monitor childhood ingestion data and identify the type of packaging involved in incidents. In addition, the Commission wishes to remind pharmacists that, in accordance with section 4 of the Poison Prevention Packaging Act, substances in packaging with dual purpose closures must be dispensed in the child-resistant mode unless the physician has specified, or the patient requested, conventional packaging.

Dated: November 20, 1981.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 81-33991 Filed 11-24-81; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF ENERGY

Office of Energy Research

Multiprogram National Laboratory Panel, Energy Research Advisory Board; Meeting

Notice is hereby given of the following meeting:

Name: Multiprogram National Laboratory Panel of the Energy Research Advisory Board (ERAB). ERAB is a Committee constituted under the Federal Advisory Committee Act (Pub. L. 92-463), 86 Stat. 770).

Date and Time: December 4, 1981, 9:00 am to 4:00 pm.

Place: Department of Energy, Forrestal Building, Room 5E-069, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

Contact: Eudora M. Taylor, Staff Assistant, Energy Research Advisory Board, Department of Energy, Forrestal Building, ER-431, 1000 Independence Avenue, S.W., Washington, D.C. 20585, Telephone: 202/252-8933.

PURPOSE OF THE PARENT BOARD: To advise the Department of Energy on the overall research and development conducted in DOE and to provide long-range guidance in these areas to the Department.

TENTATIVE AGENDA: Discussion with Multiprogram National Lab Directors. Discussion of Proposed Topics for Study.

PUBLIC PARTICIPATION: The meeting is open to the public. Written statements may be filed with the Panel either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Energy Research Advisory Board at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation on the agenda. The Chairperson of the Panel is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

TRANSCRIPTS: Available for public review and copying at the Freedom of Information Reading Room, 1E-190, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 am and 4:00 pm Monday through Friday, except Federal holidays.

Issued at Washington, D.C. on November 20, 1981.

Alvin W. Trivelpiece,

Director, Office of Energy Research.

[FR Doc. 81-34015 Filed 11-24-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Little America Refining Co.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of proposed consent order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order.

DATE COMMENTS BY: December 28, 1981.

ADDRESS: Send comments to: Kenneth E. Merica, District Manager for Enforcement, Rocky Mountain District, Department of Energy, P.O. Box 26247-Belmar Branch, Lakewood, CO 80226.

FOR FURTHER INFORMATION CONTACT: Kenneth E. Merica, District Manager for Enforcement, Rocky Mountain District, Department of Energy, P.O. Box 26247-Belmar Branch, Lakewood, CO 80226. (303) 234-3195.

SUPPLEMENTARY INFORMATION: On November 14, 1981, the Office of Enforcement of the ERA executed a proposed Consent Order with Little America Refining Co. (LARCO) of Englewood, Colorado. For purposes of the Consent Order, "LARCO" includes (without limitation) all its subsidiaries, affiliates, predecessors and successors in interest, and all entities encompassed in DOE's regulatory definition of "firm," specifically including Holding's Little America, Sinclair Oil Corporation and its subsidiaries and Pasco, Inc. and its subsidiaries and the Pasco Liquidating Trust. Under 10 CFR 205.199J(b), a proposed Consent Order which involves a sum of $500,000 or more, excluding interest and penalties, becomes effective no sooner than thirty days after publication in the **Federal Register** requesting comments concerning the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

LARCO, with its home office located in Englewood, Colorado, is a firm engaged in the production, refining, resale, and marketing of crude oil and petroleum products, and was subject to the Mandatory Petroleum Price and Allocation Regulations at 10 CFR Parts 210, 211, 212 during the period covered by the Consent Order, August 19, 1973, through January 27, 1981 ("settlement period"). To resolve certain potential civil liability arising out of the Mandatory Petroleum Allocation and Price Regulations and related regulations, 10 CFR Parts 205, 210, 211, 212 (and predecessor regulations), in connection with LARCO's transactions involving crude oil and all petroluem products ("covered products") during the settlement period, the Office of Enforcement of the ERA and LARCO entered into a Consent Order, the significant terms of which are as follows:

A. The ERA has examined LARCO's compliance with the federal petroleum price and allocation regulations beginning August 19, 1973. As a result of that examination, the DOE believes that certain sales of covered products were made by LARCO at prices in excess of the maximum allowable prices in violation of the federal petroleum price and allocation regulations.

B. The Consent Order settles all matters arising from LARCO's sales of covered products during the settlement period with certain exceptions noted in the Consent Order relating primarily to DOE's Entitlements Program.

C. LARCO makes no admission of any facts or of any violation of applicable regulations but desires to settle the covered matters without further formal compliance proceedings.

D. The provisions of 10 CFR 205.199J, including those regarding the publication of this Notice, are applicable to the Consent Order.

II. Refunds and Civil Penalty

Pursuant to the Consent Order, LARCO will pay the sum of $2,175,000, including interest through the effective date of the Consent Order, plus additional interest from the effective date of the Consent Order through the dates of payment. Within ten (10) business days of the effective date of the Order, LARCO shall pay $375,000.00 plus simple interest at the rate of 20.31% per annum from the effective date of the Consent Order to the date of payment. The remainder of $1,800,000.00 shall be paid in 3 bi-monthly installments of $600,000.00 plus interest compounded bi-monthly on the remaining balance at an average prime rate for the applicable bi-monthly period as specified in the Consent Order. The entire unpaid

balance, together with accrued interest, shall be paid no later than September 30, 1982. Upon full satisfaction of the terms and conditions of the Consent Order by LARCO, the DOE releases LARCO from any civil claims that the DOE may have arising out of the specified transactions during the settlement period. The Director, Office of Enforcement, ERA, shall direct that these monies be deposited in a suitable account for ultimate disposition by DOE.

LARCO agrees to pay the sum of $25,000.00 in compromise of civil penalties relating to the above-described transactions during the settlement period.

III. Submission of Written Comments

The ERA invites interested persons to comment on the terms and conditions of the Consent Order.

You should send your comments to Kenneth E. Merica, District Manager for Enforcement, Department of Energy, P.O. Box 26247, Belmar Branch, Lakewood, CO 80226. You may obtain a free copy of the Consent Order by writing to the same address or by calling (303) 234-3195.

You should identify your comments on the outside of your envelope and on the documents you submit with the designation, "Comments on Little America Refining Co. Consent Order." We will consider all comments we receive by 4:30 p.m., local time on December 28, 1981. You should identify any information or data which, in your opinion, is confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Lakewood, Colorado, on the 18th day of November, 1981.

Kenneth E. Merica,

District Manager for Enforcement.

Concurrence by:

James A. Forrester,

Acting Regional Counsel.

[FR Doc. 81-33981 Filed 11-24-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. QF82-10-000]

American Gas Recovery Corp., Delta Altoona Sanitary Landfill; Application for Commission Certification of Qualifying Status of a Small Power Production Facility

November 20, 1981.

On November 2, 1981, American Gas Recovery Corporation, Delta Altoona Sanitary Landfill of Blair County, Pennsylvania filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be a 10 megawatt unit located in Antis and Logan Townships, Blair County, Pennsylvania. The primary fuel will be methane gas obtained from a sanitary landfill. There are no other such facilities located at the same site and the generating system will make no usage of natural gas, oil or coal. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status 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. All such petitions or protests must be filed on or before December 28, 1981, and must be served on the applicant. 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. 81-34021 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-81-000]

Central Vermont Public Service Corp.; Filing

November 19, 1981.

The filing Company submits the following:

Take notice that on November 9, 1981, Central Vermont Public Service Corporation (Company) tendered for filing a Power Purchase Contract between the Company and Village of Johnson Water and Light Department (Customer) dated October 21, 1981. Service under the contract is provided to commence as of November 1, 1981. Pursuant to § 35.11 of the Commission's Regulations the Company requests a waiver of the sixty (60) day notice requirement. Company states that this request is made in order to permit initiation of service concurrently with the beginning of a power year under the NEPOOL agreement and because negotiations with the Customer were only recently completed. Company further states that, if a waiver is granted, it will not affect purchasers of the Company's power under other rate schedules.

Company states that the service to be furnished under this rate schedule consists of a continuing eight year sale by the Company to the Customer of unreserved system capacity in amounts as specified by the Customer.

Copies of the filing were served upon the Village of Johnson Water and Light Department and the Vermont Public Service Board.

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 December 7, 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. 81-34023 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-77-000]

Cliffs Electric Service Co.; Filing

November 19, 1981.

The filing Company submits the following:

Take notice that on November 6, 1981, Cliffs Electric Service Company (Cliffs Electric) filed an amended and restated contract for electric service to the City of Marquette, Michigan. The contract, which has been executed by both Cliffs Electric and the City of Marquette provides for the sale of Limited Term Power for the period November 15, 1981 through March 6, 1982 and also provides for an increase effective January 1, 1982 in the rate for Incidental Energy service.

Cliffs Electric respectfully requests a waiver of the Commission's notice regulations so that filing with respect to the Limited Term Power may become effictive on November 15, 1981 and with respect to the increase in the Incidental Energy rate may become effective on January 1, 1982.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, 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, 1.1). All such petitions or protests should be filed on or before December 4, 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. 81-34024 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. IS81-60-000]

Dome Pipeline Corp.; Informal Settlement Conference

November 20, 1981.

Take notice that on November 30, 1981 at 9:30 a.m., a settlement conference will convene in the above-captioned docket. All interested persons are invited to attend this conference. The meeting place for this conference will be at the offices of the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

Customers and other interested persons will be permitted to attend but if such persons have not previously been permitted to intervene in this matter by order of the Commission, attendance will not be deemed to authorize intervention as a party in these proceedings.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34025 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-78-000]

Duke Power Co.; Filing

November 19, 1981.

The filing Company submits the following:

Take notice that Duke Power Company (Duke Power) tendered for filing on November 6, 1981 a supplement to the Company's Electric Power Contract with the City of Greenwood. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Company Rate Schedule FERC No. 250.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in contract demand: Delivery Point No. 1 from 12,700 KW to 13,500 KW, Delivery Point No. 2 from 12,000 KW to 13,000 KW, Delivery Point No. 3 from 9,000 KW to 10,500 KW and Delivery Point No. 4 from 10,000 KW to 11,000 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of January 19, 1982.

According to Duke Power copies of this filing were mailed to the City of Greenwood and the South Carolina 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, 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 December 4, 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. 81-34026 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF81-67-001]

General Electric Credit Corp. and Scott Paper Company; Application for Commission Certification of Qualifying Status of a Cogeneration Facility

November 20, 1981.

On October 28, 1981, General Electric Credit Corporation and Scott Paper Company filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a proposed cogeneration facility as a qualifying facility pursuant to § 292.207 of the Commission's rules.

The facility, a cogeneration facility using a mixture of biomass and coal as its primary energy source, will be located at Westbrook, Maine. It will have a power production capacity of approximately 46.7 megawatts. Installation of the facility began in April 1980.

Any person desiring to be heard or objecting to the granting of qualifying status 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. All such petitions or protests must be filed on or before December 28, 1981 and must be served on the applicant. 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. 81-34028 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-12-000]

Getty Synthetic Fuels, Inc.; Application for Commission Certficiation of Qualifying Status of a small Power Production Facility

November 20, 1981.

On November 4, 1981, Getty Synthetic Fuels, Inc. filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility, consisting of reciprocating gas engine generator sets, has a total power production capacity of approximately 5700 kilowatts. It will be located near the community of Brea, Orange County, California. The primary energy source of the facility is landfill gas derived from the anaeorobic decomposition of organic materials deposited in a solid waste landfill. The generation system will make no usage of natural gas, oil or coal. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifiying status 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. All such petitions or protests must be filed on or before December 28, 1981 and must be served on the applicant. 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. 81-34029 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1981-000]

Leroy A. Engelhardt; Application

November 20, 1981.

The filing individual submits the following:

Take notice that on November 12, 1981, Leroy A. Engelhardt filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions: Treasurer, Wisconsin River Power Company; and Director and Assistant Treasurer, Consolidated Water Power Company.

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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 11, 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34027 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1980-000]

Maxwell O. Andrae; Application

November 20, 1981.

The filing individual submits the following:

Take notice that on November 12, 1981, Maxwell O. Andrae filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions: Director and President, Wisconsin River Power Company; and Director and Vice President, Consolidated Water Power Company.

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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 11, 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34022 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1982-000]

Ralph V. Hurrish; Application

November 20, 1981.

The filing individual submits the following:

Take notice that on November 12, 1981, Ralph V. Hurrish filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions: Secretary and Assistant Treasurer, Wisconsin River Power Company; and Secretary and Treasurer, Consolidated Water Power Company.

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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures filed on or before December 11, 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34030 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5562-000]

L. M. Baker; Application for Preliminary Permit

November 18, 1981.

Take notice that L.M. Baker (Applicant) filed on October 28, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5562 to be known as the Upper Oak Grove Fork Water Power Project located on Oak Grove Fork, Clackamas River within the Mt. Hood National Forest in Clackamas County, Oregon. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. David Ward, Case Ward, P.C., 1050 17th Street, N.W., Washington, D.C. 20036.

Project Description.—The project would consist of: (1) A small concrete masonry diversion headworks with a height of less than 6 feet; (2) A 2.5 mile long conduit; (3) A small forebay; (4) A 6-foot diameter penstock; and (5) A powerhouse containing a single generating unit with a rated capacity of 10,500 kW. Applicant estimates that the average annual output would be 65 million kWh.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 24-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental and economic feasibility studies. The cost of the activities, along with preparation of an environmental impact report, obtaining agreements with the U.S. Forest Service, and other Federal, State and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $245,000.

Competing Application.—Anyone desiring to file a competing application must submit to the Commission, on or before January 20, 1982, 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.—Any one 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 January 20, 1982.

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. 81-34066 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5421-000]

City of Darrington, Wash.; Application for Preliminary Permit

November 23, 1981.

Take notice that the City of Darrington (Applicant) filed on September 28, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5421 to be known as the Clear Creek Hydroelectric Project located on Clear 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: City of Darrington, P.O. Box 422, Darrington, Washington 98241.

Project Description.—The proposed project would consisit of: (1) A 80-foot long, 6-foot high diversion structure on Clear Creek; (2) a 8,000-foot long, 6-foot wide diversion channel; (3) a 1,300-foot long, 48-inch diameter penstock; (4) a powerhouse with total installed capacity of 3,500 kW; and (5) a 6-mile long transmission line from the powerhouse to an existing Bonneville Power Administration transmission line. The Applicant estimates that the average annual energy production would be 20 million kWh. The project is located on U.S. Federal lands.

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 the technical, environmental and economic studies, and also prepare an FERC license application. The Applicant estimates that the cost of undertaking these studies would be $100,000.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 22, 1982, 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 January 22, 1982.

Filing and Service of Responsive Documents.—Any filing 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, Applicants 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. 81-34057 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5532-000]

Falling Waters Development, Inc. III; Application for Preliminary Permit

November 20, 1981.

Take notice that Falling Waters Development, Inc. III (Applicant) filed on October 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. §§ 791(a)–825(r)] for Project No. 5532 to be known as the Falling Waters Development No. III Project located on Olsen and Maker Creeks, near Hayfork, in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. E. H. Ochinero, 2811 Bechelli Lane, Redding, California 96002.

Project Description.—The project would consist of: (1) A 5-foot high, 30-foot long diversion structure and a 3,500-foot long, 30-inch diameter conduit on the Olsen Creek; (2) a 5-foot high, 15-foot long diversion structure and a 800-foot long, 30-inch diameter conduit on the Maker Creek; (3) a 3,000-foot long, 24-inch diameter penstock; (4) a powerhouse with total installed capacity of 1,100-kW and (5) a 5,000-foot long, 12-kV transmission line from the powerhouse to an existing Pacific Gas

and Electric Company transmission line. The Applicant estimates that the average annual energy production would be 9.5 million kWh.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 24 months during which time it would conduct technical, environmental and economic analysis; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $45,000.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 25, 1982, 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 January 25, 1982.

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. 81-34068 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project Nos. 1951-010 and 2413-004]

Georgia Power Co.; Application for Approval of Amendment to Exhibit R

November 23, 1981.

Take notice that on September 21, 1981, Georgia Power Company (Licensee) filed an amendment to the Exhibit R for the Sinclair Project, FERC No. 1951, and an application for change in land rights for the Wallace Dam Project, FERC No. 2413. The projects are located in Hancock and Putnam Counties, Georgia. Licensee proposes to develop, operate and maintain a waterfowl refuge on approximately 240 acres of land within the Sinclair Project, and on approximately 145 acres of land within the adjacent Wallace Dam Project. A portion of the proposed refuge would overlap lands previously designated for recreation within the Sinclair Project.

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). Persons who have made filings in response to an earlier public notice of this application will retain their standing before the Commission and need not resubmit their filings. 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 January 4, 1982. 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. 81-34066 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. QF82-15-000]

Gorge Energy Corp.; Application for Commission Certification of Qualifying Status of Small Power Production Facility

November 20, 1981.

On November 9, 1981, Gorge Energy Corp., P.O. Box 266, Bingen, Washington, filed with the Federal Energy Regulatory Commission (Commission) an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's rules.

The facility will be a 5 megawatt biomass installation located in Bingen, Washington. Industrial by-products of the forest products industry, including wood waste, will be the primary fuel used in the facility and the generating system will use incidental quantities of natural gas or oil for start up or flame stabilization purposes. There are no other such facilities located at the same site. No electric utility, electric utility holding company or any combination thereof has any ownership interest in the facility.

Any person desiring to be heard or objecting to the granting of qualifying status 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 Procedures. All such petitions or protests must be filed on or before December 28, 1981 and must be served on the applicant. 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. 81-34069 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5499-000]

City of Grants Pass, Oreg.; Application for Preliminary Permit

November 20, 1981.

Take notice that City of Grants Pass (Applicant) filed on October 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5499 to be known as the Briggs Creek Hydroelectric Waterpower Project located on Briggs Creek in Josephine County, Oregon. The project would be constructed on lands of the United States. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. J. Michael Casey, City Manager, City of Grants Pass, 101 N.W. "A" Street, Grants Pass, Oregon 97526.

Project Description—The project would consist of: (1) A 6-foot high, 150-foot long diversion structure; (2) a 60-foot deep diversion channel; (3) a 1,000-foot long penstock, and (4) a powerhouse containing a single generating unit with a rated capacity of 5,200 kW and annual energy output of 29.61 GWh. Generated power will be used to offset power purchases made by the City of Grants Pass.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. Application has requested a 24-month permit to prepre a definitive project report including preliminary designs, results of geological, environmental and economic feasibility studies. The cost of the above activities, along with preparation of an environmental impact report, obtaining agreements with Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $100,000.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 20, 1982, 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 January 20, 1982.

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", "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 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. 81-34067 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5485-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

November 19, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on October 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5485 to be known as the Sullivan Creek Hydroelectric Project located on Sullivan Creek in Lincoln County, Montana. The project would lie within Kootenai National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description.—The proposed project would consist of: (1) A diversion structure less than 3 feet high with negligible storage capacity; (2) A penstock 4300 feet long; (3) A powerhouse containing four turbine generators with a total capacity of 500 kW and annual energy production of 2.3 GWh; (4) Transmission line; and (5) Appurtenant facilities. Generated power will be sold to Lincoln Electric Cooperative or a competitive utility.

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 term of 36 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of these activities is $4,308.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 25, 1982, 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 January 25, 1982.

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. 81-34058 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

[Docket No. 5471-000]

November 19, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on October 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5471 to be known as the Upper Tenmile Creek Hydroelectric Project located on Tenmile Creek in Lincoln County, Montana. The project would lie within Kootenai National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description.—The proposed project would consist of: (1) a diversion structure less than 3 feet high with negligible storage capacity; (2) a penstock 2500 feet long; (3) a powerhouse containing two turbine generators with a total capacity of 300 kW and annual energy production of 964.8 MWh; (4) a transmission line; and (5) Appurtenant facilities. Generated power will be sold to Lincoln Electric Cooperative or a competitive utility.

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 term of 36 months during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of these activities is $4979.

Competing Applications.— Anyone desiring to file a competing application must submit to the Commission, on or before January 25, 1982, 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 January 25, 1982.

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", "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 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. 81-34059 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5481-000]

Homestake Consulting and Investments, Inc.; Application for Preliminary Permit

November 19, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on October 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5481 to be known as the Middle Parsnip Creek Hydroelectric Project located on Middle Fork Parsnip Creek in Lincoln County, Montana. The project would lie within Kootenai National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description.—The proposed project would consist of: (1) a diversion structure less than 3 feet high with negligible storage capacity; (2) a penstock 3,000 feet long; (3) a powerhouse containing two turbine generators with a total capacity of 75 kW and annual energy production of 320.7 MWh; (4) transmission line; and (5) appurtenant facilities. Generated power will be sold to Lincoln Electric Cooperative or a competitive utility.

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 term of 36 months during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of these activities is $3,529.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 25, 1982, 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 January 25, 1982.

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", "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 notice of intent, competing application, or petition to intervene must also be served upon each respresentative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34075 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5476-000]

Homestake Consulting and Investments, Inc.; Application for Preliminary Permit

November 19, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on October 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5476 to be known as the Lower Tenmile Creek Hydroelectric Project located on Tenmile Creek in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description.—The proposed project would consist of: (1) A diversion structure less than 3 feet high with negligible storage capacity; (2) a penstock 3,100 feet long; (3) a powerhouse containing two turbine generators with a total capacity of 200 kW and annual energy production of 791.1 MWh; (4) transmission line; and (5) appurtenant facilities. Generated power will be sold to Lincoln Electric Cooperative or a competitive utility. The project would lie within Kootenai National Forest.

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 term of 36 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of these activities is $3,884.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 25, 1982, 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 January 25, 1982.

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", "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 notice of intent, competing application, or petition to intervene must also be served upon each respresentative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34060 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5491-000]

Homestake Consulting and Investments, Inc.; Application for Preliminary Permit

November 20, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on October 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5491 to be known as the Cadette Creek Hydroelectric Project located on Cadette Creek in Lincoln County, Montana. The project would lie within Kootenai National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description.—The proposed project would consist of: (1) A diversion structure less than 3 feet high with negligible storage capacity; (2) a penstock 4,000 feet long; (3) a powerhouse containing a turbine generator with a capacity of 200 kW and

annual energy production of 626.4 MWh; (4) transmission line; and (5) appurtenant facilities. Generated power will be sold to Lincoln Electric Cooperative or a competitive utility.

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 ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of these activities is $4,326.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 25, 1982, 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 January 25, 1982.

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. 81-34070 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5513-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

November 20, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on October 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5513 to be known as the Napoleon Gulch Hydroelectric Project located on Napoleon Creek in Lincoln County, Montana. The project would lie within Kootenai National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description.—The proposed project would consist of: (1) A diversion structure less than 3 feet high with negligible storage capacity; (2) a penstock 3400 feet long; (3) a powerhouse containing a turbine generator with a capacity of 125 kW and annual energy production of 524.7 NWh; (4) transmission line; and (5) appurtenant facilities. Generated power will be sold to Lincoln Electric Cooperative or a competitive utility.

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 term of 36 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of these activities is $4771.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 25, 1982, 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 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 January 25, 1982.

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. 81-34071 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5508-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

November 20, 1981.

Take notice that Homestake Consulting & Investments, Inc.

(Applicant) filed on October 14, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5508 to be known as the Twin Creek Hydroelectric Project located on Twin Creek in Lincoln County, Montana. The proejct would lie within Kootenai National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description.—The proposed project would consist of: (1) A diversion structure less than 3 feet high with negligible storage capacity; (2) A penstock 2300 feet long; (3) A powerhouse containing a turbine generator with a capacity of 100 kW and annual energy production of 409.2 MWh; (4) Transmission line; and (5) Appurtenant facilities. Generated power will be sold to Lincoln Electric Cooperative or a competitive utility.

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 term of 36 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of these activities is $5085.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 25, 1982, 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 January 25, 1982.

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, Applicants 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. 81-34072 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5484-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

November 19, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on October 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5484 to be known as the Sutton Creek Hydroelectric Project located on Sutton Creek in Lincoln County, Montana. The project would lie within Kootenai National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Projection Description.—The proposed project would consist of: (1) A diversion structure less than 3 feet high with negligible storage capacity; (2) A penstock 2400 feet long; (3) A powerhouse containing two turbine generators with a total capacity of 260 kW and annual energy production of 1.3 GWh; (4) Transmission line; and (5) Appurtenant facilities. Generated power will be sold to Lincoln Electric Cooperative or a competitive utility.

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 term of 36 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of these activities is $4957.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 25, 1982, 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 January 25, 1982.

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", "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 notice of intent, competing application, or petition to intervene must also be served upon each respresentative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34073 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5482-000]

Homestake Consulting & Investments, Inc.; Application for Preliminary Permit

November 19, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on October 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5482 to be known as the Gold Creek Hydroelectric Project located on Gold Creek in Lincoln County, Montana. The project would lie within Kootenai National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description.—The proposed project would consist of: (1) A diversion structure less than 3 feet high with negligible storage capacity; (2) A penstock 2,100 feet long; (3) A powerhouse containing a turbine generator with a capacity of 200 kW and annual energy production of 564.2 MWh; (4) Transmission line; and (5) Appurtenant facilities. Generated power will be sold to Lincoln Electric Cooperative or a competitive utility.

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 term of 36 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of these activities is $3551.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 25, 1982, 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 January 25, 1982.

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. 81-34074 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5488-000]

Homestake Consulting and Investments, Inc.; Application for Preliminary Permit

November 20, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on October 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5488 to be known as the Alexander Creek Hydroelectric Project located on Alexander Creek in Lincoln County, Montana. The project would lie within Kootenai National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1467, Noxon, Montana 59853.

Project Description.—The proposed project would consist of: (1) a diversion structure less than 3 feet high with negligible storage capacity; (2) a penstock 2100 feet long; (3) a powerhouse containing a turbine generator with a capacity of 60 kW and annual energy production of 311.8 MWh; (4) transmission line; and (5) appurtenant facilities. Generated power will be sold to Lincoln Electric Cooperative or a competitive utility.

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 term of 36 months, during which time engineering, economic and environmental studies will be conducted to ascertain project feasibility and to support application for a license to construct and operate the project. The estimated cost of these activities is $3,697.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 25, 1982, 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 January 25, 1982.

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", "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 notice of intent, competing application, or petition to intervene must also be served upon each respresentative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34076 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES81-71-001]

Iowa Power & Light Co.; Application

November 20, 1981.

Take notice that on November 16, 1981, Iowa Power and Light Company (Applicant) of Des Moines, Iowa, filed an amendment to its application, pursuant to Section 204 of the Federal Power Act, seeking an increase from $60 million to $75 million of First Mortgage Bonds via negotiated placement.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 30, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with 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. 81-34077 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-82-000]

Kansas Gas & Electric Co.; Proposed Tariff Change

November 19, 1981.

The filing Company submits the following:

Take notice that Kansas Gas and Electric Company (KG&E) on November 9, 1981, tendered for filing proposed changes in its FERC Electric Service Tariff No. 129.

KG&E states that the filing is Partial Requirements Service which provides electric power and accompanying energy to be supplied to the City of Coffeyville, Kansas in the firm, emergency, economy and transmission service.

The filing is necessary because the present contract between the Company and the City was mutually terminated on September 30, 1981 and both parties desire to continue essentially the same relationship in the future. This filing constitutes a vehicle whereby continuity of service can be maintained.

KG&E requests waiver of the Commission's notice requirements in order to allow an effective date of October 1, 1981.

Copies of the filing were served upon the City of Coffeyville, Kansas and the Utilities Division of the Kansas Corporation 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 December 7, 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. 81-34031 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5550-000]

Modesto Irrigation District; Application for Preliminary Permit

November 23, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on October 21, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5550 to be known as the Boyd's Hat Creek Ranch Hydroelectric Project located on Hat Creek near the town of Old Station in Shasta County, California. The project would occupy lands of the United States within the Lassen National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. A. Lee DeLano, Modesto Irrigation District, P.O. Box 4060, Modesto, California 95352.

Project Description.—The proposed project would consist of: (1) A diversion intake structure within the west bank of the Hat Creek; (2) a 3,400-foot long penstock; (3) a powerhouse containing generating units with a combined rated capacity of 1,100 kW; and (4) a 750-foot long transmission line connecting the powerhouse with an existing Pacific Gas and Electric Company transmission line east of the powerhouse. Applicant estimates the annual energy output at 7 million kWh.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including preliminary designs, results of geological, environmental, and economic feasibility studies. The cost of the above activities, along with preparation of an enviromental impact report, obtaining agreements with the Forest Service and other Federal, State, and local agencies, preparing a license application, conducting final field surveys, and preparing designs is estimated by the Applicant to be $45,000.

Competing Applications.—This application was filed as a competing application to the Boyd's Hat Creek Ranch Hydroelectric Project No. 5262 filed on August 21, 1981, by Mr. James O. Boyd under 18 CFR 4.33 (1980). Anyone desiring to file a competing application

must submit to the Commission, on or before November 12, 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 21, 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. 81-34001 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5465-000]

Mt. Ida Associates; Application for Preliminary Permit

November 18, 1981.

Take notice that Mt. Ida Associates (Applicant) filed on October 9, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5465 to be known as the Mt. Ida Project located on the Poesten Kill Creek in the City of Troy, in Rensselaer County, New York. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William Bantz, Latham Circle Mall—Room 111, 800–19 New Loudoun Road, Latham, New York 12110.

Project Description.—This run-of-river project would consist of certain facilities common to three alternative proposals: (1) An existing timber dam owned by the Applicant 150 feet long and varying in height from 4.5 to 13 feet; (2) a small pool covering 1.4 acres with no storage capacity, and (3) a 36 to 48-inch diameter conduit bored in rock and extending 630 feet. The three alternative proposals involve placing the powerhouse in three different locations, each farther downstream, and having heads, generating capacities and annual generations of 85, 159 and 184 feet, 1.3, 2.4 and 2.8 MW and 7.3, 13.7 and 15.8 GWh, respectively. Project power would supply a former mill site complex converted to rental housing. All excess power generated would be sold to Niagara Mohawk Power Corporation.

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 18 months, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be $55,000.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 20, 1982, 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 January 20, 1982.

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", "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 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. 81-34070 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-79-000]

Ohio Edison Co.; Proposed Tariff Change

November 19, 1981.

The filing Company submits the following:

Take notice that Ohio Edison Company (Ohio Edison) on November 9, 1981, tendered for filing proposed changes in the rate sheets applicable to its partial requirements contracts with twenty municipal wholesale customers taking service pursuant to Ohio Edison's FERC Electric Tariff, Original Volume No. I, and proposed changes in FERC Rate Schedule No. 140 by which wholesale service is provided to the City of Oberlin.

Ohio Edison states that the proposed changes would increase revenues from jurisdictional partial requirements sales and service by $11,617,000 based on the twelve-month period ending December 31, 1982.

Ohio Edison proposes an effective date of January 8, 1982.

Ohio Edison further states that the reason for the proposed increase is that rates for service to its municipal wholesale customers are no longer just and reasonable, being inadequate to provide a basis for attracting capital on reasonable terms and to permit issuance of senior securities as a means of obtaining capital.

According to Ohio Edison, copies of the filing were served on the Company's jurisdictional customers affected by the proposed changes and The Public Utilities Commission of Ohio.

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, 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 December 4, 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34032 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ES82-13-000]

Oklahoma Gas and Electric Co.; Application

November 20, 1981.

Take notice that on November 9, 1981, Oklahoma Gas and Electric Company filed an application pursuant to Section 204 of the Federal Power Act seeking an order authorizing the issuance of short-term debt securities not exceeding in the aggregate $200,000,000 outstanding at any one time, to be issued from time to time, with a final maturity date of not later than December 31, 1984.

Any person desiring to be heard or to make any protest with reference to said application should, on or before December 8, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedures (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34079 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER81-620-000]

Public Service Company of New Hampshire; Order Accepting for Filing and Suspending Revised Rates, Granting Intervention, and Establishing Procedures

November 20, 1981.

On July 21, 1981 [1] Public Service Company of New Hampshire (PSNH) submitted proposed revisions to its contract for the sale of unit power from PSNH's Merrimack No. 2 generating unit to Vermont Electric Power Company (VELCO).[2] The revisions would update the rate of return and the associated tax expense factor used in computing monthly charges under the agreement. As proposed, the revisions would increase revenues by approximately $668,865 for the twelve-month period ending April 30, 1981.

The agreement between PSNH and VELCO provides that either party may request a redetermination of the charges if either party determines that current charges no longer reflect VELCO's appropriate share of costs associated with the sale of unit power from PSNH's Merrimack No. 2 generating unit. In accordance with the previous practice of the parties under the contract, when the parties agreed to a change, the redetermination became effective on the date of the request, subject to Commission approval. The contract further provides that where the parties cannot agree upon a redetermination of the payment, the matter is to be referred to arbitration.

PSNH requested a redetermination of the rate of return and associated tax factor on January 4, 1980, to become effective February 1, 1980; the parties were unable to agree on such a redetermination. However, in lieu of arbitration, PSNH unilaterally filed the instant revisions and requested that a final redetermination be decided by the Commission. PSNH also requested waiver of the notice requirements and a May 1, 1980 effective date for the proposed charges.

PSNH initially agreed that should the May 1, 1980 effective date be granted, it would not collect those charges accruing prior to the Commission's initial order in the instant docket until conclusion of the Commission's investigation. In addition, PSNH agreed that all amounts collected as a result of this filing would remain subject to refund pending the outcome of the investigation. In response to VELCO's petition to intervene in this docket, PSNH subsequently requested that its filing be suspended for one day from sixty days after filing and that the issue of the effective date of the proposed charges be decided following a hearing.

Public notice of the filing was issued on July 30, 1981, with response due on or before August 21, 1981. On August 24, 1981, VELCO filed an untimely petition to intervene contending that (1) provisions of the contract between PSNH and VELCO do not authorize or permit redetermination, revision, or update of the rate of return, and (2) the contract language does not support PSNH's claim of right to obtain retroactive rates. VELCO further contended that PSNH is attempting to initiate a unilateral change in the contract which is contrary to the terms of the contract and the requirements of *Federal Power Commission* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956), and *United Gas Pipeline Co* v. *Mobile Gas Service Corp.*, 35, U.S. 332 (1956). Therefore, VELCO requested that the Commission suspend the operation of the PSNH rate filing and hold a hearing to determine the correct interpretation and effect of the contract.

On August 31, 1981, the Vermont Department of Public Service (DPS) filed an untimely petition to intervene. PSNH's charges to VELCO ultimately will be paid by customers in the State of Vermont. Therefore, DPS seeks to intervene in this proceeding but has raised no substantive issues.

On August 28, 1981, PSNH filed a response to VELCO's petition to intervene. PSNH did not oppose

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[1] As discussed *infra*, as the result of a deficiency is PSNH's original submittal, a filing date of September 23, 1981, is being assigned in this docket.

[2] Designated as: (1) *Public Service Company of New Hampshire*, Supplement No. 4 to Rate Schedule FPC No. 40. (2) Supplement No. 1 to Supplement No. 4 (Agreement to waiver of arbitration).

VELCO's intervention or request for a hearing, but did dispute VELCO's allegations concerning the interpretation of the contract provisions. PSNH indicated that on two prior occasions, redeterminations of the rate of return and a retroactive effective date were agreed to by the parties thereby confirming PSNH's interpretation of the contract as permitting a redetermination of the monthly charges with a retroactive effective date.

By letter dated September 18, 1981, PSNH was advised that its filing was deficient inasmuch as the parties' contract requires that contested rate changes be submitted to arbitration and PSNH had submitted no evidence of an agreement by VELCO to waive the arbitration provision (including any conditions to such a waiver). PSNH responded on September 23, 1981.

Discussion

Turning first to the deficiency in PSNH's original filing, we note that the company's response was clearly less precise or illuminating than should have been expected. In the event that both PSNH and VELCO have agreed to procedures other than those contemplated in their contract, such modification should have been reduced to writing, executed, and tendered together with the company's submittal. Nonetheless, in its September 23 response, PSNH has set forth its understanding of an oral agreement by VELCO to waive arbitration. VELCO, in turn, has not expressed a desire to enforce the arbitration clause but, instead, has asked the Commission to resolve the controversies at hearing. Because we shall adopt PSNH's suggestion that the appropriateness of the filing as well as the effective date of the rates be determined following a hearing, we conclude that PSNH's filing should be deemed completed as of September 23, 1981, for purposes of designating a filing date.

The Commission finds that participation in this proceeding by VELCO and DPS is in the public interest. Although the DPS petition was untimely, good cause exists, as a matter of comity, to permit that agency to intervene. While the petition to intervene by VELCO was also untimely, the Commission notes that VELCO is an essential party to this proceeding. Accordingly, the VELCO and DPS petitions will be granted.

In view of the substantive concerns expressed by VELCO and the mutual desire of the parties to pursue their positions at hearing, we further find that PHNH's proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. Accordingly, we shall accept the contract revisions for filing and suspend them as ordered below.

In a number of suspension orders,[3] we have addressed the considerations underlying the Commission's policy regarding rate suspensions. For the reasons given there, we have concluded that rate filings should generally be suspended for the maximum period permitted by statute where preliminary study leads the Commission to believe that the filing may be unjust and unreasonable or that it may run afoul of other statutory standards. We have acknowledged, however, that shorter suspensions may be warranted in circumstances where suspension for the maximum period may lead to harsh and inequitable results. Such circumstances have been presented here. While VELCO has raised substantive issues to be pursued at hearing, including the propriety of the filing in general and the permissible effective date, our preliminary analysis suggests that the revised rates may not yield excessive revenues. The intent of the parties is to address their differences at a hearing. As a result, we do not believe that a maximum suspension is necessary or appropriate. A nominal suspension and a refund obligation should provide adequate protection to the affected customer pending the outcome of a hearing. Accordingly, we shall exercise our discretion to suspend the rates for one day from sixty days after filing to take effect, subject to refund, on November 24, 1981. As we noted above, however, PSNH has agreed to make the ultimate effective date subject to the outcome of the hearing. Thus, the scope of the hearing in this proceeding shall include the determination of an appropriate effective date as well as the other contract interpretation questions raised by VELCO.

The Commission orders:

(A) PSNH's contract revisions are hereby accepted for filing and suspended for one day from sixty days after filing, to become effective on November 24, 1981, subject to refund, and subject to possible modification of the effective date following hearing.

(B) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by section 402(a) of the DOE Act and by the Federal Power Act, particularly sections 205 and 206 thereof, and pursuant to the Commission's rules of practice and procedure, and the regulations under the Federal Power Act [18 CFR, Chapter I], a public hearing shall be held concerning the justness and reasonableness of PSNH's contract revisions and the questions of contract interpretation set out in this order.

(C) The Vermont Department of Public Service and Vermont Electric Power Company are hereby premitted to intervene in this proceeding subject to rules and regulations of the Commission; *Provided, however,* that participation by the intervenors shall be limited to matters set forth in their petitions to intervene; and *provided, further,* that the admiission of the intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders by the Commission entered in this proceeding.

(D) A presiding administrative law judge, to be designated by the Chief Administrative Law Judge, shall convene a conference in this proceeding to be held within approximately fifteen (15) days of the issuance of this order in a hearing room of the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The designated law judge is authorized to establish procedural dates, and to rule on all motions (except motions to consolidate or sever and motions to dismiss), as provided for in the Commission's Rules of Practice and Procedure.

(E) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34063 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[3] *E.g., Boston Edison Co.*, Docket No. ER80-508 (August 29, 1980) (five month suspension); *Alabama Power Co.*, Docket Nos. ER80-506, *et al.* (August 29, 1980) (one day suspension); *Cleveland Electric Illuminating Co.*, Docket No. ER80-488 (August 22, 1980) (one day suspension).

[Docket No. ER82-80-000]

Public Service Company of Oklahoma; Tariff Changes

November 19, 1981.

The filing company submits the following:

Take notice that Public Service Company of Oklahoma ("PSO") on November 9, 1981, tendered for filing changes in its rates for wholesale electric service embodied in (1) An amended FERC Electric Tariff RE-5, PSO's general wholesale for resale

electric tariff; (2) a new FERC Electric Tariff RE-6, applicable to supplemental energy sales made by PSO to preference customers of the Southwestern Power Administration ("SWPA"); (3) unexecuted amended supplemental power sales and service contracts between PSO and such preference customers of SWPA; and (4) revisions to the contract dated November 10, 1977 between SWPA and PSO. The proposed changes would increase revenues from jurisdictional sales by about $13,109,000 (inclusive of construction work in progress) and by about $8,150,000 (exclusive of construction work in progress), based upon the calendar year 1982.

PSO states that it seeks to increase its rates for jurisdictional service in order to reflect increased costs of providing service and increased investment in utility plant. The proposed rates are based upon an overall rate of return of 12.8%.

Copies of the filing have been served on the customers of PSO affected by the filing and upon the Oklahoma Corporation Commission. PSO has proposed that its proposed rates premised upon a rate base which excludes construction work in progress be made effective on January 8, 1982.

Any person desiring to be heard or protest the application should file a petition to intervene or protest with the Federal 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 December 4, 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. 81-34039 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No 1894-009]

South Carolina Electric and Gas Co.; Application for Revised Exhibit S

November 23, 1981.

Take notice that an application for revised Exhibit S for the Parr Project, FERC No. 1894 was filed on April 3, 1980, by South Carolina Electric and Gas Company. The Parr Project is located on the Broad River in Newberry and Fairfield Counties, South Carolina. Correspondene concerning the application should be direted to: Mr. Virgil C. Summer, President, South Carolina Electric and Gas Company, P.O. Box 764, Columbia, South Carolina 29218.

South Carolina Electric and Gas Company requests Commission approval to the changes made in its revised Exhibit S. The proposed changes include, among other things, specific management plans with costs and an implementation schedule for the protection and enhancement of fish and wildlife resources affected by the project. The plans are based on results of biological studies. The plans also include mitigation or waterfoul habitat loss and disruption of the Broad River Waterfoul Management Plan caused by the redevelopment of the project.

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 January 4, 1982. The Commission's address is: 825 North Capitol Street, N. E., Washington, D. C. 20426. The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34064 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5222-000]

South Sutter Water District; Application for Preliminary Permit

November 23, 1981.

Take notice that South Sutter Water District (Applicant) filed on October 12, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)—825(r)] for Project No. 5222 to be known as the Garden Bar Pumped Storage Project located on the Bear River in Placer and Yuba Counties, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Robert L. Melton, Secretary/Manager, South Sutter Water District, P.O. Box 36, Trowbridge, California 95687.

Project Description.—The proposed project would consist of: (1) A 320-foot high earthfill dam; (2) two earthen perimeter saddle dams having heights of 50 and 110 feet; (3) a 2,000-acre reservior; (4) three 100-foot long and 10-foot diameter penstocks; (5) an underground powerhouse with a total installed capacity of 75,000 kW; and (6) a transmission line. An access road would also be constructed. The average annual energy generation is estimated to be 125 million kWh to 200 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 36 months, during which time it would conduct engineering, environmental, economic and feasibility studies, and prepare an FERC license application. The cost of the work to be performed under the preliminary permit is estimated to be $4,650,000–$6,355,000. Applicant has filed a work plan for the studies for the new dam. Temporary access would be through private undeveloped land to the dam and powerhouse sites. Applicant proposes to sink test borings at the dam, powerhouse, and new access road sites.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 22, 1982, 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 January 22, 1982.

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", "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 notice of intent, competing application, or petition to intervene must also be served upon each respresentative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34062 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

United Gas Pipe Line Co.; Amendment to Application

November 20, 1981.

Take notice that on November 5, 1981, United Gas Pipe Line Company (Applicant), P.O. Box 1478, Houston, Texas 77001, filed in Docket No. CP81-175-001 an amendment to its application filed pursuant to Section 311 of the Natural Gas Policy Act of 1978 (NGPA) and Section 284.107 of the Commission's Regulations so as to authorize the transportation of natural gas for the account of EOOE Gas Company (EOOE), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

It is stated that on February 3, 1981, Applicant filed in the instant docket an application requesting authorization for the exchange of natural gas with EOOE pursuant to the terms of an agreement between the parties dated November 24, 1980. Applicant asserts that this arrangement was contingent on the sale of certain volumes of natural gas to EOOE by Louisiana Resources Company. Applicant submits that EOOE has lost the option to purchase such gas and has entered into a contract to purchase up to 5,000 Mcf of natural gas per day from Faustina Pipe Line Company (Faustina).

Applicant maintains that EOOE and Applicant have replaced their November 24, 1980, gas exchange agreement with a transportation agreement dated November 4, 1981, so as to reflect the terms of the gas sales agreement between EOOE and Faustina. Applicant now proposes to transport gas for EOOE for a primary term of five years from the date of commencement and from year to year thereafter. It is explained that Applicant would receive up to 5,000 Mcf of natural gas per day for the account of EOOE at a mutually agreeable point of interconnection between the 30-inch line of Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) and Applicant's 6-inch Iowa-Marksville line in Allen Parish, Louisiana, and would redeliver such volumes to EOOE at a point on Applicant's 6-inch Iowa-Marksville line in Allen Parish, Louisiana. Applicant states that it would charge EOOE an amount equal to one-half of Applicant's transportation rate in effect from time to time in Applicant's Southern Rate Zone.

Applicant submits that the transportation agreement between Applicant and EOOE is conditioned upon the availability of capacity sufficient to provide the service without detriment or disadvantage to Applicant's existing customers which are dependent on Applicant's general system supply. Furthermore, Applicant maintains that the transportation arrangement is subject to the provisions of Subpart B of section 284 of the Commission's Regulations.

Any person desiring to be heard or to make and protest with reference to said amendment should on or before December 14, 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 intervent in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34035 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1983-000]

Leon R. Vytlacil; Application

November 20, 1981.

The filing individual submits the following:

Take notice that on November 12, 1981, Leon R. Vytacil filed an application pursuant to Section 305(b) of the Federal Power Act to hold the following positions: Assistant Secretary—Wisconsin River Power Company; Assistant Secretary—Consolidated Water Power Company.

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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 11, 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 became 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. 81-34000 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. G-5131-000, et al.]

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

November 19, 1981.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to Section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 3, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Kenneth F. Plumb,

Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft³	Pressure base
G-5131-000, D, Nov. 9, 1981	Sun Oil Company, P.O. Box 20, Dallas, Texas 75221.	Texas Eastern Transmission Corporation, Hostetter and North Hostetter Fields, McMullen, Duval and Live Oak Counties, Texas.	(1)	
CI64-71-000, D, Nov. 6, 1981	Texaco Inc. (Operator), *et al.*, P.O. Box 2420, Tulsa, Oklahoma 74102.	Panhandle Eastern Pipeline Company, N. W. Midwell Field, Cimarron County, Oklahoma.	(2)	
CI66-764-000, D, Nov. 4, 1981	Shell Oil Company, One Shell Plaza, P.O. Box 2463, Houston, Texas 77001.	Natural Gas Pipeline Company of America, Putnam Field, Dewey County, Oklahoma.	(3)	
CI77-564-001, C, Oct. 26, 1981	The Superior Oil Company (Succ. in interest to Canadian Superior Oil (U.S.) Ltd), Post Office Box 1521, Houston, Texas 77001.	Michigan Wisconsin Pipe Line Company, South Marsh Island Area, Blocks 243, 249 and 250, Offshore Louisiana.	(4)	15.025
CI78-181-003, D, Oct. 30, 1981	Texaco Inc. (Operator), *et al.*, P.O. Box 2100, Denver, Colorado 80201.	Colorado Interstate Gas Company, Delaney Rim Field, Sweetwater County, Wyoming.	(5)	
CI82-47-000, A, Oct. 9, 1981	Conoco, Inc., P.O. Box 2197, Houston, Texas 77252.	El Paso Natural Gas Company, Hughes #13 Well, San Juan Area, Rio Arriba County, New Mexico.	(6)	14.65
CI82-48-000, A, Nov. 10, 1981	Mesa Petroleum Company, One Mesa Square, P.O. Box 2009, Amarillo, Texas 79189.	Transcontinental Gas Pipe Line Corporation, Vermilion Area, Block 348, Offshore Louisiana.	(7)	15.025
CI82-49-000 (CI73-7), B, Nov. 2, 1981.	Florida Exploration Company, Post Office Box 44, Winter Park, Florida 32790.	Florida Gas Transmission Company, Otahal #1 Well, Aqua Dulce Field, Nueces County, Texas.	(8)	
CI82-50-000 (G-5169 and G-5170), B, Nov. 3, 1981.	Samedan Oil Corporation, *et al.*, P.O. Box 909, Ardmore, Oklahoma 73401.	El Paso Natural Gas Company, Jalmat Field, Lea County, New Mexico.	(9)	
CI82-51-000, A, Nov. 3, 1981	Pioneer Production Company, P.O. Box 2542, Amarillo, Texas.	Panhandle Eastern Pipe Line Company, Woods County, Oklahoma.	(10)	14.65
CI64-475-000, C, Nov. 6, 1981	Texaco Inc., P.O. Box 60252, New Orleans, Louisiana 70160.	Texas Gas Transmission Corporation, Tiger Shoal, Lighthouse Point, and Mound Point Fields, State and Federal Domain, Offshore Louisiana.	(11)	15.025
CI65-1365-000, C, Nov. 6, 1981	....do....	Texas Gas Transmission Corporation, Tiger Shoal, and Mound Point Fields, Offshore Louisiana.	(11)	15.025
CI82-54-000 (CI63-709), B, Nov. 6, 1981.	Cities Service Company, P.O. Box 300, Tulsa, Oklahoma 74102.	Natural Gas Pipeline Company of America, At the wellhead in Section 2-1N-20ECM, Beaver County, Oklahoma.	(12)	

[1] Certain wells ceased producing due to depletion of reserves and have been plugged and abandoned and which resulted in certain lease cancellations.
[2] Leases have been released.
[3] Shell Oil Company is no longer able to render service from the acreage involved in this application because it has no interest in the acreage.
[4] Applicant is filing under Contract dated May 17, 1977 amended by Amendment dated September 22, 1981.
[5] Expired BLM leases. Leases expired between October 1, 1978 and March 31, 1981. Requires their deletion from this contract.
[6] Applicant is filing under Gas Purchase and Sales Agreement dated June 9, 1981.
[7] Applicant is willing to accept the applicable rate under Section 104 of the Natural Gas Policy Act of 1978 on Vermilion Area, Block 348.
[8] Reserves have been depleted and the well is no longer productive.
[9] Collapsed casing and low reserves.
[10] Applicant is filing under Gas Purchase and Sales Agreement dated January 13, 1966, amended by amendments dated July 11, 1966 and April 24, 1967.
[11] Applicant is filing under Gas Purchase Agreement dated December 15, 1980.
[12] The only well in the unit, Allen "B" Unit No. 1, ceased to produce in December 1978 and was plugged and abandoned September 10, 1979. Subsequently, at the request of the Lessors and by a Partial Release of Oil and Gas Lease executed December 23, 1980, Cities Service released its interest in this committed acreage unto the Lessors.
Filing Code: A—Initial Service; B—Abandonment; C—Amendment to add acreage; D—Amendment to delete acreage; E—Total Succession; F—Partial Succession.

[FR Doc. 81-34034 Filed 11-24-81; 8:45 am]
BILLING CODE 6717-01-M

[Project No. 4784-000]

Androscoggin Water Power Co.; Application for License for Proposed Major Project

November 23, 1981.

Take notice that Androscoggin Water Power Company (Applicant) filed on June 2, 1981, and application for license [pursuant to the Federal Power Act, 16 U.S.C. &91(a)–825(r)] for the development, operation and maintenance of hydroelectric project to be known as Pejepscot Project No. 4784. The project is to be located on the Androscoggin River in the Towns of Topsham, Lisbon, Brunswick and Durham, Maine, in Sagadahoc, Cumberland and Androscoggin Counties. Correspondence with the Applicant should be addressed to: James B. Liberman, Esq., Berlack, Israels & Liberman, 26 Broadway, New York, New York 10004.

Project Description.—The proposed project would utilize the following existing facilities: (1) A rock, gravel and concrete filled timber crib dam, which is 430 feet long, has a maximum height of 40-feet and has a crest elevation, including flashboards, at 64.5 feet above mean sea level; (2) a reservoir with a normal surface area of about 203 acres at elevation 64.5 feet above mean sea level extending about 3 miles upstream from the dam; and (3) a powerhouse, with associated headworks and intake structures, located on the left bank of the river adjacent to the dam, and containing the existing turbines,

generators and related hydroelectric equipment, structures and controls. Present installed capacity is approximately 2,500 kW.

Applicant proposes to redevelop the existing facilities within an enlarged powerhouse at the same site. The powerhouse (and existing tailrace) would be expanded to accommodate five new turbine-generator units, with a total installed capacity of 9,125 kW, to replace all but two of the present turbine-generators. The two remaining units would have an installed capacity of 900 kW. Total installed capacity of the redeveloped project would thus be 10,025 kW at the present 22 feet of head. Associated works would also be added in connection with the redevelopment. Downstream fish passage facilities and space for future upstream fish passage facilities would be provided. Applicant estimates that annual generation from such redeveloped project would average 60,000,000 kWh.

Purpose of Project.—Energy developed at this project would be sold to Central Maine Power Company, to another electric utility or electric customer or would be available for consumption by Applicant's affiliated papermill operations.

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 license. (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 license and consistent with the purpose of a license 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 license application was filed as a competing application to Worumbo Hydro, Inc.'s application for a preliminary permit for Project No. 3631 filed on October 30, 1980, under 18 CFR 4.33 (1981).

Comments, Protests, of 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 or its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1981). Comments not in the nature of a protests 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, protests, or petitions to intervene must be received on or before January 4, 1982.

Filing and Service of Responsive Documents.—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTEST" or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for license for proposed major project for Project No. 4784. 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, Room 208, 400 First Street, NW., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon such representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34092 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5568-000]

City of Conrad; Application for Preliminary Permit

November 23, 1981.

Take notice that City of Conrad (Applicant) filed on October 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5568 to be known as the Vermilion River Project located on the Vermillion River, near town of Noxon, in Sanders County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mayor Don McClain, 417 South Main Street, Conrad, Montana 59425.

Project Description.—The proposed project would consist of: (1) A 6-foot high concrete and natural rock diversion structure; (2) a 25,000-foot long open canal; (3) a 2,000-foot long steel penstock; (4) a powerhouse containing one generating unit rated at 3,200 kW; (5) a one-mile long transmission line; and (6) an access road.

The average annual energy generation is estimated to be 16.8 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, 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 $100,000.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 25, 1982, 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 January 25, 1982.

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. 81-34094 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 2959-002]

City of Seattle, Washington; Application for Major License

November 23, 1981.

Take notice that City of Seattle (Applicant) filed on October 9, 1981, an application for a major license [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 2959 to be known as the Tolt River-South Fork Project located on the South Fork Tolt River, near Carnation, in King County, Washington. The project would affect the interests of interstate commerce. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Joseph P. Recchi, City Light Department, City of Seattle, 1015 Third Avenue, Seattle, Washington 98104.

Project Description.—The proposed Tolt River-South Fork Project would consist of: (1) An existing reservoir with a gross storage capacity of 57,900 acre-feet; (2) an existing 200-foot high and 980-foot long earthfilled dam with a morning-glory spillway; (3) an existing 54-inch diameter stub connected to a proposed 25,000-foot long and 69-inch diameter steel pipeline; (4) a powerhouse contianing one generating unit rated at 15 MW; (5) a tailrace; (6) a 6-foot diameter conduit; (7) an existing regulating basin formed by two small dikes, and impounding 882 acre-feet; (8) an energy dissipating structure; (9) a switchyard; (10) an access road; and (11) a 4-mile long transmission line. No lands of the United States are within the proposed project boundary.

Purpose of Project.—The estimated average annual energy generation of 76.8 million kWh would be utilized by the City of Seattle to service its customers.

Estimated Cost.—The cost of the project is estimated to be $30.5 million.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 25, 1982, 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).

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 January 25, 1982.

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. 81-34095 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5583-000]

Energenics Systems, Inc.; Application for Preliminary Permit

November 23, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on October 29, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5583 to be known as the Cherry Creek Dam Project located on Cherry Creek in Arapahoe County, Colorado. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., Energencis Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009.

Project Description.—The proposed project would utilize the existing Corps of Engineers' Cherry Creek Dam and would consist of a new powerhouse containing one or more generating units with a rated capacity of 1 MW, an existing 230-kV transmission line, and appurtenant facilities. The most likely market for the power is Public Service of Colorado. Other appropriate alternatives, such as possible sale to nearby public institutions or industrial users, will also be considered.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit is 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the prelimianry permit would be $30,000.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 25, 1982, 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 January 25, 1982.

Filing and Service of Responsive Documents.—Any filing 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. 81-34096 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5546-000]

Stephen J. Gaber; Application for Preliminary Permit

November 23, 1981.

Take notice that Stephen J. Gaber (Applicant) filed on October 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for project No. 5546 to be known as the Damfino Creek Hydroelectric Project located on Damfino Creek, Quartz Creek and unnamed tributaries on lands owned by the U.S. Forest Service, Mt. Baker National Forest in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Stephen J. Gaber, 2551 Mt. Baker Hiway, Bellingham, Washington 98225.

Project Description.—The project would consist of: (1) Three 10-foot high, 65-foot long diversion structures; (2) a 36-inch diameter, 13,000-foot long penstock with 18-inch diameter branch pipelines; and (3) a powerhouse containing a single generating unit with a rated capacity of 4.3 MW. Applicant estimates the average annual energy output to be 18 million kWh.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive project report including results of technical, environmental and economic feasibility studies. The cost of these activities along with the preparation of a license application, and obtaining agreements with the U.S. Forest Service and other Federal, State and local agencies is estimated by the Applicant to be $281,000.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 25, 1982, 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 presummed 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 January 25, 1982.

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. 81-34097 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5547-000]

Stephen J. Gaber, Application for Preliminary Permit

November 23, 1981.

Take notice that Stephen J. Gaber (Applicant) filed on October 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5547 to be known as the Thompson Creek Hydroelectric Project located on Thompson Creek within Mt. Baker National Forest in Whatcom County, Washington. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Stephen J. Gaber, 2551 Mt. Baker Hiway, Bellingham, Washington 98225.

Project Description.—The project would consist of: (1) A 10-foot high, 35-foot long diversion dam, (2) a 24-inch diameter, 8,000-foot long penstock; (3) a powerhouse containing a single generating unit with a rated capacity of 2.5 MW; and (4) a .75 mile transmission line. Applicant estimates that the average annual energy production would be 10 million kWh.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. Applicant has requested a 36-month permit to prepare a definitive report including results of technical, environmental and economic feasibility studies. The cost of these activities along with the preparation of a license application, obtaining agreements with the U.S. Forest Service and other Federal, State and local agencies is estimated by the Applicant to be $231,000.

Competing Applications.—Anyone

desiring to file a competing application must submit to the Commission, on or before January 25, 1982, 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 January 25, 1982.

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. 81-34098 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5468-000]

Homestake Consulting & Investments, Inc., Application for Preliminary Permit

November 23, 1981.

Take notice that Homestake Consulting & Investments, Inc. (Applicant) filed on October 13, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5468 to be known as the Flower Creek Water Power Project located on Flower Creek near Libby in Lincoln County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. William H. Delp, II, Independent Power Developers, Inc., P.O. Box 1487, Noxon, Montana 59853.

Project Description.—The project would consist of: (1) A 3-foot high diversion structure with 10-square foot intake orifice; (2) a 4,600-foot long, 24-inch diameter pipeline; (3) a powerhouse with total installed capacity of 400-kW; and (4) a 3.7-mile long, 5-kV transmission line from the power plant to an existing Pacific Power & Light Company transmission line. The Applicant estimates that the average annual energy production would be 1.66 million kWh.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months during which time it would conduct technical, environmental and and economic analysis; and prepare an FERC license application. No new roads would be needed for conducting these studies. The Applicant estimates that the cost of undertaking these studies would be $4,800.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 22, 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 January 22, 1982.

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. 81-34099 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket Nos. EL81-11-000 and ER80-315, ER80-450]

Kansas Municipal and Cooperative Electric Systems and Kansas City Power & Light Co.; Order Denying Rehearing, Denying Motion for Stay of Order, and Denying Motion To Expand the Scope of Proceedings

Issued: November 18, 1981.

On October 8, 1981, Kansas City Power & Light Company (KCPL) filed an application for rehearing of the order issued in this docket on September 24, 1981, which required KCPL to cease billing estimated coal reclamation costs to its wholesale customers through the fuel adjustment clause until an appropriate mechanism is included in

KCPL's filed rates to correct for differences between billed and actual costs.[1] KCPL further requested rehearing of the earlier order insorfar as it consolidated Docket No. EL81-11-000 with Docket Nos. ER80-315 and ER80-450[2] for hearing on the issue of the appropriate refunds, if any, to be ordered for reclamation costs already billed to KCPL's wholesale customers. Finally, KCPL requested a stay of the effectiveness of the September 24 Order.[3]

On October 23, 1981, the Kansas Municipal and Cooperative Electric Systems (Municipals) [4] filed a response to KCPL's application for rehearing and motion for stay, and also requested rehearing of that portion of the September 24 order which consolidated Docket No. EL81-11-000 with Docket Nos. ER80-315 and ER80-450. The Municipals argue that KCPL's application for rehearing constitues an admission that it has passed excess accrued reclamation costs through its fuel adjustment clause, in violation of the filed rate doctrine. The Municipals further contend that consolidation of the three dockets for consideration of what refunds, if any, should be ordered is unnecessary, and requests that the Commission order KCPL to refund immediately all unpaid accrued reclamation costs.

Additionally, the Municipals have renewed a March 19, 1981 motion requesting that the Commission expand the scope of the proceedings in Docket Nos. ER90-315 and ER80-450 to consider KCPL's use of its fuel adjustment clause to collect an alleged shortfall in its coal inventory in late 1979. Municipals request an order directing KCPL to explain the fuel inventory adjustment or expansion of the proceedings to permit the administrative law judge to make such an order. The original motion was denied under § 1.12(e) of the Commission's rules of practice and procedure inasmuch as no action was taken within thirty days of filing.

By order dated November 3, 1981, KCPL's application for rehearing was granted for the limited purpose of further consideration. At that time, the Commission also denied the company's request for a stay of the earlier order.

Discussion

KCPL acknowledges that its filed fuel adjustment clause incorporates no mechanism to adjust for differences between the company's actual and estimated costs for coal reclamation. The company contends, however, that the order requiring KCPL to cease billing such costs to its wholesale customers absent an appropriate adjustment mechanism in the fuel clause, was based on findings of fact not addressed by the parties in their pleadings, and so violated their rights to due process. Specifically, KCPL suggests that the Commission's decision was premised on the finding of fact that KCPL had not implemented any internal method for correcting erroneous reclamation estimates. KCPL's position it without merit.

In the order of September 24, 1981, the Commission stated that:

> [D]espite the estimated nature of KCPL's billings, the company has not provided for any adjustment to fuel clause charges in the event that actual costs differ from the estimated costs. Neither has the company submitted the estimated unit charge for reclamation costs used in the monthly fuel adjustment calculation to the Commission for approval. The fuel adjustment clause has never been intended as a carte balanche to recover unreviewed estimated costs where no mechanism exists to correct for erroneous estimates.

KCPL challenges this holding by offering evidence of an internal methodology for making adjustments between estimated and billed reclamation costs. However, our order was based upon the evidence of KCPL's fuel adjustment clause filed under § 35.14 of the Commission's regulations. KCPL admits that its fuel adjustment clause on file with the Commission contains no specific adjustment mechanism. This fact is all that is required in order to sustain our earlier conclusion inasmuch as KCPL's fuel clause, as part of its filed rate, must stand by itself as reflecting the company's fuel cost recovery practices; otherwise, unstated practices could easily evade Commission scrutiny. Evidence of KCPL's internal procedures for making such adjustments might be appropriate should KCPL elect to file an amendment to its fuel adjustment clause as provided in our September 24 order; however, the proffered evidence has no relevance to the validity of our September 24 order.

Both KCPL and the Municipals also request rehearing with respect to the question of consolidation. As noted above, our order directing KCPL to cease billing the reclamation costs to its wholesale customers was based on the facial insufficiency of KCPL's fuel adjustment clause. Although, as the Municipals correctly observe, our order of September 24, 1981, could have directed refunds for this reason, we noted that the subject charges may be integrally related to the cost of service issues in Docket Nos. ER80-315 and ER80-450. Furthermore, insufficient factual evidence was presented concerning the differences between estimated and actually incurred reclamation costs, the impact of these expenses on KCPL's cost of service and, ultimately, the amount of refunds which KCPL should be expected to pay to its wholesale customers. To address the factual and legal issues presented and to assure conclusions consistent with the cost of service treatment of the reclamation costs, consolidation of the three dockets is appropriate.

With respect to the Municipals' motion to expand the scope of the proceedings in Docket Nos. ER80-315 and ER80-450, no new substantive matters have been presented which would cause the Commission to reconsider the previous denial of the March 19, 1981 motion.

The Commission orders:

(A) The applications for rehearing of the Commission's order of September 24, 1981, are hereby denied.

(B) The Municipals' motion to expand the scope of the proceedings in Docket Nos. ER80-315 and ER80-450 is hereby denied.

(C) The Secretary shall promptly publish this order in the **Federal Register.**

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34100 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[1] As explained more fully in the Commission's September 24 order, by agreement between KCPL and Arch Mineral Company, a coal supplier. Arch provides KCPL with estimates of reclamation costs but does not receive payment from KCPL, until such expenditures are actually incurred. KCPL, in turn, has developed an estimate of such costs for recovery through its wholesale fuel clause.

[2] These dockets concern increased rates for firm power service to KCPL's wholesale municipal and cooperative customers. Hearings in the proceedings, except for those issues raised in Docket No. EL81-11-000, have been completed and the parties have filed briefs before the presiding administrative law judge.

[3] On October 19, 1981, KCPL filed a notice of compliance with the Commission's order that it cease billing estimated reclamation costs to its wholesale customers. KCPL requests a stay of this portion of the order pending resolution of the issues raised in its petition for rehearing.

[4] As noted in the Commission's September 24 order, the municipals are an *ad hoc* group of 12 wholesale customers of KCPL.

[Project No. 5384-000]

Modesto Irrigation District; Application for Preliminary Permit

November 23, 1981.

Take notice that Modesto Irrigation District (Applicant) filed on September 18, 1981, an application for preliminary

permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5384 to be known as the Baker Creek Project located on Baker Creek, near the town of Lone Pine, in Inyo County, California. The project would be located within Inyo National Forest. 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, P.O. Box 4060, Modesto, California 95352.

Project Description.—The proposed project would consist of: (1) A 20-foot to 50-foot high concrete and earthfilled dam; (2) a 9,500-foot long pipeline and penstock; (3) a powerhouse containing two generating units, each rated at 600 kW; and (4) a 1.5-mile long transmission line.

The average annual energy generation is estimated to be 6.4 million kWh.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which it would conduct engineering, environmental, economic and feasibility studies. No new roads would be required to conduct the studies. Applicant proposes to conduct test borings, trenches, and geophysical surveys at the dam, powerhouse, and penstock sites. All disturbed areas will be restored.

The cost of the work to be performed under the preliminary permit is $45,000.

Competing Applications.—This application was filed as a competing application to the Big Pine Creek Project No. 5277 filed on August 24, 1981, by Eastern Sierra Energy Development under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before November 23, 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. 81-34101 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5570-000]

T. Owen, F. Castagna and R. Bean; Application for Preliminary Permit

November 23, 1981.

Take notice that T. Owen, F. Castagna and R. Bean (Applicants) filed on October 26, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r)] for Project No. 5570 to be known as the Jose and Mill Creeks Project located on Jose and Mill Creeks, near Shaver Lake, in Fresno County, California. The project would affect lands within Sierra National Forest. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Fred Castagna, 1646 East Street, Redding, California 96001.

Project Description.—The proposed project would consist of: (1) A 5-foot high natural rock and diversion structure on Jose Creek; (2) a 2,240-foot long conduit; (3) a 5-foot high natural rock and concrete diversion structure on Mill Creek; (4) a 1,125-foot long conduit; (5) a penstock headworks; (6) a 1,530-foot long steel penstock; (7) a powerhouse containing one or more generating units with a total installed capacity of 3,600 kW; and (8) a 1.2-mile long transmission line. The average annual energy generation is estimated to be 9 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 36 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 $86,000.

Competing Applications.—Anyone desiring to file a competing application must submit to the Commission, on or before January 25, 1982, 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 January 25, 1982.

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. 81-34093 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 3127-003]

Pioneer Hydropower Inc.; Application for Exemption From Licensing of a Small Hydroelectric Project of 5 Megawatts or Less

November 23, 1981.

Take notice that Pioneer Hydropower Incorporated (Applicant) filed with the Federal Energy Regulatory Commission on October 22, 1981, an application for exemption for its Ware Lower Hydroelectric Project No. 3127-003 from all or part of Part I of the Federal Power Act pursuant to 18 CFR Part 4 subpart K (1980) implementing in part section 408 of the Energy Security Act of 1980.[1] The proposed project would be located on the Ware River in Hampshire County, Massachusetts. Correspondence with the Applicant should be directed to: Mr. Peter B. Clark, President, Pioneer Hydropower Incorporated, 148 State Street, Boston, Massachusetts 02109.

Project Description.—The proposed project would consist of: (1) An existing 116-foot long, 7 to 18-foot high, concrete-capped, cut granite dam; (2) an existing 10-acre reservior with a total storage capacity of 90 acre-feet; (3) an existing 6-foot diameter, 70-foot long, steel penstock and an existing 7.5-foot diameter, 85-foot long steel penstock both to be reconditioned; (4) an existing powerhouse containing four rebuilt turbines connected to two rebuilt generators with a total rated capacity of 560 kW; (5) a tailrace canal; (6) an existing 23-kV transmission line; and (7) appurtenant facilities. The project would generate up to 1,700,000 kWh annually.

Purpose of Project.—Project energy would be sold to the New England Power Company for distribution to customers in its service area.

Purpose of Exemption.—An exemption, if issued, gives the Exemptee priority of control, development, and operation of the project under the terms of the exemption from licensing, and protects the Exemptee from permit or license applicants that would seek to take or develop the project.

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 presummed to have no comments.

Competing Applications.—Any qualified license applicant desiring to file a competing application must submit to the Commission, on or before January 4, 1982, either a competing license application that proposes to develop at least 7.5 megawatts in that project, or a notice of intent to file such a license application. Submission of a timely notice of intent allows an interested person to file the competing license application no later than January 4, 1982. Applications for a preliminary permit will not be accepted. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing license application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene.—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submit 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 January 4, 1982.

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. 81-34102 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-56-000]

Valero Interstate Transmission Co.; Purchased Gas Cost Adjustment Filing

November 20, 1981.

Take notice that on October 30, 1981, Valero Interstate Transmission Company ("Vitco") tendered for filing Original Supplement No. 34 (purchased gas cost adjustment) to Rate Schedule 1 superseding previous purchased gas cost adjustments. Vitco states that Exhibit A to Original Supplement No. 34 reflects the six months change in purchased gas costs based on the six months ended August 31, 1981. Vitco requests waiver of any Commission regulation which would prohibit implementation of supplement No. 34. The change in rate provided in Exhibit A to Original Supplement No. 34 includes an increase in purchased gas costs of 0.10 cents/Mcf and a negative surcharge of 61.80 cents/Mcf designed to eliminate the balance in the deferred purchased gas account. It is stated that these rates include no incremental pricing feature because Vitco was granted an exemption from certain filing and accounting requirements in Docket No. SA80-42.

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[1] Pub. L. 96-294, 94 Stat. 611, section 408 of the ESA amends *inter alia*, sections 405 and 406 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705 and 2706).

The proposed effective date for Original Supplement No. 34 is December 1, 1981. Vitco states that copies of the filing have been served to the only customer served under Rate Schedule 1, Natural Gas Pipeline Company of America.

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 30, 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. 81-34103 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. TA82-1-56-000]

Valero Interstate Transmission Co.; Purchased Gas Cost Adjustment Filing

November 20, 1981.

Take notice that on October 30, 1981, Valero Interstate Transmission Company ("Vitco") tendered for filing Original Supplement No. 111 (purchased gas cost adjustment) to Rate Schedule 2 superseding previous purchased gas cost adjustments. Vitco states that Exhibit A to Original Supplement No. 111 reflects the six months change in purchased gas costs based on the six months ended August 31, 1981. Vitco requests waiver of any Commission regulation which would prohibit implementation of Supplement No. 111. The change in rate provided in Exhibit A to Original Supplement No. 111 includes an increase in purchased gas costs of 14.26 cents/Mcf and a surcharge of 7.34 cents/Mcf designed to eliminate the balance in the deferred purchased gas account. It is stated that these rates include no incremental pricing feature because Vitco was granted an exemption from certain filing and accounting requirements in Docket No. SA80-42.

The proposed effective date for Original Supplement No. 111 is December 1, 1981. Vitco states that copies of the filing have been served to the only customer served under Rate Schedule 2, Transcontinental Gas Pipe Line Corporation.

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 30, 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. 81-34104 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5607-000]

Vermont Power Consortium; Application for Preliminary Permit

November 23, 1981.

Take notice the Vermont Power Consortium (Applicant) filed on November 4, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for Project No. 5607 to be known as the Barnet Project located on the Stevens River in the town of Barnet, Caledonia County, Vermont. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. John H. Stuart, Vermont Power Consortium, 120 Lake Street, Burlington, Vermont 05401.

Project Description.—The proposed project would consist of: (1) A new 5-foot high, 460-foot long concrete diversion dam at the location of a former timber crib dam; (2) a reservoir with negligible storage capacity; (3) a new 4-foot diameter, 460-foot long penstock; (4) a new powerhouse containing a single 610-kW turbine-generator; (5) an 80-foot long transmission line; and (6) appurtenant facilities. Energy produced at the project would be sold to an undetermined utility. The project would produce up to 2,580,885 kWh annually. Project property is owned by Harold Dunbar, Kenneth Bowles, Harold Kimball, Denzil Whitehill, William Encrowe and Robert Farmon all of Barnet, Vermont.

Proposed Scope of Studies Under Permit.—A preliminary permit, if issued, does not authorize construction. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on results of these studies, Applicant would decide whether to proceed with more detailed studies and the preparation of an application for license to construct and operate the project. Applicant estimates that the cost of the work to be performed under the preliminary permit would be $49,600.

Competing Applications.—This application was filed as a competing application to the Barnett Project No. 5327 filed on September 4, 1981, by L. MacRae Road under 18 CFR 4.33 (1980). Anyone desiring to file a competing application must submit to the Commission, on or before, December 9, 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 21, 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. 81-34105 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Project No. 5245-000]

Western Hydro Electric Inc.; Application for a Major License

November 23, 1981.

Take notice that Western Hydro Electric Incorporated (Applicant) filed on August 18, 1981, an application for a major license, pursuant to the Federal Power Act, 16 U.S.C. 791(a)–825(r), for the Moon Lake Hydro Project No. 5245 located on the Lake Fork River in Duchesne County, Utah. Correspondence concerning the application should be directed to: J. Kirk Rector, Attorney at Law, 4832 Colony Circle, Salt Lake City, Utah 84117.

Project Description.—The proposed project would utilize the existing Bureau of Reclamation's Moon Lake Dam and Reservoir, operated and maintained by the Moon Lake Water Users Association, and would consist of: (1) Two 42-inch diameter steel penstocks (No. 1 right & No. 2 left, looking downstream) utilizing the existing outlet works near the left dam abutment, with No. 1 leading to (2) a new powerhouse (Moonlake, near the damsite) containing two generating units having a total rated capacity of 150 kW and 800 kW, respectively, and with No. 2 leading to (3) a second new powerhouse (Farnsworth, located 1.3 miles downstream) containing one generating unit having a total rated capacity of 2,000 kW; (4) two tailraces; (5) new and replacement 25-kV transmission lines; (6) a switchyard; and (7) appurtenant facilities. The total capacity of the two powerplants would be 2,950 kW. A new Bureau of Reclamation project (Taskeech Reservoir), located four miles downstream, is expected to be completed in 1987. This reregulating reservoir, when finished, will supplant all irrigation requirements except for the Farnsworth diversion. Flow in the river reach between reservoirs will then be made continuous, replacing the present intermittent flow schedule. Flows necessary for optimum use of the river as a fish habitat will effect an increase in energy production at the upstream Moonlake site and a decrease at the downstream Farnsworth site. The Applicant estimates that the average annual energy output before and after Taskeech would be: Moonlake—2,586,528 kWh and 3,250,128 kWh; Farnsworth—7,688,352 kWh and 7,026,936 kWh. Project energy would be sold to the Moon Lake Electric Association or to the Deseret Generation & Transmission Cooperative.

Competing Applications.—This application was filed as a competing application to Utah Hydro Corporation's Project No. 3541 filed on October 8, 1980 under 18 CFR 4.33 (1980).

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 January 4, 1982.

Filing and Service of Responsive Documents.—Any filings must bear in all capital letters the title "COMMENTS", "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, 825 North Capitol Street, NE., 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. 81-34106 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-72-000]

Pacific Power and Light Co., Filing; Correction

November 19, 1981.

The notice of filing for Docket No. ER82-72-000, issued on November 12, 1981, and published at 46 FR 56885, November 19, 1981 was erroneously issued under that docket number and is to be disregarded. The correct notice for Docket No. ER82-72-000 will be issued concurrently with this erratum notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34049 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-15-000]

El Paso Natural Gas Co.; Application

November 20, 1981.

Take notice that on October 9, 1981, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP82-15-000 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 tap facilities to permit the delivery of natural gas to Southern Union Company (Southern Union) for resale to AMOCO Production Company (AMOCO) in Rio Arriba County, New Mexico, 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 has received a written request from Southern Union for natural gas service at a point located on Applicant's existing gathering pipeline system located in Rio Arriba County, New Mexico, for resale to AMOCO. It is asserted that the quantities of natural gas proposed to be delivered to Southern Union would be utilized to serve the residential requirements of AMOCO's field camp near Lindrith, New Mexico.

Applicant proposes to construct and operate a 1-inch O.D. tap and valve assembly with appurtenances at a point on its existing 4½-inch O.D. Lindrith Unit No. 28 well tie-in pipeline. Applicant asserts that Southern Union has projected that the annual and peak day deliveries required to serve the estimated 8 customers from said tap and valve assembly during the third full year of operation is 1,040 Mcf per year and 12 Mcf per day, respectively.

Applicant indicates that the sale of natural gas to Southern Union for resale to AMOCO would be made in accordance with their currently effective service agreement dated November 1, 1971, which provides for sales thereunder to be made at a rate identical to the rate in effect from time to time, under Rate Schedule X-1 contained in Applicant's FERC Gas Tariff, Original Volume No. 1, or superseding tariff.

Applicant estimates that the total cost of the proposed facilities would be $1,750 which would be financed through use of internally generated funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 14, 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. 81-34038 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1985-000]

James H. Liethen; Application

November 20, 1981.

The filing individual submits the following:

Take notice that on November 12, 1981, James H. Liethen filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions: Senior Vice President and Director, Wisconsin Public Service Corp.; and Director, Wisconsin River Power Company.

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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 11, 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

FR Doc. 81-34039 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-39-000]

Lone Star Gas Co., a Division of ENSERCH Corp.; Application

November 20, 1981.

Take notice that on October 22, 1981, Lone Star Gas Company, a Division of ENSERCH Corporation (Applicant), 301 Harwood Street, Dallas, Texas 75201, filed in Docket No. CP82-39-000 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain pipeline and appurtenant facilities in the states of Texas and Oklahoma, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Applicant proposes to abandon certain pipelines and appurtenances from interstate transportation which facilities, it is claimed, are no longer needed or required due to disconnection of depleted sources of gas or rearrangement of producers' gathering and delivery facilities. The pipelines, appurtenances, and facilities which Applicant proposes to abandon are as follows:

1. All of Line GN-87-T between station 0 + 00 at Line "E" and 26 + 10 (end), consisting of approximately 2,610 feet of 2-inch pipeline facilities Grayson County, Texas;

2. All of Line FX-571-T between stations 0 + 00 at Line GDH and 3 + 46 (end), consisting of approximately 346 feet of 2-inch pipeline facilities formerly connecting White Shield Oil & Gas Corporation, Gentry No. 1 Well, Sho-Vel-Tum Field, Oklahoma;

3. All of Line FX-412-T between stations 0 + 00 at Line H 2nd and 6 + 53 (end), consisting of approximately 653 feet of 4-inch pipeline facilities formerly connecting Edwin L. Cox, School Land No. 1 Well, North Nellie Field, Stephens County, Oklahoma;

4. All of Line FX-598-T between stations 0 + 00 at Line H 2nd and 0 + 15 (end), consisting of approximately 15 feet of 2-inch pipeline facilities formerly connecting Jimmy E. Gray, Rich No. 2 Well, Duncan West Field, Stephens County, Oklahoma;

5. All of Line FX-428-T between stations 0 + 00 at Line GDH and 44 + 09 (end), consisting of approximately 4,409 feet of 4-inch pipeline facilities formerly connecting Blackwell Zinc Co., Greiner No. 1 Well, South Alma Field, Stephens County, Oklahoma;

6. All of Line FX-575-T between stations 0 + 00 at Line TF and 21 + 81 (end), consisting of approximately 2,180 feet of 3-inch pipeline facilities formerly connecting H. C. Wickham, *et al.*, Pettigrew Lease, Compressor Station, Knox Filed, Stephens County, Oklahoma;

7. All of Line FX-582-T between stations 0 + 00 at Line T-E and 76 + 83 (end), consisting of approximately 7,683 feet of 3-inch pipeline facilities formerly connecting Woods Petroleum Company, Harley No. 1 Well, Palacine North Field, Stephens County, Oklahoma;

8. All of Line GN-81-T between stations 0 + 00 at Lines E5A-C and 0 + 34 (end), consisting of approximately 34 feet of 2-inch pipeline facilities formerly connecting Amoco Production Company, Park College No. 1 Well, Durant North Field, Bryan County, Oklahoma;

9. Portion of Line 71-23-3 between stations 784 + 18 and 898 + 49 at (end), consisting of approximately 11,431 feet of 2-inch pipeline facilities formerly serving various right-of-way customers, Wichita County, Texas. Service to these customers has been terminated at the customers' request and sales facilities have been disconnected and removed. There are no other customers or sources of supply connected to the deteriorated pipeline.

10. Portion of Line 71–28 between stations 429 + 10 and 498 + 82 (end), consisting of approximately 6,972 feet of 4-inch pipeline facilities formerly serving various right-of-way customers, Wichita County, Texas. Service to these customers has been terminated at the customers' request and sales facilities have been disconnected and removed. There are no other customers or sources of supply connected to this deteriorated pipeline.

11. Portion of Line A18–5 between stations 145 + 20 and 158 + 39 (end), consisting of approximately 2,318 feet of 2-inch pipeline facilities formerly serving various right-of-way customers, Wichita County, Texas. Service to these customers has been terminated at the customers' request and sales facilities have been disconnected and removed. There are no other customers or sources of supply connected to this pipeline.

12. All of Line F–8 between stations 0 + 00 at Line "F" and 82 + 49 (end), consisting of approximately 8,346 feet (equations 24 + 61 = 23 + 89, 82 + 39) of 4-inch pipeline facilities formerly serving South City Gate Denton, Texas, and right-of-way customers. Service to these customers and facilities is now from Lone Star's Line 2nd F8.

Applicant states that the abandonment of these facilities would not result in the abandonment of natural gas service to any city, town or community.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 14, 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 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. 81-34040 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1984-000]

Eugene R. Mathews; Application

November 20, 1981.

The filing individual submits the following:

Take notice that on November 12, 1981, Eugene R. Mathews filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions: Senior Vice President, Wisconsin Public Service Corp.; and Director, Wisconsin River Power Company.

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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 11, 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34041 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER79-277]

Middle South Services, Inc.; Compliance Filing

November 19, 1981.

The filing Company submits the following:

Take notice that on November 9, 1981, Middle South Services, Inc. filed a compliance report pursuant to Commission Opinion No. 124, issued on July 30, 1981 in Docket No. ER79-277. The compliance report reflects: (1) Revised Service Schedules MSS–1 (Capability Equalization) and MSS–2 (Transmission Equalization) and (2) that no changes in Service Schedules MSS–3 and MSS–4 are required by Opinion No. 124 and, therefore, no refunds are necessary. Service Schedules MSS–1 and MSS–2 also reflect the changes filed, and accepted by the Commission, in Docket Nos ER80–366 (by letter order dated July 3, 1980) and ER81–405–000 (by letter order dated October 19, 1981). The compliance report also reflects refund calculations pursuant to Commission Opinion No. 124.

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 December 7, 1981. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

FR Doc. 81-34042 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1987-000]

Duaine L. Mossman; Application

November 20, 1981

The filing individual submits the following:

Take notice that on November 12, 1981, Duaine L. Mossman filed an application pursuant to section 305(a) of the Federal Power Act to hold the following positions: Secretary, Wisconsin Power & Light Company; and Director, Wisconsin River Power Company.

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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 11, 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 application are on file with the

Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34043 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-34-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

November 20, 1981.

Take notice that on October 21, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-34-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the amendment, consolidation and cancellation of certain rate schedules providing service to Westar Transmission Company, a Division of Pioneer Corporation (Westar), 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 is presently authorized to sell and deliver to Westar up to 1,000 Mcf per day of firm gas between April 1 and October 1 of each year and up to 1,000 Mcf per day of interruptible gas between October 1 and April 1 under its Rate Schedule X-30. It is stated that under its Rate Schedule X-24 Applicant provides 1 Mcf of gas per day on a firm basis to Westar on any day of the year and up to a total of 15,000 Mcf of gas per day on an interruptible basis from April 1 through October 1. It is further stated that Applicant is currently authorized under its Rate Schedule X-17 to sell and deliver 20 Mcf of gas per day on a firm basis and up to 500 Mcf of gas per day on an interruptible basis.

Applicant proposes pursuant to an agreement dated August 27, 1981, to cancel Rate Schedules X-24 and X-30 and to incorporate such sales and service through an amendment to Rate Schedule X-17. It is stated that under the proposed amendment to Rate Schedule X-17 Applicant would sell and deliver 21 Mcf of gas and 16,500 Mcf of gas per day of firm entitlement between the billing months of November through March and between April through October, respectively. It is asserted that a minimum bill provision reflecting a 75 percent annual load factor of Westar's daily winter entitlement from Applicant would be included.

Applicant further proposes to sell and deliver authorized overrun volumes in excess of firm entitlement to Westar under its Rate Schedule X-17. It is stated that the availability of overrun volumes would be determined at the sole discretion of Applicant and would be subject to advanced operating arrangements. Applicant asserts that no overrun service would be offered on any day when curtailment below firm entitlement would be required anywhere on its system and would be curtailed or interrupted at any time by giving reasonable advance notice. It is further stated that total volumes delivered to Westar on any day would not exceed that volume which Applicant was capable of delivering with then existing facilities and under then existing operating conditions on its pipeline system.

Applicant submits that volumes taken in excess of firm entitlement would be billed at a rate of $5.00 per Mcf of gas up to and including the larger of 3 percent of firm entitlement or 50 Mcf and $10.00 per Mcf for those volumes taken in excess of 3 percent of firm entitlement or 50 Mcf. It is stated that all unauthorized overrun volumes would be billed at a rate of $3.00 per Mcf and that such penalty charges are in addition to the effective commodity rate set forth on Sheet No. LC of Applicant's FERC Gas Tariff, Original Volume No. 2.

Applicant asserts that the addition of the minimum bill authorizing overrun service and penalty provisions would further its efforts in achieving consistency in serving its south-end customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 14, 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. 81-34044 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-33-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Application

November 20, 1981.

Take notice that on October 21, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP82-33-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to sell on a limited-term basis natural gas to Peoples Natural Gas Company, Division of InterNorth, Inc. (Peoples), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell to Peoples up to 50,000 Mcf of natural gas per day for resale to Peoples' customer, Allied Chemical Corporation (Allied), for use at its Geismer plant in Iberville Parish, Louisiana. It is asserted that such sale would be made on a firm basis during the summer period, April 1 through October 31, and on an interruptible basis during the winter period, November 1 through March 31, to Allied. It is asserted that this gas would come from a substantial surplus resulting from Applicant's active acquisition efforts, reduced market requirements and high deliverability requirements of new gas purchase contracts. The sale would commence on or about the date Commission approval is received and extend through October 31, 1984, it is stated.

It is stated that Peoples would pay Applicant for the gas at a price which would be the higher of the then currently effective section 102 price of the Natural Gas Policy Act of 1978 or Applicant's

effective Zone 1 demand commodity 100 percent load factor rate under its Rate Schedule CD-1.

Applicant states that pursuant to the gas sales agreement dated October 6, 1981, there is also a provision which provides that Peoples would be obligated to take or pay for 75 percent of the total daily volumes nominated during the first ninety days after initial flow and 75 percent of the daily contract quantity thereafter.

It is asserted that Applicant and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) have entered into a gas transportation letter of intent whereby Tennessee has agreed to accept Applicant's volumes at a point of interconnection located in Centerville, Louisiana, and deliver to the existing interconnects of Southern Natural Gas Company's (Southern) and Tennessee's pipeline facilities located near Rose Hill and Pugh, Mississippi, and/or such other point or points of delivery as the parties may mutually agree upon with ultimate delivery to Peoples by Southern. It is further asserted that Tennessee would retain 3.79 percent of the total volumes delivered at Rose Hill and 4.81 percent of the total volumes delivered at Pugh for unaccounted for gas and compressor fuel.

It is stated that as consideration for Applicant's commitment to make volumes available Allied through Union Texas Petroleum, an operating company of Allied Corporation, has granted Applicant an option to purchase additional new proven recoverable gas reserves developed and owned by Union Texas Petroleum.

It is submitted that the volumes proposed for sale herein would be contingent upon Applicant's ability to meet its existing general system volume requirements and would be accomplished without jeopardizing service to Applicant's existing general system customers.

Applicant advises that the gas would be used primarily as a feedstock and process fuel in the production of agricultural fertilizers in Allied's agricultural plant.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 14, 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. 81-34045 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-48-000]

Oklahoma Gasahol, Inc.; Petition for a Declaratory Order

November 20, 1981.

Take notice that on October 30, 1981, Oklahoma Gasohol, Inc. (Petitioner), 121 N.E. 52nd Street, Oklahoma City, Okahoma 73154, filed in Docket No. CP82-48-000 a petition pursuant to § 1.7(c) of the Commission's rules of practice and procedure (18 CFR 1.7(c)) for a declaratory order stating that a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act is not required for the construction and operation of a line for the delivery of natural gas to an ethanol distilling facility, all as more fully set forth in the petition which is on filed with the Commission and open to public inspection.

Petitioner states that it is currently fueling its boiler at the Caddo County, Oklahoma, ethanol distilling plant with natural gas from the Fort Cobb Gas Authority. It is asserted that during the dryest months of the summer Petitioner occasionally experiences gas shortages due to a slight shortfall in gas supplies experienced by the Fort Cobb system. Petitioner explains that these gas shortages of approximately 25 Mcf per day have forced corresponding curtailments in Petitioner's ethanol production.

Petitioner avers that the Arkansas Louisiana Gas Company (Arkla) has always had gas surpluses in summer months. Petitioner, therefore, plans to install a line from an existing unused tap on Arkla's transmission line to Petitioner's boiler house to enable it to receive gas from Arkla for a short period of time until it completes a natural gas well on its property by December 1982 or earlier. Petitioner states that under the terms of this lease it would be able to fuel its boiler with the gas it takes as royalty without the need of any natural gas from Arkla by December 1982.

Petitioner contends that the acts described in the instant petition are temporary acts or operations which the Commission may by regulation exempt from certification under section 7(c)(1)(B) of the Natural Gas Act. Petitioner also avers that its process reclaims waste grains, conserves feed grains, and contributes to U.S. energy independence and therefore satisfies the requirement set forth in *Caterpillar Tractor Company*, 11 FERC para. 61,076 (1980).

Any person desiring to be heard or to make any protest with reference to said petition should on or before December 14, 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, 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. 81-34046 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER76-532]

Pacific Gas and Electric Co.; Notice Accepting Late-Filed Brief Opposing Exceptions

November 17, 1981.

On November 13, 1981, Pacific Gas and Electric Company filed a request to

make a late-filing of its brief opposing exceptions to the Initial Decision issued June 17, 1981, in the above-docketed proceeding. The motion states that because of unexpected typing delays, the company was required to file the document one day late. Notice is hereby given that Pacific Gas and Electric Company's brief opposing exceptions, filed November 13, 1981, is accepted for filing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34047 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP82-22-000]

Pacific Interstate Transmission Co.; Application

November 20, 1981.

Take notice that on October 15, 1981, Pacific Interstate Transmission Company (Applicant), 720 West Eight Street, Los Angeles, California 90017, filed in Docket No. CP82-22-000 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and delivery of natural gas to Southern California Gas Company (SoCal) at an additional point on the Oregon-California border near Malin, Oregon, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

It is indicated that pursuant to the terms and conditions of an existing service agreement between Applicant and SoCal dated September 22, 1980, Applicant sells up to 240,000 Mcf of natural gas per day purchased from Pan-Alberta Pipeline Ltd. (Pan-Alberta) to its affiliate, SoCal. Applicant asserts that Pacific Gas Transmission Company (PGT) has agreed to receive an annual average daily quantity of 240,000 Mcf of gas per day at the U.S.-Canada International boundary and to transport the gas for Applicant to a point of interconnection near Stanfield, Oregon. It is further stated that Northwest Pipeline Corporation (Northwest) has agreed to receive 240,000 Mcf of gas per day, less fuel and line loss, for Applicant at a point of interconnection with the facilities of PGT near Stanfield, Oregon, and redeliver thermally equivalent volumes, less fuel and lie loss, to a point of interconnection with the facilities of El Paso Natural Gas Company (El Paso) near Ignacio, Colorado. It is submitted that El Paso has agreed to receive up to 230,000 Mcf of gas per day, less fuel and line loss, at a point of interconnection with the Northwest near Ignacio, Colorado, and to transport the gas for Applicant to an existing point of delivery to SoCal on the Arizona-California border near Topock, Arizona.

Applicant states that is has recently been advised that El Paso may not have adequate capacity on some days to transport the full volumes of gas as stipulated under its agreement with Applicant. It is further stated that Applicant has, therefore, entered into an agreement with PGT which provides that PGT would transport volumes of the Pan-Alberta gas on a best-efforts basis for Applicant when El Paso would not have the capacity to deliver the full amount. PGT, it is stated, would transport the subject gas from south of Stanfield, Oregon, and deliver it for Applicant's account at a point of interconnection with the facilities of Pacific Gas and Electric Company near Malin, Oregon, on the Oregon-California border. Applicant, therefore, requests authorization for the transportation and delivery of natural gas to SoCal at an additional delivery point near Malin, Oregon.

Applicant states that the instant proposal would result in a net rate decrease in Applicant's unit charge to SoCal because the transportation charge of 30.82 cents per million Btu by PGT would be offset by the reduction in fuel loss and the reduction in common charges by Northwest and El Paso for the use of existing facilities. It is asserted that the net decrease to SoCal is estimated to be 24.84 cents per Mcf. It is further asserted that the additional charges to SoCal for transportation south of the California-Oregon border are expected to result in an increase in total costs to SoCal of 6.25 cents per million Btu.

Applicant further requests changes in its FERC Gas Tariff, Original Volume No. 1, to sell the subject gas to SoCal at an additional delivery point on the Oregon-California border near Malin, Oregon.

The proposal herein, it is submitted, would allow greater flexibility in deliveries to SoCal on those days when El Paso does not have the capacity to transport full contract volumes of Pan-Alberta gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 14, 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. 81-34048 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ER82-72-000]

Pacific Power & Light Co.; Rate Schedule Filing

November 19, 1981.

The filing Company submits the following:

Take notice that Pacific Power and Light Company (Pacific) on November 3, 1981, tendered for filing, in accordance with § 35.12 of the Commission's Regulations, the Transmission Agreement between Bridger Valley Electric Association (Bridger Valley), Deseret Generation and Transmission Co-operative (Deseret) and Pacific dated May 29, 1981, and approved by the Rural Electrification Administration on July 9, 1981. The Agreement establishes an interconnection between Bridger Valley and Pacific and provides for transmission service to be supplied by Pacific.

Pacific requests waiver of the Commission's notice requirements to permit this rate schedule to become effective November 1, 1981, which it

claims is the date of commencement of service.

Copies of the filing were supplied to Deseret and Bridger Valley.

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, 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 December 7, 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34050 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. ID-1986-000]

Burton C. Peters; Application

November 20, 1981.

The filing individual submits the following:

Take notice that on November 12, 1981, Burton C. Peters filed an application pursuant to section 305(b) of the Federal Power Act to hold the following positions: Vice President, Wisconsin Power & Light Company; and Director, Wisconsin River Power Company.

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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedures (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 11, 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 application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34051 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

[Docket No. CP80-300-003 and Docket No. CP80-481-002]

Transcontinental Gas Pipe line Corp., Florida Gas Transmission Co., and Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Amendment

November 20, 1981.

Take notice that on October 23, 1981, Florida Gas Transmission Company (Florida Gas), P.O. Box 44, Winter Park, Florida 23790, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80-481-002 and Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77002, filed in Docket No. CP80-300-002 a joint amendment to their applications filed on March 26, 1980, in Docket No. CP80-300-002 by Transco and on August 4, 1981, in Docket No. CP80-481-002 by Florida Gas and Tennessee jointly so as to reflect Applicants' proposal to construct a jointly-owned gas pipeline facility located in Cameron and Calcasieu Parishes, Louisiana, in lieu of two pipelines, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicants state that on March 26, 1980, Transco filed in Docket No. CP80-300-002 an application for authorization to construct approximately 20.53 miles of 36-inch pipeline loop on its Southwest Louisiana Gathering System in Cameron and Calcasieu Parishes, Louisiana, in order to increase the capacity on this system. Applicants further state that on August 4, 1980, Florida Gas and Tennessee jointly filed in Docket No. CP80-481-002 an application for authorization to construct and operate pipeline facilities extending from the Sabine Pass area, offshore Texas and Louisiana, to an onshore compressor station and dehydration plant to be located in Cameron Parish, Louisiana, and from the plant to points of interconnection with Florida Gas and Tennessee's existing pipelines near Vinton, Calcasieu Parish, Louisiana.

It is stated that in accordance with a letter of intent among Applicants dated September 3, 1981, Transco in Docket No. CP80-300 and Florida Gas and Tennessee in Docket No. CP80-481 have amended their respective applications to reflect construction and operation of a single jointly-owned pipeline facility to be located in Cameron and Calcasieu Parishes, Louisiana. Such request, it is asserted, is the result of ongoing negotiations among the parties and of the Commission's order issued June 10, 1981, which divided Florida Gas' and Tennessee's application into two phases consisting of an offshore proceeding with certain onshore facilities and an onshore proceeding and which consolidated the proceedings of Florida Gas and Tennessee with those of Transco.

Applicants, therefore, propose herein to construct and operate the following facilities with costs to be shared as shown:

Facility	Cost		
	Transco	Florida Gas	Tennessee
1. 20.25 miles of 36-inch pipeline extending from the Johnson's Bayou Plant in Cameron Parish, Louisiana, (the Ridge) to Transco's existing 36-inch line in Calcasieu Parish, Louisiana. (Would consist of a loop of Transco's existing Southwest Louisiana Gathering System)	$17,171,355	$3,159,447	$7,069,198
2. 1.3 miles of 30-inch pipeline extending from the terminus of the Tennessee-Florida Gas Sabine Pass Offshore Pipeline to the Ridge, Cameron Parish, Louisiana		1,373,132	4,142,868
3. 3,695 horsepower compressor unit located at the Ridge, Cameron Parish, Louisiana	5,142,390		
4. 2,475 horsepower compressor station, measurement facilities and .55 mile of 16-inch pipeline at the intersection of Transco's Southwest Louisiana Gathering System and Florida Gas' existing 24-inch pipeline in Calcasieu Parish, Louisiana		3,485,672	
5. 10,950 horsepower compressor station and measurement facilities at the intersection of Transco's Southwest Louisiana Gathering System and Tennessee's existing 30-inch K-S pipeline in Calcasieu Parish, Louisiana			12,979,751
6. Other appurtenant taps, measurement and connecting facilities hereto	404,610	648,964	1,339,249
Total	22,718,355	8,667,215	25,531,066

The proposed 20.25 miles of 36-inch pipeline would be located substantially as shown in Transco's original application in Docket No. CP80-300 and together with Transco's existing Southwest Louisiana Gathering System and other facilities herein proposed would result in a designed incremental capacity in Transco's Southwest Louisiana Gathering System as expanded of approximately 870,000 Mcf of gas per day, it is stated. This incremental capacity in Transco's Southwest Louisiana Gathering System would be shared by Applicants as follows:

	Mcf per day
Transco	400,000
Tennessee	353,000
Florida Gas	117,000
Total	870,000

Applicants state that the total estimated cost of the proposed facilities is $56,916,636 which would be financed initially from funds on hand or short-term borrowings with permanent financing to be arranged at a later date.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before December 14, 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. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-34052 Filed 11-24-81; 8:45 am]

BILLING CODE 6717-01-M

Office of Hearings and Appeals

Issuance of Proposed Decision and Order; Week of November 9 Through November 13, 1981

During the week of November 9 through November 13, 1981, the proposed decision and order summarized below was issued by the Office of Hearings and Appeals of the Department of Energy with regard to an application for exception.

Under the procedural regulations that apply to exception proceedings (10 CFR Part 205, Subpart D), any person who will be aggrieved by the issuance of a proposed decision and order in final form may file a written notice of objection within ten days of service. For purposes of the procedural regulations, the date of service of notice is deemed to be the date of publication of this Notice or the date an aggrieved person receives actual notice, whichever occurs first.

The procedural regulations provide that an aggrieved party who fails to file a Notice of Objection within the time period specified in the regulations will be deemed to consent to the issuance of the proposed decision and order in final form. An aggrieved party who wishes to contest a determination made in a proposed decision and order must also file a detailed statement of objections within 30 days of the date of service of the proposed decision and order. In the statement of objections, the aggrieved party must specify each issue of fact that it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of this proposed decision and order are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., except federal holidays.

George B. Breznay,

Director, Office of Hearings and Appeals.

November 19, 1981.

Michek Oil Company, November 10, 1981, HEE-0001

On October 14, 1981, Michek Oil Company filed an Application for Exception from the reporting requirements set forth in Form EIA-9A. In its Application for Exception, the firm requested that the Office of Hearings and Appeals issue an Order relieving it of any obligation to prepare and submit Form EIA-9A. After considering the Michek request, the Office of Hearings and Appeals concluded that the firm was suffering neither a gross inequity nor serious hardship as a result of its obligation to prepare and submit the form. Consequently, on November 10, 1981, the Office of Hearings and Appeals issued a Proposed Decision and Order which tentatively determined that the Michek application be denied.

[FR Doc. 81-33982 Filed 11-24-81; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[A-7-FRL 1993-5]

Prevention of Significant Air Quality Deterioration (PSD); Delegation of Authority to State of Missouri

Regulations for the prevention of significant air quality deterioration (PSD) are codified at 40 CFR 52.21. Section 52.21(u) provides that the Administrator may delegate authority for implementation of the PSD program to the States.

Missouri adopted regulations on April 22, 1981, to provide for operation of the PSD program in the State and submitted these regulations to EPA on June 15, 1981, as a State Implementation Plan (SIP) revision. EPA has determined that portions of the regulations, as adopted and submitted, must be revised in order to be approvable as an SIP revision. Missouri has agreed to make the necessary changes.

In a letter dated September 18, 1981, Missouri requested delegation of PSD authority until such time as the SIP revision could be approved. PSD delegation, subject to certain conditions was granted on October 19, 1981 and a accepted by Missouri October 30, 1981. The conditions of the delegation dealt with those portions of the Missouri regulations which did not meet EPA requirements, including (1) concurrence of EPA on certain aspects of increment consumption, consideration of fugitive emissions and application of BACT, (2) application of the procedures of 40 CFR 124, relating to procedural and public participation requirements in the permitting process, (3) exclusion of two geographical areas from the delegation, (4) inclusion of EPA in the public notification process, (5) application of quality assurance procedures to air quality and emissions monitoring, and data review, and (6) provisions for revocation of the delegation. Copies of Missouri's request for PSD delegation, EPA's delegation letter and Missouri letter accepting delegation are available for public inspection at the EPA Region VII office, Air and Radiation Branch, 324 East 11th Street, Kansas City, Missouri, and at the office of the State PSD implementing agency mentioned below.

Effective immediately, all reports, requests, applications, submittals and other communications required pursuant to the PSD regulations should be submitted to Missouri Department of Natural Resources, P.O. Box 1368, Jefferson City, Missouri 65101.

This notice is issued under the authority of Section 165 and 301 of the Clean Air Act, as amended (42 U.S.C. 7475 and 7601).

Under Executive Order 12291, EPA must judge whether an agency action constitutes a "major" rule and is, therefore, subject to the requirements of a Regulatory Impact Analysis. This notice and the subject delegation are not "major" rules because they impose no new substantive regulatory requirements. The delegation merely authorizes the State of Missouri to implement regulations formerly

implemented by EPA. In any event, the delegation is unlikely to have an annual effect to the economy of $100 million or more or to have other significant adverse impacts on the national economy.

The delegation letter to Missouri was submitted to OMB and determined not to be a major rule under E.O. 12291.

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this action will not have a significant economic impact on a substantial number of small entities. This action only notifies the public of a delegation to Missouri of a program which was previously implemented by EPA and imposes no additional substantive requirements.

Dated: November 3, 1981.

John J. Franke, Jr.,

Regional Administrator, Region VII.

[FR Doc. 81-34005 Filed 11-24-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

10 Watt Educational Broadcast Stations; Recently Revised Weekly Transmission Test Announcement

November 16, 1981.

On April 9, 1981 the Commission, based on a recommendation of the Broadcast Services Subcommittee of the National Industry Advisory Committee, adopted FCC Order 81-159 which changed the text of the Emergency Broadcast System "Weekly Transmission Tests of the Attention Signal and Test Script" and permitted an actual activation of the EBS to be substituted for the above weekly test (§ 73.961(c)).

One of the changes to the text of the weekly test in the EBS Checklist reads "If this had been an actual emergency, the Attention Signal you just heard would have been followed by official information, news or instructions."

The wording "the Attention Signal you just heard" presents a problem to 10 Watt Educational Broadcast Stations that have exercised their option under § 73.940 not to install an encoder device which is used for the generation of the Attention Signal.

In view of the above, 10 Watt Educational Broadcast Stations are permitted to revise the text of the Weekly Transmission Test of the Attention Signal. It is recommended that the words "* * * the Attention Signal you just heard would have been followed by * * *" be replaced by the words "* * * this station would have provided you with * * *."

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-33950 Filed 11-24-81; 8:45 am]

BILLING CODE 6712-01-M

Mobile Services Advisory Committee; Meeting

The Mobile Services Advisory Committee will meet on Monday, November 23, 1981, to discuss possible formulations for more consistent approximation and interpolation of the propagation curves in Section 22.504 of FCC Rules and FCC Report No. 6406, "Technical Factors Affecting the Assignment of Facilities in the Domestic Public Land Mobile Radio Service," R. B. Carey.

This meeting is a follow-up on a request in the Committee's November 9, 1981, meeting for in-depth engineering study of Carey propagation computation methods. At that meeting the Committee discussed CC Docket 80-57, the rulemaking to revise and update Rules Part 22 ("Public Mobile Radio Services"). The Commission staff is drafting rules revisions and will issue a Notice of Proposed Rulemaking (NPRM) in the near future. The Committee members considered it essential to meet promptly on the engineering matters described above so that the Committee could submit its recommendations prior to the Commission's issuance of the NPRM. The date and time were selected and agreed upon by the Committee members.

The Committee will meet at 10:30 a.m. in room A403 at the Commission headquarters Annex Building, 1229—20th Street, NW, in Washington, DC.

Due to the Commission's need to proceed expeditiously with revision of the rules and the demand for changes in these services, this meeting is being held with less than 15 days notice. The Commission's Advisory Committee Managment officer has reviewed this item and concurs in the necessity for this short notice.

It is recommended that each attendee have in his possession a copy of § 22.504 of the Rules and the Carey Report above.

For further informaton, contact Michael A. Menius, (202) 632-6450.

William J. Tricarico,

Secretary, Federal Communications Commission.

[FR Doc. 81-33944 Filed 11-24-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources Administration

Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Pub. L. 92-463, the Annual Report for the following Health Resources Administration Federal Advisory Committee has been filed with the Library of Congress:

National Advisory Council on Health Professions Education

Copies are available to the public for inspection at the Library of Congress, Newspaper and Current Periodical Reading Room, Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, SE., Washington, D.C., or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Library, North Building, Room 1436, 330 Independence Avenue, SW., Washington, D.C. 20201, Telephone (202) 245-6791. Copies may be obtained from Mr. Clyde Couchman, Executive, Secretary, National Advisory Council on Health Professions Education, Room 4-27, Center Building, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436-6564.

Dated November 19, 1981.

Jackie E. Nylen,

Advisory Committee Management Officer, HRA.

[FR Doc. 81-33945 Filed 11-24-81; 8:45 am]

BILLING CODE 4160-15-M

Public Health Service

Assessment of Medical Technology

The Public Health Service (PHS) through the Office of Health Research, Statistics, and Technology (OHRST) announces that it is coordinating an assessment of what is known of the safety and clinical effectiveness of anti-gastroesophageal reflux implantation for treatment of sliding hiatal hernia. The PHS assessment consists of a synthesis of information obtained from appropriate organizations in the private sector and from PHS agencies and others in the Federal government.

PHS assessments are based on the most current knowledge concerning the safety and clinical effectiveness of a technology. Based on this assessment, a PHS recommendation will be formulated to assist the Health Care Financing Administration (HCFA) in establishing Medicare coverage policy. Any person

or group wishing to provide OHRST with information relevant to this assessment should do so in writing no later than February 23, 1981. The information being sought is a review and assessment of past, current, and planned research related to this technology, a bibliography of published controlled clinical trials and other well designed clinical studies, and other information related to the clinical acceptability and relative utility of this technology. Proprietary information is not being sought.

Written material should be submitted to:

Medical and Scientific Evaluation Staff, Office of Health Research, Statistics and Technology, Room 17A40, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT:
Dennis J. Cotter, Health Science Analyst, at the above address or by telephone (301) 443–4990.

Dated: November 17, 1981.

Wayne C. Richey, Jr.

Acting Executive Secretary, Office of Health Research Statistics, and Technology.

[FR Doc. 81–33957 Filed 11–24–81; 8:45 am]

BILLING CODE 4110–85–M

Health Maintenance Organizations

AGENCY: Public Health Service, HHS.

ACTION: Notice, October—qualified health maintenance organization.

SUMMARY: This notice sets forth the name, address, service area, and date of qualification of an entity determined by the Secretary to be a qualified health maintenance organization (HMO). In addition, a service area revision of a previously qualified HMO is reported at the end of the list.

FOR FURTHER INFORMATION CONTACT:
Frank H. Seubold, Ph.D., Acting Director, Office of Health Maintenance Organizations, Park Building, Third Floor, 12420 Parklawn Drive, Rockville, Maryland 20857, 301/443–4106.

SUPPLEMENTARY INFORMATION:
Regulations issued under Title XIII of the Public Health Service Act, as amended, (42 CFR 110.605(b)) require that a list and description of all newly qualified HMOs be published on a monthly basis in the **Federal Register**. The following entity has been determined to be a qualified HMO under section 1310(d) of the Public Health Service Act (42 U.S.C. 300e–9(d)):

(Operational Qualified Health Maintenance Organization: 42 CFR 110.603(a))

1. Family Health Plan, Inc., (Medical Group Model, see section 1310(b)(1) of the Public Health Service Act), 120 W. 6th., P.O. Box 886, Newton, Kansas 67114. Service area: Harvey, Marion and McPherson Counties, Kansas and communities as follows: Bentley, Park City, Potwin, Valley Center and Whitewater in the South Central portion of Kansas. Date of qualification: October 1, 1981. (Achieved preoperational qualification on September 25, 1981.)

Service Area Revision

1. Bay Pacific Health Plan, 3080 LaSelva, San Mateo, California 94403. Service area: Add the following to the list published on 7/1/81, in the **Federal Register**, 46 FR 34514: City and County of San Francisco, California. Effective date: October 1, 1981.

Files containing detailed information regarding qualified HMOs will be available for public inspection between the hours of 8:30 a.m. and 4:30 p.m. on Tuesdays and Thursdays, except for Federal holidays, in the Office of Health Maintenance Organizations, Office of the Assistant Secretary for Health, Department of Health and Human Services, Park Building, 3rd Floor, 12420 Parklawn Drive, Rockville, Maryland 20857.

Questions about the qualification review process or requests for information about qualified HMOs should be sent to the same office.

Dated: November 17, 1981.

Frank H. Seubold,

Acting Director, Office of Health Maintenance Organizations.

[FR Doc. 81–33949 Filed 11–24–81; 8:45 am]

BILLING CODE 4160–17–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Quileute Reservation, Washington; Resolution and Ordinance Regulating the Sale and Use of Liquor

This Notice is published in accordance with authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8, and in accordance with the Act of August 15, 1953, 18 U.S.C. 1161 (1976). I certify that the following Resolution and Ordinance relating to the application of the Federal Indian liquor laws on the Quileute Indian Reservation, Washington, were adopted on August 6, 1981 by the Quileute Tribal Council which has jurisdiction over the area of Indian country included in the ordinance, reading as follows:

Kenneth Smith,

Assistant Secretary—Indian Affairs.

November 13, 1981.

Resolution of the Quileute Tribal Council La Push, Quileute Indian Reservation Resolution No. #81–A–75

Whereas, the Quileute Indian Tribe of the Quileute Indian Reservation is an organized Indian Tribe under the Indian Reorganization Act; and

Whereas, the Quileute Tribal Council is the duly constituted governing body of the Quileute Indian Tribe by authority of article III of the Constitution and By-laws of the Quileute Indian Tribe, approved by the Secretary of the Interior on November 11, 1936; and

Whereas, the ancestors of the present Quileute Indian Tribe were a party to the Quinaielt Treaty of 1855, 12 Stat. 791, II Kap 71; and

Whereas, the Quileute Indian Tribe enjoys the rights reserved to it by the Quinaielt Treaty; and

Whereas, under Article VI, section 1(i)(j) the Tribal Council is empowered to promulgate and enforce ordinances governing the conduct of members of the Quileute Tribe; to provide for the maintenance of law and order; and to safeguard and promote the peace, safety, morals and general welfare of the Quileute Tribe by regulating the conduct of trade and the use or disposition of property upon the reservation; provided that any ordinance directly affecting non-members of the Tribe shall be subject to review by the Secretary of the Interior; and

Whereas, 18 U.S.C. 1161 recognizes the authority of the Tribal Council to regulate transactions involving liquor in Indian Country; and

Whereas, the Quileute Tribe is in need of a Liquor Ordinance to control the sale and distribution of liquor on the Reservation; and

Whereas, the Quileute Tribal Council saw a dire need for a liquor licensing procedure and did adopt a sixty-(60-) day emergency liquor ordinance on *August 6*, 1981.

Now, therefore be it resolved, that the Quileute Tribal Council hereby adopts the Quileute Liquor Ordinance.

Russell Woodruff, Sr.,

Chairman, Quileute Tribal Council.

Certification

I hereby certify that this Resolution was duly enacted by the Quileute Tribal Council on the 6 day of August, 1981, a

quorum being present, with a vote of 4 for and 0 against.

Roger Jackson, Sr.,
Secretary, Quileute Tribal Council.
Attest:
Russell Woodruff, Sr.,
Chairman, Quileute Tribal Council.

ORDINANCE 81–2, QUILEUTE LIQUOR ORDINANCE

Section 1. Findings and Purposes

1.1 The introduction, possession, and sale of liquor on Indian Reservations have, since Treaty times, been clearly recognized as matters of special concern to Indian Tribes and to the United States Federal Government. The control of liquor on reservations remains exclusively subject to their legislative enactments.

1.2 Beginning with the Treaty of Olympia 12 Stat. 971, Article 9, to which the ancestors of the Quileute Tribe were parties, the federal government has respected this Tribe's determinations regarding liquor-related transactions and activities on the Quileute Indian Reservation. Federal law currently prohibits the introduction of liquor into Indian country, 18 U.S.C. 1154, and expressly delegates to tribes the decision regarding when and to what extent liquor transactions shall be permitted, 18 U.S.C. 1161.

1.3 Present day circumstances make a complete ban of liquor within the Quileute Indian Reservation ineffective an unrealistic. At the same time, the need still exists of strict tribal regulation and control over liquor transactions within the Reservation.

1.4 In order to provide for increased Tribal control over liquor distribution and possession on the Reservation, the Quileute Tribal Council herey adopts this liquor ordinance.

Section 2. This ordinance shall be known as the Quileute Liquor Ordinance

Section 3. Relationship to Other Tribal Laws

Any prior ordinance or resolution of the Quileute Indian Tribe regulating, authorizing, prohibiting or in any way dealing with the sale of liquor is hereby repealed and is of no further force and effect. No other Tribal ordinance or resolution shall be applied in a manner inconsistent with the provisions of this ordinance.

Section 4. Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

4.1 "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance.

4.2 "Alcoholic beverage" is synonymous with the term "liquor" as defined in this ordinance.

4.3 "Beer" means any beverage obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than four percent of alcohol by weight and not less than one-half of one percent of alcohol by volume. For the purposes of this ordinance any such beverage, including ale, stout and porter, containing more than four percent of alcohol by weight shall not be classified as "beer."

4.4 "Commission" means the Quileute Tribal Commission as constituted under this ordinance.

4.5 "Liquor" includes the four varieties of liquor, herein defined (alcohol, beer, spirits, and wine), and all fermented, spiritous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spiritous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semi-solid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semi-solid, solid, or other substance, which contains more than one percent alcohol by weight shall be conclusively deemed to be intoxicating.

4.6 "Package" means any container or receptacle used for holding liquor.

4.7 "Sale" and "sell" include exchange barter, and traffic, and also include the selling or supplying or distributing, by any means whatsoever, of liquor, of any liquid known or described as beer or by any name whatsoever commonly used to describe malt liquor or brewed liquor or of wine, by any person to any person; and also includes a sale or selling within the Reservation to a foreign consignee or his agent.

4.8 "Spirits" means any beverage which contains alcohol obtained by distillation, including wines exceeding seventeen percent of alcohol by weight.

4.9 "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, etc.) or other agricultural products containing sugar to which any saccharine substances may have been added before, during or after fermentation, and containing not more than seventeen percent of alcohol by weight, including sweet wines fortified with wine spirits, such as sherry, port, muscatel and angelica, not exceeding seventeen percent of alcohol by weight. "Wine" shall include such beverages as ale, stout and port, containing more than four percent of alcohol but not exceeding seventeen percent of alcohol by weight.

Section 5. Jurisdiction

Tribal jurisdiction under this ordinance shall extend to those activities conducted within the exterior boundaries of the Quileute Indian Reservation, any other provisions of this ordinance or other tribal law notwithstanding. Any person or entity conducting business within the exterior boundaries of the Quileute Indian Reservation will be deemed to have consented to the jurisdiction of the Quileute Tribe Court. Any violators of this ordinance will be subject to civil fine as provided in Section 11.

Section 6. Application of 18 U.S.C. 1161

All liquor transactions within the Reservation shall conform to this ordinance and to the laws of the State of Washington to the extent required by 18 U.S.C. 1161.

Section 7. Sovereign Immunity Preserved

Except as provided in Section 10.8, nothing in this ordinance is intended or shall be construed to waive the sovereign immunity of the Quileute Indian Tribe. No employee or agent of the Quileute Tribe or of the Quileute Liquor Commission may waive the immunity of the Tribe.

Section 8. Quileute Liquor Commission

8.1 There is hereby established the "Quileute Liquor Commission". Persons elected to the Quileute Tribal Council shall become members of the Liquor Commission upon election to the Council, and shall serve on the Liquor Commission as long as they serve as members of the Council.

8.2 The Commission is empowered to:

a. Administer this ordinance by exercising general control, management and supervision of all liquor sales, places of sale, and sales outlets as well as exercising all powers necessary to accomplish the purposes of this ordinance;

b. Employ such persons as reasonably necessary to allow the commission to perform its duties under this ordinance;

c. Bring suit in the appropriate court to enforce the provisions of this ordinance;

d. Adopt and enforce regulations in furtherance of the purposes of this ordinance including but not limited to regulating the hours and conditions of liquor sales and limiting the total number of licenses to be issued in a given year.

8.3 The Liquor Commission shall conduct business pursuant to this ordinance at regularly scheduled Council meetings and shall keep records of all proceedings of the Commission.

8.4 Any person, subject to the provisions of the ordinance, who is injured or aggrieved by any final regulations issued by the Liquor Commission, may petition the Commission for a revision of the regulations.

Section 9. Prohibitions

No person shall engage in the manufacture or sale of liquor, except beer as defined in this ordinance, within the boundaries of the Quileute Reservation. No person shall engage in the sale of liquor within the boundaries of this Reservation unless duly licensed by the Tribe.

Section 10. Licenses

10.1 *Classes of Licenses.*

a. Any person desiring to sell beer within the boundaries of the Quileute Reservation must first obtain a license from the Liquor Commission.

b. The Commission may issue the following licenses upon application accompanied by payment of the prescribed fee:

(1) Beer retailers license-Class A. There shall be a beer retailers license classified as a Class A license to sell beer at retail for consumption on the premises only. Such license is to be issued to restaurants only.

(2) Beer retailers license-Class B. There shall be a beer retailers license classified as a Class B license to sell packaged beer at retail for consumption off the premises. Such license is to be issued to commercial type establishments only.

(3) Special beer License-Class C. There shall be a license classified as a Class C license for a group, society or organization to sell beer at picnics or other social occasions at a specified date, time and place. Sale, service and consumption of beer is to be confined to specified premises or designated areas only. Nothing herein shall prevent the Tribe from charging additional fees for the lease of tribal land for such occasions.

c. Every license issued under this ordinance shall be subject to all conditions and restrictions imposed by this ordinance or by the regulations in force from time to time.

10.2 *Applicants.* Anyone owning, renting, or leasing a commercial type establishment may apply for a Class A or B license. Every license shall be issued in the name of the applicant and shall not be transferrable. No license shall be issued to:

a. A person whose place of business is conducted by a manager or agent, unless such manager or agent possesses the same qualifications required of the licensee;

b. A person who has been convicted of a felony within five years prior to filing the application;

c. A person who is not 21 years of age;

d. A person who has been convicted of a violation of a federal or tribal law concerning the manufacture, sale or possession of alcoholic beverages within five years prior to filing the application.

10.3 *Consideration of Application.* Applications for licenses shall be submitted to the Commission on a form prescribed by the Commission. The Commission may, within its sole discretion, refuse to issue a license. The Commission may, within its sole discretion and subject to this ordinance, issue a license. For purposes of considering an application, the Commission may cause an inspection of the premises to be made and may inquire into all matters in connection with the construction and operation of the premises. Before the Commission shall issue a license it shall give due consideration to the location of the business to be conducted under such license.

10.4 *Inspection.* All licensed premises or any parts thereof used or in any way connected with the licensed business shall at all times be open to reasonable inspection by tribal police officers. Any person being on such premises and having charge thereof who refuses of fails to permit a tribal officer demanding to enter pursuant to this section to execute his duty, or who obstructs or attempts to obstruct the entry of such officer, shall thereby be deemed to have violated this ordinance.

10.5 *Posting.* Every licensee shall post and keep its license in a conspicuous place on the premises.

10.6 Fees. License applications must be accompanied by annual fee paid in advance. The Quileute Liquor Commission shall promulgate regulations establishing the annual fees for the various types of licenses. Taxes or fees of the State of Washington shall not apply. No licensee shall be required to maintain a liquor license from the State of Washington.

10.7 *Expiration.* Unless sooner cancelled, every license shall expire at midnight on the 31st day of December of the year in which it was issued. Licenses issued less than 6 months before that date shall cost one-half the annual fee.

10.8 *Suspension and Cancellation.*

a. The Commission may suspend or cancel any license for violation of this ordinance. Upon suspension or cancellation, all rights of the licensee to keep or sell liquor thereunder shall be suspended or terminated as the case may be. At least ten (10) days prior to cancellation or suspension, the Commission shall provide notice to the licensee of its intent to cancel or suspend the license. The licensee shall have the right, prior to the cancellation or suspension date, to apply to the Tribal Court for a hearing to determine whether the license was rightfully suspended or cancelled. The sovereign immunity of the Quileute Indian Tribe is waived for this hearing; *provided, however* that such waiver shall not be construed to allow an award of money damages against the Tribe nor any relief othe than a declaration of rights nor shall it be construed to waive the sovereign immunity of the Tribe in any court but Tribal Court. This waiver shall not apply to a denial of an application for a license nor to a refusal to renew an expired license.

b. Upon suspension or cancellation of a license, the licensee shall forthwith deliver up the license to the Council. Where the license has been suspended only, the Council shall return the license to the licensee at the expiration or termination of the period of suspension, with a memorandum of the suspension written or stamped upon the face thereof.

Section 11. Penalties

11.1 *Civil Fine.* Any person selling liquor on the Reservation without a tribal license or otherwise violating this ordinance shall be subject to a civil fine of not more than $500.00, plus costs, per violation. The Quileute Tribal Court shall have jurisdiction over any action brought by the Tribe or Commission for violations of this ordinance.

11.2 *Criminal.* The penalties provided for herein shall be in addition to any criminal penalties which may be imposed by separate provision of the Quileute Tribal Code.

11.3 *Injunctive Relief.* The Tribal Court may, in addition to the above civil fine, grant such other relief as is necessary and proper to enforce the ordinance, including but not limited to,

injunctive relief against acts in violation of this ordinance.

11.4 *Nuisance*

a. *Declaration of Nuisance.* Any room, house, building, boat, vessel, vehicle, structure, or other place where liquor is manufactured, sold, or otherwise disposed of in violation of the provisions of this ordinance, or of any lawful regulations made pursuant thereto and all property kept in and used in maintaining such place, are hereby declared to be a common nuisance.

b. *Institution of Action.* The Commission shall institute and maintain an action in the Tribal Court in the name of the Tribe to abate and perpetually enjoin any nuisance declared under this ordinance. The plaintiff shall not be required to give bond in this action. Restraining orders, temporary injuctions, and permanent injunctions may be granted in the cause as in other injunction proceedings, and upon final judgment against the defendant, the Court may also order the room, house, building, boat, vessel, vehicle, structure, or place closed for a period of one (1) year or until the owner, lessee, tenant, or occupant thereof shall give bond of sufficient surety to be approved by the Court in the sum of not less than One Thousand Dollars ($1,000.00), payable to the Tribe and conditioned that liquor will not be thereafter manufactured, kept, sold, given away, furnished, or otherwise disposed of thereof in violation of the provisions of this ordinance or of any other applicable tribal law, and that he or she will pay all fines, costs, and damages assessed against him or her for any violations of this ordinance or other tribal liquor laws. If any condition of the bond be violated, the whole amount may be recovered as a penalty for the use of the Tribe. Any action taken under this section shall be in addition to any other penalties provided in this ordinance.

c. *Abatement.* In all cases where any person has been found by the Tribal Court to have violated this ordinance, or applicable tribal regulations, an action may be brought in Tribal Court by the Commission to abate as nuisance any real estate and other property involved in the commission of the offense, and in any such action a certified copy of the record of such conviction shall be admissible in evidence and *prima facie* evidence that the room, house, vessel, boat, building, vehicle, structure, or place against which such action is brought is a public nuisance.

11.5. *Exclusion.* Any person not a member of the Quileute Tribe, who shall be found in violation of this ordinance, shall be subject to exclusion from the Quileute Indian Reservation pursuant to Article XV of the Law and Order Ordinance No. 74–A7 and amendments.

Section 12. Severability

If any provision of this ordinance shall be adjudged invalid, such judgment shall not affect or invalidate the remainder of the ordinance, but shall be confined in its operation to the provision directly involved in the controversy in which such judgment was rendered. If any application of this ordinance or any part thereof is adjudged invalid, such judgment shall not be deemed to render that provision inapplicable to other persons or circumstances.

Section 13. Disclaimer

Nothing in this ordinance shall be construed to require the criminal trial and punishment by the Quileute Tribal Court of any non-Indian except to the extent allowed by any applicable present or future Act of Congress or any applicable decision of the United States Supreme Court.

Section 14. Effective Date

This ordinance shall be effective on the date the Secretary of Interior certifies this ordinance and publishes the same in the **Federal Register.**

Section 15. Amendments

All provisions of this ordinance and regulations promulgated by the Quileute Liquor Commission are subject to revision, repeal and amendment.

[FR Doc. 81-33051 Filed 11-24-81; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

California Desert District Multiple-Use Advisory Council, Subcommittee; Meeting

Notice is hereby given in accordance with Pub. L. 92–463 and 94–579 that a sub-committee of the full California Desert District Multiple-Use Advisory Council of the Bureau of Land Management, U.S. Department of the Interior, will meet December 10, 1981 in the California Desert District, 1695 Spruce Street, Riverside, California. The purpose of the meeting is to review proposed amendments to the California Desert Plan and prepare recommendations for the full Council. The meeting will begin at 1:00 p.m.

FOR FURTHER INFORMATION CONTACT:

Wes Chambers, Chief, Planning and Environmental Coordination, California Desert District, (714) 787–1679.

Dated: November 17, 1981.

Bruce Ottenfeld,

Acting District Manager.

[FR Doc. 81-34006 Filed 11-24-81; 8:45 am]

BILLING CODE 4310-84-M

Colorado; Amendment to White River Management Framework Plan for Coal

Notice is hereby given in accordance with Pub. L. 94–579, section 603 and 43 CFR Parts 3400 and 1601, that the Bureau of Land Management, Craig District, Colorado, has applied the coal unsuitability criteria through the land use planning process. Public comments have been received and considered. The Management Framework Plan (MFP) for the White River Resource Area is amended using the preferred alternative. This decision excludes existing leases and preference right lease applications within the study area of the amendment.

In order to meet regional coal leasing targets and promote an orderly and desirable pattern of coal development, the White River Resource Area should be included in the area of availability for future competitive coal leasing in the Green River/Hams Fork Coal Production Region. The February 1981 land use plan for the White River Resource Area did not address suitability for possible coal development, therefore, before competitive leasing of Federal coal can occur the existing land use plan had to be amended. The information provided in this land use plan amendment has determined where coal production could occur without irreversibly damaging the environment. The determination of unsuitability on existing leases and preference right lease applications will be made at the Mining and the Reclamation Plan review stage.

An Environmental Impact Statement is not required for the preferred alternative because the area will be included in the next Green River/Hams Fork Regional Coal. E.I.S. before a decision is made on coal leasing.

Any person who participated in the planning process and has an interest which is or may be adversely affected by the approval or amendment of a resource management plan may protest such approval or amendment. A protest may raise only those issues which were submitted for the record to the District Manager during the planning process.

The protest shall be in writing and shall be filed with the State Director of Colorado. The protest shall be filed by December 28, 1981.

The protest shall contain:

1. The name, mailing address, telephone number and interest of the person filing the protest;

2. A statement of the issue or issues being protested;

3. A statement of the part or parts of the plan or amendment being protested;

4. A copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date the issue or issues were discussed for the record; and

5. A short, concise statement explaining why the District; Manager's decision is wrong.

Corrections have been made to the Draft White River MFP Coal Amendment/Environmental Assessment and it has been accepted as the Final White River MFP Coal Amendment/ Environmental Assessment.

Copies of the corrected pages and the Decision Record/Rationale are available from the Bureau of Land Management Contact listed below. Copies of the Final White River MFP Coal Amendment/ Environmental Assessment will be printed and available for distribution after the protest period has ended and any protest has been resolved.

Official BLM Contact: David Bray, Coal Coordinator, Bureau of Land Management, 455 Emerson Street, P.O. Box 248, Craig, CO 81626, or telephone (303) 824–8261.

Dated: November 13, 1981.

Lee Carie,

District Manager.

[FR Doc. 81–33415 Filed 11–24–81; 8:45 am]

BILLING CODE 4310–84–M

[Serial Nos. I–1518, I–1542]

Idaho; Partial Termination of Classification for Multiple-Use Management

November 18, 1981.

1. Pursuant to authority delegated to me by Bureau Order No. 701, dated July 23, 1964 (29 FR 10526), I hereby terminate the Bureau of Land Management Multiple-Use Classification Orders dated October 27, 1967, and June 21, 1968 (Serial Nos. I–1518, I–1542) published in the **Federal Register** November 2, 1967, 32 FR 15186 and June 28, 1968, 33 FR 9514, insofar as they affected the lands described below:

Boise Meridian, Idaho

(I–1518)

Kipuka site

T. 1 N., R. 24 E.,
Sec. 29, NW¼.

(I–1542)

Narrows site

T. 3 S., R. 20 E.,
Sec. 12, SW¼SW¼;
Sec. 13, NW¼NW¼;
Sec. 14, NE¼NE¼.
The areas described aggregate 280 acres in Lincoln and Butte Counties.

2. The segregative effect on the lands described in this order will terminate upon publication of this notice in the **Federal Register** as provided by the regulations in 43 CFR 2461.5(c)(2).

3. At 7:45 a.m. on December 22, 1981, the lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals and the requirements of applicable law. All valid applications received at or prior to 7:45 a.m. on December 22, 1981, shall be considered as simultaneously filed at the time. Those received thereafter shall be considered in the order of filing.

4. The lands also will be open to location under the United States mining laws at 7:45 a.m. on December 22, 1981. The lands have been and continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, Box 042, Boise, Idaho 83724.

Robert O. Buffington,

State Director.

[FR Doc. 81–34013 Filed 11–24–81; 8:45 am]

BILLING CODE 4310–84–M

[Int Fes 81–51]

Southern California Outer Continental Shelf; Availability of Final Environmental Impact Statement Regarding Proposed Outer Continental Shelf Oil and Gas Lease Sale No. 68

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management has prepared a final environmental impact statement relating to a proposed Outer Continental Shelf (OCS) oil and gas lease sale of 218 tracts consisting of 445,190 hectares (1,112,975 acres) of submerged Federal lands off the coast of southern California (OCS Sale No. 68).

Single copies of the final environmental impact statement can be obtained from the Office of the Manager, Pacific Outer Continental Shelf Office, Bureau of Land Management, 1340 W. 6th Street, Room 200, Los Angeles, California 90017, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the final environmental impact statement will also be made available for inspection in the following public libraries: W. Valley Reg. Branch Library, 19036 Vanowen Street, Reseda, CA 91335; San Bernardino County Free Library, 104 W. 4th Street, San Bernardino, CA 92401; University of California Library, Government Publications Dept., P.O. Box 5900, Riverside, CA 95207; San Diego County Library, 5555 Overland Avenue, San Diego, CA 92123; Riverside Public Library, P.O. Box 468, Riverside, CA 92506; Anaheim Public Library, 500 West Broadway, Anaheim, CA 92805; San Diego State University, Malcolm A. Love Library, Government Publications Dept., San Diego, CA 92182; Culver City Library, 4975 Overland Avenue, Culver City, CA 90230; San Diego County Law Library, 1105 Front Street, San Diego, CA 92101; California State Polytechnical University Library, Documents Section, San Luis Obispo, CA 93401; Santa Ana Public Library, Documents Section 26, Civic Center Plaza, Santa Ana, CA 92701; California Lutheran College Library, Mountclef Village, Thousand Oaks, CA 91360; Bodkin, McCarthy, Sargent & Smith, 707 Wilshire Blvd., 51st Floor, Los Angeles, CA 90071; California State University Library, Documents Section, P.O. Box 4150, Fullerton, CA 92634; County of Los Angeles Library, Government Publications Unit, 320 W. Temple, Los Angeles, CA 90012; Long Beach Public Library, Government Publications Dept., Ocean and Pacific, Long Beach, CA 90802; San Diego Public Library, Science and Industry Dept., 820 "E" Street, San Diego, CA 92101; Downey City Library, 8490 E. 3rd Street, Downey, CA 90241; Pepperdine University Library, 8035 S. Vermont, Los Angeles, CA 90044; California Institute of Technology, Millikan Memorial Library, Pasadena, CA 91124; Pasadena Public Library, 285 E. Walnut Street, Pasadena, CA 91101; Business and Economics Dept., Los Angeles Public Library, 630 W. 5th Street, Los Angeles, CA 90071; California State University, Oviatt Library, Government Document, 18111 Nordhoff Street, Northridge, CA 91220; County of Ventura Library Service, Documents Section, P.O. Box 771, Ventura, CA 93001; Loyola University, School of Law Library, 1440 W. 9th Street, Los Angeles, CA 90015; Santa Barbara Public Library, Reference Section, P.O. Box 1019, Santa Barbara, CA 93102; Santa Monica Public Library, 1353 6th Street, Santa Monica, CA 90401; University of California, Water Resources Center Archives, 2081 Engineering I, Los Angeles, CA 90024; University of California, SERIALS, SIO

Library, C-075C, La Jolla, CA 92093; University of Southern California, Government Documents Dept., P.O. Box 77983, Los Angeles, CA 90007; The Sea Library, 408 Sycamore Road, Santa Monica, CA 90402; University of California, Government Publication Dept., General Library, P.O. Box 19557, Irvine, CA 92713; University of California, The Library, Government Publications Dept., Santa Barbara, CA 93160; and Pomona College Documents Collection, Honnold Library, 222 E. 9th Street, Claremont, CA 91711.

Arnold E. Petty,

Acting Associate Director, Bureau of Land Management.

November 6, 1981.

Approved:

Bruce Blanchard,

Director, Environmental Project Review.

[FR Doc. 81-33985 Filed 11-24-81; 8:45 am]

BILLING CODE 4310-84-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 387 (Sub-63)]

Kansas City Southern Railway Co., Exemption for Contract Tariff ICC-KCS-C-0006

AGENCY: Interstate Commerce Commission.

ACTION: Notice of provisional exemption.

SUMMARY: Petitioner is granted a provisional exemption under 49 U.S.C. 10505 from the notice requirements of 49 U.S.C. 10713(e) and its contract and contract tariff to be filed may be made effective on one day's notice. This exemption may be revoked if protests are filed within 15 days of publication in the **Federal Register.**

FOR FURTHER INFORMATION CONTACT: Jane F. Mackall, (202) 275-7656.

SUPPLEMENTARY INFORMATION: The Kansas City Southern Railway Company filed, on November 10, 1981, a petition for exemption under 49 U.S.C. 10505 from the provisions of 49 U.S.C. 10713(e). Petitioner requested that we permit it to make amended tariff ICC-KCS-C-0006 effective on November 16, 1981. Petitioner waited until only six days before the requested effective date to file its petition and therefore, did not allow the Commission sufficient time to reach a decision prior to November 16. Under these circumstances, we will treat the petition as one requesting that the tariff be effective on one day's notice.

The contract between petitioner and the shipper covers the transportation of lignite coal from Como, TX to New Orleans, LA. The contract tariff was filed with the Commission on October 16, 1981, and was to become effective November 16, 1981. After the contract was filed, it was discovered that the rate contained in the tariff did not reflect the rate agreed upon by the parties.

Under 49 U.S.C. 10713(e) contracts must be filed to become effective on not less than 30 nor more than 60 days' notice. There is no provision for waiving this requirement. CF. former section 10762(d)(1). However, the Commission has granted relief under section 10505 exemption authority in exceptional situations.

The petition is granted. The shipper, in reliance on the original filing, has made commitments to commence mining operations by November 16, 1981. Any significant delay in implementing this contract may cause the shipper major storage and exporting problems. We conclude that this is the type of exceptional circumstances which warrants an exemption. Petitioner's contract tariff ICC-KCS-C-0006 may become effective on one day's notice.

We will apply the following conditions which have been imposed in similar exemption proceedings:

> If the Commission permits the contract to become effective on one day's notice, this fact neither shall be construed to mean that this is a Commission approved contract for purposes of 49 U.S.C. 10713(g) nor shall it serve to deprive the Commission of jurisdiction to institute a proceeding, on its own initiative or on complaint, to review this contract and to disapprove it.

Subject to compliance with these conditions, under 49 U.S.C. 10505(a) we find that the 30 day notice requirement in these instances is not necessary to carry out the transportation policy of 49 U.S.C. 10101a and is not needed to protect shippers from abuse of market power. Further, we will consider revoking this exemption under 49 U.S.C. 10505(c) if protests are filed within 15 days of publication in the **Federal Register.**

This action will not significantly affect the quality of the human environment or the conservation of energy resources.

Dated: November 18, 1981.

By the Commission, Division 1, Commissioners Clapp, Gresham, and Taylor. Commissioner Taylor did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-33966 Filed 11-24-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-2 (Sub-35F)]

Louisville and Nashville Railroad Co.—Abandonment Between Orleans and Paoli, IN; Findings

The Commission has issued a certificate authorizing Louisville and Nashville Railroad Company to abandon its 7.08 mile rail line between Orleans, IN (Milepost D-1.80) and Paoli, IN (Milepost D-8.88) in Orange County, IN. The abandonment certificate will become effective 30 days after this publication unless the Commission also finds that: (1) A financially 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. 81-33971 Filed 11-24-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Decision Notice; Finance Applications

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

It is Ordered:

The following applications are approved, subject to the conditions stated in the publication, and further subject to the administrative requirements stated in the effective notice to be issued hereafter.

By the Commission, Review Board Number 3, Krock, Joyce and Dowell.

MC–FC–79016 (correction) (previously published in the **Federal Register** issue of April 1, 1981). By decision of February 26, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 5 approved the transfer to DAVIS TOURS, INC. of Certificate Nos. MC–133305 and MC–133305 (Sub-Nos. 1 and 2), issued to DAVIS AIRPORT LIMOUSINE SERVICE, INC. The **Federal Register** publication contained several substantial typographical errors. The purpose of this republication is to correct the authority to be transferred as follows: (1) Passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, with stop-over privileges, from points in Ohio south of U.S. Highway 224 in the Counties of Ashland, Medina, Summit, Portage, Wayne, Stark, Columbiana, Holmes, Tuscarawas, and Carroll, Ohio, to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Pennsylvania, Maryland, the District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Michigan, Indiana, Illinois, Kentucky, Tennessee, Wisconsin, Minnesota, South Dakota, Nebraska, Iowa, Kansas, and Missouri; (2) Passengers and their baggage in charter operations, beginning and ending at points in Summit and Portage Counties, Ohio, on and north of U.S. Highway 224, and extending to points in the United States (except Alaska and Hawaii); beginning and ending at points in Ashland, Medina, Portage, Wayne, Stark, Columbiana, Holmes, Tuscarawas, and Carroll Counties, Ohio, south of U.S. Hwy 224 and extending to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Louisiana, Mississippi, Montana, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming; (3) Passengers and their baggage, in the same vehicle with passengers in special operations in round-trip, sight-seeing, and pleasure tours, beginning and ending at Kent, Ohio, and points in Wayne, Summit and Stark Counties, Ohio, and extending to points in the United States (except Alaska and Hawaii). Applicant's representative is: Jeremy Kahn, 1511 K Street, N.W., Washington, DC 20005.

MC–FC–79412. By decision of October 30, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to HARVEY DRIVER SERVICE, INC., of Ill., 3509 N. Hackett Ave., Milwaukee, WI 53211, of Permit No. MC–114426 issued to CLIFFORD C. NELSON, d.b.a. NIELSEN & SON, 2425 Grand Avenue, Waukegan, IL authorizing: irregular routes: *such commodities*, as are dealt in and sold by chain, retail, and mail-order department stores from Waukegan, IL, to points in that part of Wisconsin, on, east, and south of a line extending from the Wisconsin-Illinois State line along U.S. Highway 14 (Portion formerly WI Hwy 89) to junction WI Hwy 67 (portion formerly WI Hwy 36), thence along WI Hwy 67 through Williams Bay and Elkhorn, WI to junction WI Hwy 20, thence east along WI Hwy 20 to Racine, WI; and *damaged, defective, rejected or returned shipments* of the commodities specified above, from the above-designated destination points to Waukegan, IL. Representative: John C. Goheen, 2100 Marine Plaza, Milwaukee, WI 53202. TA lease is sought. Transferee is not a carrier.

MC–FC–79419. By decision of October 28, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to H&S MOTOR LINES, INC. of Wesson, MS, of Permit No. MC–145230 (Sub-No. 8), issued August 27, 1981, to H&S TRUCKING, INC., of Wesson, MS, authorizing the transportation by irregular routes of *forest products, and lumber and wood products* between points in the United States, under continuing contract(s) with Vanply, Inc. of Charlotte, NC. Representative is: Donald B. Morrison, Suite 1500, Deposit Guaranty Plaza, (P.O. Box 22628), Jackson, MS 39205.

MC–FC–79421. By decision of October 28, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to MARU TRUCKING, INC., of South Boston, MA of Certificate No. MC-120193 (Sub-No. 2), issued April 30, 1981, and (Sub-No. 3), issued February 9, 1981 to C&M TRUCKING, INC. of South Boston, MA, authorizing the transportation of (1) *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk) between points in Massachusetts, (2) *motor vehicles*, in truckaway service, from Albany, NY, to points in Massachusetts, and (3) *motor vehicles*, in truckaway service, from points in Suffolk County, MA, to points in Albany, Rennselaer, Schenectady, Greene, Columbia, Dutchess, Ulster, Saratoga, and Washington Counties, NY. Representative is: Frank J. Weiner, 15 Court Square, Boston, MA 02108.

MC–FC–79431, filed October 21, 1981. Transferee: J.E.P., INC., d.b.a. B-LINE, 264 Matifield Street, West Bridgewater, MA 02379. Transferor: The B-LINE, INC., 25 Adams Street, Braintree, MA 02184. Authority sought for purchase by transferee of the operating rights of transferor as set forth in Permit No. MC-151473 (Sub-1) authorizing such commodities as are dealt in or used by manufacturers and distributors of (a) automotive lubricants, (b) anti-freeze compounds, and (c) electronic chemicals, between points in the U.S., under contract(s) with Admiral Petroleum, Inc., and Commonwealth Chemical Corporation, and Certificate No. MC–151473 (Sub-2) authorizing building materials, between points in MA, on the one hand, and, on the other, points in CT, ME, NH, NJ, NY, PA, RI, and VT. Transferee holds no authority from the Commission. Application has not been filed for temporary authority. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108.

MC–FC–79432. By decision of 11/3/81 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132 Review Board Number 3 approved the transfer to TRANSPORTATION ENTERPRISES, INC., formerly TEXAS BUS LINES of Austin, TX of Certificate No. MC-144092 (Sub-No. 2) issued September 18, 1981, to Transportation Enterprises, Inc., of

Austin, TX, authorizing the transportation of passengers and their baggage, and express, newspapers, and mail in the same vehicle with passengers (1) between Dallas and Fort Worth, TX, over U.S. Hwy 80 and (2) between Fort Worth and Arlington, TX, over intricate regular routes, with service in (1) and (2) authorized to all intermediate points. Representative is: Mert Starnes, 1806 Rio Grande, P.O. Box 2207, Austin, TX 78768.

MC-FC-79436. By decision of October 30, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR 1132, Review Board Number 3 approved the transfer to ACTION EXPRESS, Inc. of Certificate No. MC-152901 (Sub-No. 1) issued to BURNS-PORTLAND EXPRESS, INC., authorizing: transportation of *general commodities* (except classes A and B explosives), between Portland and Burns, OR, from Portland over U.S. Hwy 26 to junction U.S. Hwy 97 to junction U.S. Hwy 20, then over U.S. 20 to Burns and return over the same route, serving all intermediate points. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701. TA lease is not sought. Transferee is a carrier.

MC-FC-79462. By decision of 11/16/81 Review Board 3 approved the transfer to PHIL CARLSON, INC. d.b.a. TRI-WEST TRANSPORTATION CO., of Beaverton, OR, of Permit No. 144160 (Sub-Nos. 2 and 4) issued HALVORSEN TRUCKING, INC. of Beaverton, OR, authorizing: *Greases motor, and lubricating oils,* (except commodities in bulk, in tank vehicles), *tires and batteries,* from Portland, OR, to Shelton and Takima, WA, under contracts with Gott Oil Co., Inc. and R. H. Bowles Co., Inc. *Greases, motor and lubricating oils, tires and batteries* (except commodities in bulk in tank vehicles), Between Portland, OR, on the one hand, and, on the other, Hoquism, Elma, Centralia, Winlock, Toppenish, Cle Elum, Maches, Wenatchee, Chelan, Moses Lake, Ephrata, Pasco, Connell, Spokane and Colville, WA and Cosur d'Alene, Kelogg, Sand Point and St. Maries, ID, under contract(s) with Pettit Oil Co., R. H. Bowles Co., Inc., Gott Oil Co., Inc., Budget Oil Co., Inc., Cummings Oil Company, Budget Fuel and Service, Inc., and Desert Oil Company, Inc. Representative: Earle V. White, 2400 S.W. Fourth Ave., Portland, OR 97201. TA lease is not sought. Transferee is not a carrier.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-33966 Filed 11-24-81; 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 wjth regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275-7326.

Volume No. OPI-308

Decided: November 18, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier.

MC 89021 (Sub-5), filed November 5, 1981. Applicant: LEVINE'S EXPRESS & TRUCKING COMPANY, P.O. Box 237, Carteret, NJ 07008. Representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, NJ 08904. Transporting *plastic articles,* between points in the U.S. under continuing contract(s) with Tedruth Plastics/Fesco Div. Cities Service Co., of Farmingdale, NJ.

MC 142310 (Sub-40), filed November 5, 1981. Applicant: H. O. WOLDING, INC., Box 56, Nelsonville, WI 54458. Representative: Wayne W. Wilson, 150 East Gilman Street, Madison, WI 53703, (608) 256-7444. Transporting *pulp, paper, and related products,* between points in Outagamie and Winnebago Counties, WI, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 144810 (Sub-8), filed November 9, 1981. Applicant: FLOYD M. CROSS, 62911 Lopez, Espanola, NM 87532. Representative: Rober V. Eaton, 2501 Yale Blvd., SE, Suite 301 Allbuquerque, NM 87106, (505) 243-3501. Transporting *beverages and beverage containers,* between points in the U.S., under continuing contract(s) with Consolidated Bottling Co., Inc. of Roswell, NM.

MC 153590 (Sub-2), filed November 4, 1981. Applicant: BELCOURT OIL COMPANY, INC., P.O. Box 750, Belcourt, ND 58316. Representative: C. Jack Pearce, Suite 1200, 1000 Connecticut Avenue, NW, Washington, D.C. 20036, (202) 785-0048. Transporting *machinery, metal products and transportation equipment,* between points in the U.S., under continuing contract(s) with Turtle Mountain Manufacturing Company, of Belcourt, ND.

MC 154861 (Sub-3), filed November 6, 1981. Applicant: CAROLINA MOTOR EXPRESS, INC., P.O. Box 50, Forest City, NC 28043. Representative: Eric Meierhoefer, Suite 1000, 1029 Vermont Ave., NW, Washington, DC 20005, (202) 347-9332. Transporting *furniture and fixtures*, (1) between points in Worcester County, MA, Ouachita Parish, LA, and Chatham County, NC, on the one hand, and, on the other, points in the U.S., and (2) between points in VA, SC, AR, and GA, on the one hand, and, on the other, points in CA, AZ, and NV.

MC 159081, filed November 2, 1981. Applicant: JIM DOBBAS, INC., d.b.a. RUSHWAY, 280 Taylor Road, Newcastle, CA 95659. Representative: Armand Karp, 743 San Simeon Drive, Concord, CA 94518, (415) 825-1774. Transporting (1) *metal products, machinery, transportation equipment, those commodities which because of their size or weight require the use of special handling or equipment, and related contractors' materials and supplies*, and (2) *metal products*, between points in the U.S., under continuing contract(s) with Gates and Fox Company, Inc., of Loomis, CA in (1) above; and Kennametal, Inc., Nevada Division, of Fallon, NV in (2) above.

Volume No. OPY-2-226

Decided: November 13, 1981.

By the Commission, Review Board Number 1, Members Parker, Chandler and Fortier. Member Chandler not participating.

MC 615592 (Sub-504), filed October 26, 1981. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: Elisabeth A. DeVine, P.O. Box 737, Moline, IL 61265, 309-764-8347. Transporting *general commodities* (except classes A and b explosives, cpmmodities in bulk, and household goods), between points in the U.S. (except HI).

MC 107012 (Sub-753), filed October 28, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant), 219-429-2234. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Burroughs Corporation, of Detroit, MI.

MC 109433 (Sub-36), filed November 2, 1981. Applicant: SEABOARD TANK LINES, INC., Monahan Ave., Dunmore, PA 18512. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, (717) 344-8030. Transporting *petroleum and petroleum products* between points in NY, NJ, MD, DE, OH, MI and PA.

MC 111022 (Sub-1), filed October 21, 1981. Applicant: PAUL L. JOHNS, 273D Keneagy Hill Rd., Paradise, PA 17562. Representative: John W. Metzger, 49 North Duke St., Lancaster, PA 17602, 717-299-1181. Transporting *agricultural limestone*, (1) between points in Lancaster County, PA, on the one hand, and, on the other, points in NY, NJ, VA and DE, and (2) between points in Kent and Sussex Counties, DE, on the one hand, and, on the other, points in MD and VA.

MC 117762 (Sub-4), filed November 2, 1981. Applicant: MIKE FALCONE, JR., & SONS, INC., 9504 Ocala St., Silver Spring, MD 20901. Representative: Edward N. Button, 635 Oak Hill Ave., Hagerstown, MD 21740, 301-739-4860. Transporting *food and related products*, between Boston, MA, New York, NY, Philadelphia, PA, Wilmington, DE, Baltimore, MD, Norfolk, VA and Charleston, SC, on the one hand, and, on the other, points in LA, MS, AL, FL, TN, KY, NC, WI, CT, WV, OH, MI, RI, NH, VT, ME, IL and IN.

MC 133943 (Sub-1), filed October 28, 1981. Applicant: EVAN D. JOHNSON, d.b.a. OAKS TRAILER TOWING, 11114 NW 16th Ave. Vancouver, WA 98665. Representative: David C. White, 2400 SW Fourth Ave., Portland, OR 97201, 503-226-6491. Transporting *trailers and buildings*, mounted on wheeled undercarriages, between points in OR and WA.

MC 138283 (Sub-20), filed October 30, 1981. Applicant: DANA TRUCKING CORPORATION, P.O. Box 6, Round Lake, MN 56167. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, 402-475-6761. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Heinz USA, Division of H.J. Heinz Company, of Pittsburgh, PA.

MC 140762 (Sub-2F), filed October 30, 1981. Applicant: TRINITY INDUSTRIES TRANSPORTATION, INC., 4001 Irvin Blvd., P.O. Box 10587, Dallas, TX 75207. Representative: James W. Hightower, First Continental Bank Bldg., #301, 5801 Marvin D. Love Freeway, Dallas, TX 75237, (214) 339-4108. Transporting *passengers and their tools*, between points in the U.S., under continuing contract(s) with Equitable Shipyards, Inc., of New Orleans, LA.

MC 146402 (Sub-39), filed November 5, 1981. Applicant: CONALCO CONTRACT CARRIER, INC., P.O. Box 968, Jackson, TN 38301. Representative: Charles W. Teske (same address as applicant), (901) 423-2408. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with C. A. Ruleman and Sons Marble and Tile Company, of Memphis, TN, and Structural Stoneware, Inc., of Minerva, OH.

MC 146732 (Sub-5), filed November 2, 1981. Applicant: JOHN LAUBENTHAL, d.b.a. LAUBENTHAL REFRIGERATED TRANSPORT, 1421 Garford Ave., Elyria, OH 44035. Representative: Anthony E. Young, 29 South LaSalle St., Suite 350, Chicago, IL 60603, 312-782-8880. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with The Gorton Group, Division of General Mills, Inc., of Gloucester, MA, Interstate Foods Corporation, of Chicago, IL, Columbus Foods Company, of Chicago, IL, Mullins Food Products Company, of Broadview, IL, Re-Mi Foods, Inc., of Elk Grove Village, IL and Equity Meat Corporation, of North Baltimore, OH, their divisions, affiliates and subsidiaries.

MC 148202 (Sub-10), filed November 6, 1981. Applicant: K & W ENTERPRISES, INC., 6223 Triport Ct., Greensboro, NC 27410. Representative: Kim G. Meyer, 235 Peachtree St., N.E., Suite 1200, Atlanta, GA 30303, (404) 522-2322. Transporting (1) *forest products, chemicals and related products, and petroleum, natural gas and their products*, between points in the U.S., under continuing contract(s) with United Coatings, Inc., of Chicago, IL., and (2) *textile mill products* between points in the U.S., under continuing contract(s) with (a) Unifi, Inc., of Yadkinsville, NC, and (b) Guilford Milles, Inc., of Greensboro, NC.

MC 148592 (Sub-2), filed November 3, 1981. Applicant: EUGENE REXER, d.b.a. R. W. BASKERVILLE & COMPANY, 138 Horton Ave East, Winnipeg, Manitoba, Canada, R2C. Representative: Schwartz, McJannet, Weinberg, Riley, (G. J. Orle), 5—175 Carlton St., Winnipeg, Manitoba, R3C 3H9, 1-204-942-8101. Transporting *meat products*, between points in the U.S., under continuing contract(s) with Northdale Enterprises Ltd., of Winnipeg, Manitoba, Canada and Oscar Mayer & Co., of Madison, WI.

MC 151693 (Sub-7), filed October 26, 1981. Applicant: SSD DISTRIBUTION SYSTEM, INC., 2514 Bridge Ave., Cleveland, OH 44113. Representative: David A. Turano, 100 E. Broad St., Columbus, OH 43215, (614) 228-1541. Transporting *General commodities* between Cleveland, OH, on the one hand, and, on the other, points in Ashland, Ashtabula, Carroll,

Columbiana, Coshocton, Crawford, Cuyahoga, Erie, Geauga, Harrison, Holmes, Huron, Jefferson, Knox, Lake, Lorain, Lucas, Mahining, Marion, Medina, Morrow, Ohawa, Portage, Richland, Sandusky, Seneca, Stark, Summit, Trumbull, Tuscarawas, Wayne, and Wyandotte Counties, OH. Condition: Any authority granted in this proceeding will automatically cancel out MC-121205 Sub 1 acquired through MC-FC 78674, and reflect conversion of Certificate of Registration to Certificate of Public Convenience and Necessity. To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

MC 152082 (Sub-5), filed October 23, 1981. Applicant: R.C. SERVICE, INC., P.O. Box 823, Bensenville, IL 60106. 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 printers or distributors of printed matter, between points in the U.S., under continuing contract(s) with Lehigh Cadillac Printing, Inc., of Broadview, IL.

MC 152082 (Sub-6), filed October 30, 1981. Applicant: R.C. SERVICE, INC., 830 Supreme Dr., Bensenville, IL 60106. Representative: Thomas M. O'Brien, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603, 312-263-1600. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Quasar Company, of Franklin Park, IL.

MC 152113 (Sub-1), filed October 21, 1981. (Correction), previously published in the **Federal Register**. issue of November 9, 1981, and republished this issue Applicant: ARROW COURIER, INC., 3142 Fairfield Ave., Bridgeport, CT 06605. Representative: Harold L. Reckson, 33-28 Halsey Rd., Fair Lawn, NJ 07410, (201) 791-2270. Transporting *general commodities* (except classes A and B explosives), between points in CT, on the one hand, and, on the other, points in CT, MA, RI, NY, NJ, PA, DE, MD, VA, and DC.

Note.—This republication is to correct the territory description.

MC 155943, filed November 4, 1981. Applicant: PAULSON "ALL POINTS" TRAVEL SERVICE, 412 West Washington, Brainerd, MN 56401. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457-6889. As a *broker*, at Brainerd, MN, in arranging for the transportation by motor vehicle, of *passengers and their baggage, in the same vehicle with passengers*, in round trip special and charter operations, beginning and ending at points in MN, and extending to points in the U.S.

MC 157383, filed October 26, 1981. Applicant: GUILFORD TRANSPORT COMPANY, INC., #5 Wendy Court, Greensboro, NC 27409. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168, 703-629-2815. Transporting *furniture and fixtures*, between points in Davidson and Guilford Counties, NC, on the one hand, and, on the other, points in OK and TX and those points in the U.S. in and east of MN, IA, MO, AR, and LA.

MC 157802 (Sub-1), filed November 4, 1981. Applicant: CONTRACT TRANSPORT, INC., P.O. Box 4120, Dalton, GA 30721. Representative: Frank D. Hall, Suite 202, 1750 Old Springhouse Lane, Atlanta, GA 30338, (404) 451-0401. Transporting *general commodities* (except household goods, commodities in bulk, and classes A and B explosives), between points in the U.S., under continuing contract(s) with (1) Esjay Distributors, Inc., of Wilkes Barre, PA, (2) Kelly-Martin, Inc., of Dalton, GA, (3) Southeast Carpet Consolidators, Inc., of Dalton, GA, (4) Tumlin Trucking and Warehouse, of Cartersville, GA, and (5) Commercial Warehousing, Inc./ Columbine Consolidators, Inc., of Dalton, GA.

MC 158463, filed November 2, 1981. Applicant: CENTRAL STATES DISTRIBUTING, INC., 3536 E. 200 N., Marion, IN 46952. Representative: John F. Wickes, Jr., 1301 Merchants Plaza, Indianapolis, IN 46204 3491, 317-638-1301. Transporting *paper, paper products and pulp*, between points in the U.S., under continuing contract(s) with Huron Copysette, Inc., of Port Huron, MI.

MC 158983, filed October 27, 1981. Applicant: OVERSEAS ADVENTURE TOURS, INC., 1430 Massachusetts Ave., Cambridge, MA 02138. Representative: David Stitt (same address as applicant), 617-876-0533. Transporting *passengers and their baggage* in the same vehicle with passengers, in charter operations, beginning and ending at New York City, NY, Miami, FL, and Los Angeles, CA, and extending to points in the U.S.

MC 159092 (Sub-1), filed November 2, 1981. Applicant: ROLLERS VAN AND STORAGE CO., INC., 3170 East 36th St., Tucson, AZ 85713. Representative: Lewis P. Ames, 111 W. Monroe, 10th Floor, Phoenix, AZ 85003, (602) 257-5572. Tranporting *general commodities* between points in Los Angeles County, CA, on the one hand, and, on the other, points in Pima and Santa Cruz Counties, AZ. Condition: To the extent any certificate issued in this proceeding authorizes the transportation of classes A and B explosives, it shall be limited in point of time to a period expiring 5 years from its date of issuance.

Volume No. OPY-4-448

Decided: November 19, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

MC 59666 (Sub-20), filed November 6, 1981. Applicant: TRAFIK SERVICES, INC., 25 Esten Ave., Pawtucket, RI 02860. Representative: Robert A. Mega (same address as applicant), (401) 724-1200. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), (1) between points in CT, MA, and RI, on the one hand, and, on the other, those points in the U.S. on, south, and west of an imaginary line beginning at Grand Isle, LA and extending north to its junction with Interstate Hwy 55, then north along Interstate Hwy 55 to its junction with Interstate Hwy 80, then west along Interstate Hwy 80, and (2) between those points in the U.S. on, south, and west of an imaginary line beginning at Grand Isle, LA and extending north to its junction with Interstate Hwy 55, then north along Interstate Hwy 55 to its junction with Interstate Hwy 80, then west along Interstate Hwy 80.

MC 59856 (Sub-93), filed November 10, 1981. Applicant: SALT CREEK FREIGHTWAYS, 3333 W. Yellowstone, Casper, WY 82602. Representative: John R. Davidson, Rm. 805, First Bank Bldg., Billings, MT 59101, (406) 248-9156. Transporting *general commodities* (except classes A and B explosives, household goods, and commodities in bulk), between points in CO, ID, MN, MI, ND, OR, OK, SD, TX, UT, WA, and WY.

MC 119176 (Sub-38), filed November 10, 1981. Applicant: THE SQUAW TRANSIT COMPANY, 6211 So. 49th W. Ave., P.O. Box 9368, Tulsa, OK 74107. Representative: Clayte Binion, 623 So. Henderson, 2nd Fl., Fort Worth, TX 76104, (817) 332-4415. Transporting *general commodities* (except household goods and classes A and B explosives), between points in the U.S. (except AK and HI).

MC 124306 (Sub-92), filed November 10, 1981. Applicant: KENAN TRANSPORT COMPANY, P.O. Box 2729, Chapel Hill, NC 27514. Representative: Francis W. McInerny, 1000 16th St., NW., No. 502, Washington, D.C. 20036, (202) 783-8131. Transporting *commodities in bulk*, between points in the U.S. (except AK and HI).

MC 144776 (Sub-16), filed November 10, 1981. Applicant: APACHE TRANSPORT, INC., 833 Warner St., SW., Atlanta, GA 30310. Representative: Virgil H. Smith, 74 Hwy N. Box 245, Tyrone, GA 30290, (404) 969–1980. Transporting *plastic products*, between Wilson, NC, and points in Highlands County, FL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 157526, filed November 10, 1981. Applicant: A & B TOWING, INC., 7325 W. 59th St., Summit, IL 60501. Representative: Abraham A. Diamond, 29 S. La Salle St., Chicago, IL 60603, (312) 236–0548. Transporting *transportation equipment*, between points in the U.S. (except AK and HI).

MC 159236, filed November 10, 1981. Applicant: SNOOZIE SHAVINGS, INC., 1575 Elk Valley Re., P.O. Box 14, Crescent City, CA 95531. Representative: F. E. Hussey (same address as applicant), (707) 464–6186. Transporting *lumber and wood products*, between points in the U.S., (except AK and HI), under continuing contract(s) with Hambro Forest Products, of Crescent City, CA.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-33972 Filed 11-24-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the **Federal Register** on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the **Federal Register** issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated a public need for the proposed operations and that it is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. This presumption shall not be deemed to exist where the application is opposed. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later becomes unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Please direct status inquiries to the Ombudsman's Office, (202) 275–7326.

Volumne No. OPI–309

Decided: November 18, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Fortier.

MC 158860, filed November 9, 1981. Applicant: CAVALIER FREIGHT INC., 5741 Bayside Road, Suite 106, Virginia Beach, VA 23455. Representative: Earl R. Fentress, Jr. (same address as applicant), (804) 464–6080. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY–2–225

Decided: November 13, 1981.

By the Commission, Review Board Number I, Members Parker, Chandler and Fortier. Member Chandler not participating.

MC 127972 (Sub-5), filed November 5, 1981. Applicant: CAMPAGNE TRUCKING CO., INC. P.O. Box 222, Bethpage, NY 11714. Representative: Morton E. Kiel, Suite 1832, Two World Trade Center, New York, NY 10048–0640, 212–466–0220. 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 158053 (Sub-1), filed November 2, 1981. Applicant: KAISER CARRIERS, INC., 60 First St., Jersey City, NJ 07302. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934, 201–435–7140. *As a broker of general commodities* (except household goods), between points in the U.S.

MC 158773 (Sub-1), filed November 5, 1981. Applicant: WHITENER LINES, INC., P.O. Box 6078, Jewell Station, Springfield, MO 65801. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528, (914) 835–4411. 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 159043, filed October 30, 1981. Applicant: DONA E. BREWSTER, d.b.a. DON BREWSTER TRUCKING, Rt. 1, Box 580B, Woodland, WA 98674. Representative: Dona E. Brewster (same address as applicant), 206–225–9233. 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–3–215

Decided: November 18, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

MC 146985 (Sub-14), filed November 12, 1981. Applicant: MIDWEST

EASTERN TRANSPORT, INC., 731 So. Main St., P.O. Box 1614, Elkhart, IN 46515. Representative: Phillip A. Renz, Suite 200, Metro Bldg., Fort Wayne, IN 46802, (219) 423–3595. Transporting *general commodities*, between Kalamazoo, MI, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 159224, filed November 9, 1981. Applicant: HENRY'S VAN SERVICE, INC., Route 206, Tabernacle, NJ 08088. Representative: Martin S. Ettin, 499 Cooper Landing Road, Cherry Hill, NJ 08002, (609) 667–6000. Transporting for on behalf of the United States Government, (1) *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S., and (2) *used household goods*, for the account of the United States Government, incident to the performance of a pack-and-crate service on behalf of the Department of Defense, between points in the U.S.

MC 159235, filed November 9, 1981. Applicant: GLEN MCCLOUR BROKERAGE, 14001 Goldmark Suite 242, Dallas, TX 75240. Representative: (Same as above) (214) 234–6182. As a broker of *general commodities* (except household goods), between points in the U.S.

Volume No. OPY–4–449

Decided: November 19, 1981.

By the Commission, Review Board Number 2, Members Carleton, Fisher and Williams.

MC 159216, filed November 9, 1981. Applicant: GARY TANKSLEY, P.O. Box 277, Benton, MO 63736. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Fort Worth, TX 76112, (817) 457–0804. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 159226, filed November 9, 1981. Applicant: LEWIS EUGENE JONES, 8750 Tamarac St., Commerce City, CO 80022. Representative: Edward C. Hastings, 666 Sherman St., Denver, CO 80203, (303) 837–1204. 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.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-33973 Filed 11-24-81; 8:45 am]

BILLING CODE 7035-01-M

[Volume No. 200]

Motor Carriers; Permanent Authority Decisions; Restriction Removals; Decision-Notice

Decided: November 19, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the **Federal Register** of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Ewing, and Shaffer.

Agatha L. Mergenovich,

Secretary.

MC 17764 (Sub-5)X, filed September 17, 1981, previously noticed in the **Federal Register** of October 6, 1981, republished as follows: Applicant: BOLDUC–GOULET EXPRESS, INC., Old Worchester Road, Webster, MA 01570. Representative: Frank Weiner, 15 Court Square, Boston, MA 02108. Lead certificate: expand Lowell, MA to county-wide points in Middlesex County, MA, and Hillsborough and Rockingham Counties, NH.

MC 42125 (Sub-5)X, filed October 20, 1981. Applicant: OVERLAND WESTERN INTERNATIONAL, INC., 1241—14th Street, Detroit, MI 48216. Representative: Wilhelmina Boersma, 1600 First Federal Bldg., Detroit, MI 48226. Sub 4: Remove all restrictions from the general commodities authority except classes A and B explosives and allow service at all intermediate points.

MC 69397 (Sub-68)X, filed October 23, 1981. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, MD 21851. Representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh Street, NW., Washington, DC 20001. Lead and Subs 7, 11, 12, 14, 15, 17, 19, 22, 24, 26, 27, 28, 29, 31, 32, 35F, 36F, 37F, 38F, 41F, 44F, 45, 48F, 49F, 52F, 53F, 54F, 56F, 58F, 60F, 63F, and 64F, to broaden (1) from (a) agricultural commodities and hay, feed, flour, wheat, corn, and straw to "farm products," seafoods and malt beverages to "food and related products," lumber and piling, cedar posts, shingles to "lumber and wood products," and fertilizer to "chemicals and related products", lead, (b) to "lumber and wood products" from wood chips, Sub 7; plywood, Sub 12; lumber and plywood, Sub 15; pilings, Sub 17; lumber and lumber products, Subs 22, 24, 49; lumber, creosoted or otherwise chemically preserved poles, piling, and cross and switch ties, Sub 26, lumber, lumber products and fence posts, Subs 35 and 41; lumber, treated lumber, ties, poles, piles, fence posts and wooden pallets, Sub 36, plywood and composition board, Sub 37; plywood composition board and lumber, Sub 45; plywood and lumber and lumber products, Sub 48, (c) to "petroleum, natural gas and their products" from oil and grease, Sub 26, (d) to "food and related products" from malt beverages, sub 28, (e) to "lumber and wood products and pulp, paper and related products" from composition board and particleboard, Sub 26; and hardboard, particleboard, fiberboard, and composition board, Sub 63, (f) to "rubber and plastic products" from plastic articles, Subs 27, 29; fiberglass tanks, Sub 38, (g) to "building materials" from plywood, particleboard, hardboard, gypsum board and mouldings, Sub 29, (h) to "lumber and wood products, pulp, paper and related products and furniture and fixtures" from plywood, composition board, furniture stock panels and wood dimension stock, Sub 31, (i) to "ores and minerals, and metal products" from iron, steel, zinc and articles or products thereof and springs, Sub 32, (j) to "clay, concrete, glass or stone products, rubber and plastic products and metal products" from pipe, fittings, valves, hydrants, and castings, Sub 44, (k) to "clay, concrete, glass and stone products" from gypsum, Sub 53; insulating materials, Sub 58 and "flat glass and glass glazing units products" Sub 64, (l) to "metal products" from iron and steel articles Subs 54, and 56, and (m) to "transportation equipment" from empty intermodal containers, chassis and trailers, Sub 60, (2) remove

exception to a named city and its commercial zone from county-wide authority, Sub 19, (3) remove exceptions to wood chips, in bulk originating at/destined to ex-water restrictions in various Subs, (4) lead, Houston, Wyoming and Wilmington, DE to Kent and New Castle Counties, Elmira, Geneva, Glens Falls, Rochester, Syracuse, and Utica, NY to Chemung, Ontario, Warren, Monroe, Onondaga, and Oneida Counties; Bridgeport, Hartford, New Haven, New London, Norwich, South Norwalk, Torrington and Waterbury, CT to Fairfield, Hartford, New Haven, New London and Litchfield Counties, Boston, Holyoke, New Bedford and Springfield, MA to Suffolk, Hampden and Bristol Counties; Providence and Pawtucket, RI to Providence Counties; Rising Sun and Federalsburg, MD to Cecil and Caroline Counties; Bridgeville and Middletown, DE to Sussex and New Castle Counties; Oyster, Wachapreaugue and Chincoteague, Va to Accomack and Northampton Counties; Newark, Asbury Park and Manasquan, NJ to Essex and Monmouth Counties; Wilmington and Elizabeth City, NC to New Hanover and Pasquotank Counties, Seaford, DE to Sussex County; Crisfield, Pocomoke City and Salisbury, MD to Somerset, Worcester, and Wicomico Counties; Dover, Laurel, Bridgeville, Delaware City, Middletown, Milford, Newark, Rehoboth Beach, and Summit Bridge, DE to Kent, New Castle and Sussex Counties; Chester and Marcus Hook, PA to Delaware County, PA; Tasley, VA to Accomack County; Snow Hill, MD to Worcester County, Pottsville, PA to Schuylkill, County; Exmore, VA to Northampton County; Sub 26, Marcus Hook, PA to Delaware County; Newark, NJ to Essex County; Sub 52F, Manville, NJ to Somerset County, (5) remove facilities limitations (a) in Subs 27, 29, 31, 45, 63, and 64, and broaden (b) Federalsburg, MD to Caroline County; Subs 24, 35 (c) Lansing and Grand Rapids, MI to Ingham and Ken Counties; Blue Island and Joliet, IL to Cook and Will Counties; Kokomo, Ft. Wayne, Elkhart and Cicero, IN to Howard, Allen, Elkhart, and Hamilton Counties; Centerville, IA to Appanoose County; Jackson, MS to Hinds County; and Columbus and Toledo, OH to Franklin and Lucas Counties Sub 32, (d) Kinsdale, VA to Westmoreland County, Sub 36, (e) Cuthbert, GA to Randolph County, Sub 37, (f) Georgetown, DE to Sussex County, Sub 38, (g) Dorsey, MD to Anne Arundel and Howard Counties, Sub 41, (h) Coshocton, OH to Coshocton County and Buckannon, WV to Upshur County, Sub 44, (i) Charleston and Orangeburg, SC to Charleston and Orangeburg Counties, and Silverstreet, SC to Newburry County, Sub 45, (j) Pocomoke City, MD to Worcester County and Saluda, VA to Middlesex County, Sub 48, (k) Akron and Buchanan, NY to Erie and Westchester Counties; Milford, VA to Caroline County; Quakertown, PA to Bucks County and Wilmington, DE to New Castle County, Sub 53, (l) Ambridge, PA to Beaver County, Sub 54, (m) Canfield, Martins Ferry, Mingo Junction, Steubenville and Yorkville, OH to Mahoning, Belmont and Jefferson Counties; Allenport and Monessan, PA to Washington and Westmoreland Counties and Beech Bottom, Benwood, Follansbee and Wheeling, WV to Brooke, Marshall and Ohio Counites, Sub 56, (n) Towanda, PA to Bradford County, Sub 58, (o) Jeanette, PA to Westmoreland County, Sub 64, (6) remove exceptions to named commodities, and in bulk, originating at/destined to, ex-water restrictions in various subs, and (7) to radial authority in all certificates except Subs 49, 53, 58 and 60.

MC 69402 (Sub-5)X, filed October 1, 1981, previously noticed in **Federal Register** on October 16, 1981. Republished as follows: Applicant: BEE LINE TRUCKING COMPANY, INC., 3300 Chouteau Ave., St. Louis, MO 63103. Representative: T. M. Tahan, 2001 South Seventh St., St. Louis, MO 63104. Sub-No. 3: Broaden general commodities, (with exceptions), to general commodities, except Classes A and B explosives and household goods.

MC 111882 (Sub-3)X, filed October 30, 1981. Applicant: SERV U INC., 120 South Oldham Street, Baltimore, MD 21224. Representative: Nicholas J. Kallis, 139 Old Solomon's Island Road, Annapolis, MD 21401. Sub-No. 2F, remove the restriction limiting transportation of commodities named to that "having prior or subsequent movements by water."

MC 111941 (Sub-41)X, filed November 9, 1981. Applicant: PIERCETON TRUCKING COMPANY, INC., P.O. Box 233, Laketon, IN 46943. Representative: Norman R. Garvin, Andrew K. Light, 1301 Merchants Plaza, East Tower, Indianapolis, IN 46204. Lead and Subs-11, 12, 17, 18, 19, 23, 24, 26F, 27F, 28F, 29F, 31F, 32F, 34 and 35F. Broaden to (1)(a) "petroleum, natural gas and their products" from asphalt, road oil, asphalt emulsion, and blending oil, lead; from emulsified asphalt, Sub-23; liquid petroleum and liquid petroleum products, Sub-24; fuel oil in Sub-26F; and asphalt, Sub-28F; (b) "clay, concrete, glass or stone products" from cement, lead; from pre-cast concrete, prefabricated cement slabs and allied products, brick, and pre-cast and pre-stressed concrete products, Subs-11, 12, and 34; (c) "metal products" from prefabricated steel, iron and steel articles, prefabricated steel articles, structural steel, Subs-12, 19, 31F, 32F, 34, and 35F; (d) "chemicals and related products" from liquid calcium chloride, and calcium chloride in Subs-17 and 29F; (e) "metal products, which because of their size or weight, require the use of special handling or equipment" from prefabricated steel articles, etc., Subs-18 and 34; and (f) "machinery" from contractors' machinery, equipment, supplies and materials, Sub-34; (2) remove "in bulk, in tank vehicles" restriction, lead and Subs 17, 23, 24, 26F and 34; (3) radial authority, lead and all Subs; (4) eliminate the facilities' limitations in Subs-12, 18, 19, 23, 28F, 29F, 31F, 32F, and 34; (5) change: Lawrenceville to Lawrence County, IL, Robinson to Crawford County, IL, Lockport to Will County, IL, La Sale to La Salle County, IL, lead; Warsaw to Kosciusko County, IN, lead and Sub-23; Laketon to Wabash County, IN, lead and Sub-27; Danville to Vermillion County, IL, Subs-11 and 34; Muncie to Delaware County, IN Subs-12, 19, and 34; Midland to Midland County, MI, Subs-17 and 29F; Ft. Wayne to Allen County, IN, Sub-24; Columbus to Franklin County, OH, Sub-26; Whiting to Lake County, IN, Sub-28F; Ludington to Mason County, MI, Sub-29F; East Chicago to Cook County, IL and Lake County, IN, Sub-31F; Burns Harbor to Porter County, IN, Sub-32F; Junction City to Marion County, IL, Champaign to Champaign County, IL, Indian Oaks to Kankakee County, IL, Aurora to Kane and DuPage Counties, IL, Decatur to Macon County, IL, Lansing to Ingham County, MI, and Westfield to Hamilton County, IN, Sub-34; Chattanooga to Hamilton County, TN, and Birmingham to Jefferson County, AL, Sub-35; (6) remove "size and weight restriction" as it relates to the materials, equipment and supplies portion of the authority; Subs-18 and 34; and (7) remove the less than county-wide authority territorial description in Sub-18 to allow service to Kenosha and Racine Counties, WI.

MC 115826 (Sub-605)X, filed October 26, 1981. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022.. Representative: Jack B. Wolfe, 1600 Sherman, No. 665, Denver, CO 80203. Sub-No. 602X, broaden to countywide: Anoka, Ramsey, Washington, Scott, Carver, Dakota and Hennepin Counties, MN (Minneapolis); Ventura, Los Angeles and Orange Counties, CA (Los Angeles); Cass,

Platte, Clay and Jackson Counties, MO and Leavenworth, Wyandotte and Johnson Counties, KS (Kansas City): Canadian, Oklahoma and Cleveland Counties, OK (Oklahoma City): Denver, Boulder, Adams, Arapahoe, Douglas and Jefferson Counties, CO (Denver): Macomb, Oakland, Monroe, Washtenaw and Wayne Counties, MI (Detroit): Collin, Rockwall, Kaufman, Dallas, Ellis, Denton, Tarrant and Johnson Counties, TX (Dallas): Harris, Ft. Bend, Brazoria and Galveston Counties, TX (Houston): Essex, Suffolk, Middlesex, Norfolk and Plymouth Counties, MA (Boston): Washington, Douglas and Sarpy Counties, NE and Pottawattimie and Mills Counties, IA (Omaha): Clark County, WA and Multnomah, Washington, Yamhill, Columbia and Clackamas Counties, OR (Portland): San Francisco, San Mateo and Martin Counties, CA (San Francisco): Cobb, Fulton, De Kalb, Clayton, Gwinnett and Douglas Counties, GA (Atlanta): Lake, Will, Cook and DuPage Counties, IL and Lake and Porter Counties, IN (Chicago): Davis, Salt Lake and Summit Counties, UT (Salt Lake City): Boone, Hamilton, Hancock, Shelby, Marion, Johnson and Hendricks Counties, IN (Indianapolis): Maricopa and Pinal Counties, AZ (Phoenix): Franklin, Union, Delaware, Licking, Fairfield, Pickaway and Madison Counties, OH (Columbus): and Madison, St. Clair and Monroe Counties, IL and St. Charles, St. Louis and Jefferson Counties, MO and St. Louis, MO, (St. Louis, MO).

MC 139615 (Sub-38)X, filed November 2, 1981. Applicant: D.R.S. TRANSPORT, Box 29, Oskaloosa, IA. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Subs 9, 15F, 18F, 22F, 23F and 24F broaden to (1) remove facilities limitations (a) in Subs 15, 18, and (b) broaden Lansing and Grand Rapids MI to Ingham and Kent Counties; Blue Island and Joliet, IL to Cook and Will Counties; Kokomo, Ft. Wayne, Cicero and Elkhart, IN to Howard, Allen, Hamilton and Elkhart Counties; Centerville, IA to Appanoose County; and Columbus, OH to Franklin, Fairfield, Licking, Madison, Delaware and Union Counties and Toledo, OH to Lucas, Wood, and Ottawa Counties, OH and Monroe County, MI, Sub 9 (c) East Chicago, IN to Lake County, IN, Sub 18, (d) Hammond, IN to Lake County and Will County, IL, Sub 22; (e) Portage, IN to Porter County, Sub 23; (f) Blue Island and Evanston, IL to Cook County, Sub 24; (2) Sub 18F, Oskaloosa, IA to Mahaska County, (3) to "metal products and waste or scrap materials not identified by industry producing, ores and minerals, and articles or products thereof and construction materials" from iron, steel, zinc, lead articles or products thereof, springs, and construction materials, supplies and equipment in part (1), Sub 9; to "metal products, ores and minerals and waste or scrap materials not identified by industry producing" from iron and steel articles, Subs 15, 18, 22F, 23F and to "metal products" from wrought iron pipe, Sub 24F, (4) remove in bulk, originating at/destined to, foreign commerce restriction in various subs and (5) to radial authority in all Subs.

MC 139897 (Sub-8)X, filed October 30, 1981. Applicant: ORRAN HOFSTETTER, INC., Route 2, P.O. Box 237, Orrville, OH 44667. Representative: E. H. Van Deusen, P.O. Box 97, Dublin, OH 43017. Sub 7F, remove in dump vehicles restriction.

MC 148664 (Sub-3)X, filed November 3, 1981. Applicant: LILAC CITY EXPRESS, INC., P.O. Box 13133, Spokane, WA 99213. Representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, WA 99201. Sub-No. 9F permit broaden (1) from (a) packaged foodstuffs (except fresh meats) to "food and related products" and (b) paper products and frozen foods to "food and related products and pulp, paper and related products" and (2) to "between points in the United States", under continuing contract with named shipper.

MC 150163 (Sub-9)X, filed November 9, 1981. Applicant: HORWITH TRUCKS, INC., R. D. No. 1, Coplay, PA 18037. Representative: Francis W. Doyle, 323 Maple Ave., Southampton, PA 18966. Subs 2F and 4 certificates: Broaden to (1) (a) "waste or scrap materials not identified by industry producing" from scrap metal, in bulk, in dump vehicles, Sub 2F, and (b) "coal and coal products" from coal, in bulk, Sub 4; (2) county-wide authority: Bristol County, MA (Attleboro and Westport), Sub 2F; and (3) radial authority, Sub 2F.

MC 151118 (Sub-13)X, filed September 28, 1981, previously noticed in the **Federal Register** of October 26, 1981, republished as follows: Applicant: M.D.R. CARTAGE, INC., 516 West Johnson, Jonesboro, AR 72401. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Lead and Subs 1, 2, 3, 4, 5, and 6 certificates and MC-150202, Sub 1 permit: (1) broaden to (a) "miscellaneous products of manufacturing" from athletic equipment and supplies, lead, (b) "rubber and plastic products, leather and leather products" from footwear, Subs 1 and 2, (c) "machinery" from household appliances, television sets, electrical motors and electrical equipment Sub 3, (d) "pulp, paper and related products and printed matter" from paper, paper products and printed matter, Sub 4(e) "rubber and plastic products" from plastic articles, Sub 5, (f) "metal products and machinery" from gas cooking appliances and equipment, steel cylinders for storage of air, gas or liquid under pressure, parts, accessories and fitting therefor, air conditioning, equipment, fittiing, parts and supplies therefor, Sub 6, and (g) "clay, concrete, glass or stone products" from glass containers, Sub 1 permit, (2) remove facilities limitation and broaden (a) lead and Subs 1 and 3 Jonesboro, AR to Craighead County, (b) Sub 2, Brockton, MA to Bristol, Norfolk and Plymouth Counties, (c) Sub 5, Arlington and Galaway, TN to Shelby County (d) Sub 6, Paragould, AR and Evansville, IN to Greene County and Vanderburgh County, Memphis, TN to Fayette, Shelby and Tipton Counties, TN and DeSoto, Marshall and Tunica Counties, MS (3) to "between points in the U.S." under continuing contract(s) Sub 1 permit, (4) remove in bulk, special equipment, originating at/destined to, restrictions in various Subs. The purpose of this republication is to correct an error and counties omission for Memphis.

MC 152578 (Sub-2)X, filed November 9, 1981. Applicant: E & E TRANSPORTATION, INC. d.b.a. WELLESLEY FREIGHT LINES, 32 Hinckley Street, Somerville, MA 02145. Representative: Frederick T. O'Sullivan, P.O. Box 2184, Peabody, MA 01960. Sub-1F: (1) broaden commodity description from general commodities, with exceptions to "general commodities (except classes A and B explosives)"; (2) broaden territorial description: Albany to Albany County, NY; and (3) expand one-way to radial authority.

MC 152626 (Sub-1)X, filed November 6, 1981. Applicant: M & D TRUCK LINES, RD #1, Box 346B, Covington, PA 16917. Representative: David Earl Tinker, 1000 Connecticut Ave., NW., Suite 1112, Washington, DC 20036-5391. Lead certificate: Broaden to "foodstuffs" from malt beverages.

[FR Doc. 81-33969 Filed 11-24-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carrier; Temporary Authority Application

The following are notices of filing of applications for temporary authority under section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application

may be filed with the Regional Office named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applicants seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F–168

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 113362 (Sub-5–21TA), filed November 12, 1981. Applicant: ELLSWORTH FREIGHT LINES, Inc., 310 East Broadway, Eagle Grove, IA 50533. Representative: Milton D. Adams, P.O. Box 429, Austin, MN 55912. *Paper and printed matter,* between Kennett, MO on the one hand, and on the other, pts in the U.S. in and east of ND, SD, NE, KS, OK and TX. Supporting shipper: UARCO, INC., Barrington, IL.

MC 119765 (Sub-5–3TA), filed November 12, 1981. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th Street, Omaha, NE 68107. Representative: Arlyn L. Westergreen, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. *Such commodities as are dealt in by furniture and appliance stores,* from pts in NC, SC, GA, MS, MO, AR, TN, IN and AL to the facilities of Nebraska Furniture Mart, Inc. at Omaha, NE. Supporting shipper: Nebraska Furniture Mart, Inc., P. O. Box 3456, Omaha, NE 68103.

MC 125535 (Sub-5–17TA), filed November 12, 1981. Applicant: NATIONAL SERVICE LINES, INC. OF NEW JERSEY, 2275 Schuetz Road, St. Louis, MO 63141. Representative: (same as above). Contract: Irregular. (1) *Non Ferrous Metals, Scrap Non Ferrous Metals and* (2) *Products used in the manufacture and distribution of products (1) above (except commodities in bulk in tank vehicles).* Between points in the US (except AK and HI). Supporting shipper: Metal Processors Inc., 16100 Chesterfield Village Parkway, Chesterfield, MO 63017.

MC 139836 (Sub-5–5TA), filed November 13, 1981. Applicant: LINT TRANSFER & VAN LINES, INC., 4545 Delaware Avenue, Des Moines, IA 50513. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. *Lawn and garden equipment,* between the facilities of AMF Incorporated at Des Moines, IA, and Kansas City, KS, restricted to traffic having a prior or subsequent movement in rail trailer-on-flatcar service. Supporting shipper: AMF, Incorporated, AMF Lawn & Garden Division, 3811 McDonald Avenue, Des Moines, IA 50313.

MC 144616 (Sub-5–5TA), filed November 12, 1981. Applicant: SOUTHWESTERN CARRIERS, INC., P.O. Box 79495, Saginaw, TX 76179. Representative: Harry F. Horak, Suite 115, 5001 Brentwood Stair Rd., Ft. Worth, TX 76112. (1) *Chemicals or allied products,* (2) *toilet preparations,* and (3) *materials and supplies used in the manufacture and distribution of (1) and (2),* in vehicles equipped with refrigeration (except commodities in bulk), between points in Duvall County, FL, on the one hand, and, on the other, points in the U.S. Supporting shipper: Roux Laboratories, Inc., 6831 Stuart Ave., Jacksonville, FL 33205.

MC 147536 (Sub-5–14TA), filed November 12, 1981. Applicant: D. L. SITTON MOTOR LINES, INC., Route #5, Box 365, Joplin, MO 64802. Representative: Wilburn L. Williamson, Suite 615–East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Glass and materials and supplies used in the manufacturer and distribution thereof,* between Tulsa, OK, on the one hand, and, on the other, points in the U.S. Supporting shipper: Ford Motor Company—Glass Plant, 300 Ren Cen, P.O. Box 43343, Detroit, MI 48243.

MC 151946 (Sub-5–1TA), filed November 12, 1981. Applicant: BIG LAKE TRANSPORT, INC., P.O. Box 98, Charleston, MO 63834. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. Contract, Irregular *Furniture parts,* between the facilities of Hoover Universal, Inc. at Grayson and Scott Counties, KY on the one hand, and, on the other, points in the US under a continuing contract(s) with Hoover Universal, Inc., of Georgetown, KY.

MC 154723 (Sub-5–6TA), filed November 13, 1981. Applicant: C. M. PENN & SONS, INC., Route 1, Box 349A, Geenwell Springs, LA 70739. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245. *Hazardous or non-hazardous waste or raw material (except Classes A and B explosives)* from the facilities of Kaiser Aluminum and Chemical Corporation located at or near Baton Rouge, LA to Chattanooga, TN. Supporting shipper(s): Discovery Chemical, Inc., 11125 Fieldcrest Drive, Baton Rouge, LA 70811.

MC 155205 (Sub-5–2TA), filed November 12, 1981. Applicant: T. L. VAN INC., P.O. Box 1166, Center, TX 75935. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767. *Edible and Non-edible Grocery Commodities* from points in TX; CA; Denver, CO; Hodge, LA; Logan and Clearfield, UT; Phoenix, AZ and Selah, WA, to the facilities of Western Grocers in Albuquerque, NM and Denver, CO. Supporting shipper: Western Grocers, P.O. Box 25184, Alburquerque, NM 87125.

MC 156329 (Sub-5–3TA), filed November 12, 1981. Applicant: CHISM, INC., 2160 E. Thoman, Springfield, MO 65803. Representative: Robert Jarvis (same address as applicant). *General commodities, except articles of unusual value, classes A & B explosives, household goods as defined by the Commission, and hazardous wastes,* between the facilities of Ohio Valley Shippers Association, Inc. and its members located in IN, KY, and OH, on the one hand, and, on the other, points in the U.S. (except AK and HI). Supporting shipper: Ohio Valley Shippers Association, Inc., 1428 Dalton Street, Cincinnati, OH 45214.

MC 156387 (Sub-5–3TA), filed November 13, 1981. Applicant: JIM L. LANGENFELD, d.b.a. D & J ENTERPRISES, Rural Route #2, Dow City, IA 51528. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. Contract, irregular; *such commodities as are used or dealt in by manufacturers and distributors of printed matter,* between points in the US under a continuing contract(s) with Riverside Book and Bible Co., Inc. and/or World Publishing

Co., Inc., and their subsidiaries, of Iowa Falls, IA. Supporting shipper: Riverside Book and Bible Co., Inc., and/or World Publishing Co., Inc., 1500 Riverside Drive, Iowa Falls, IA 50126.

MC 158798 (Sub-5–1TA), filed November 13, 1981. Applicant: GREAT PLAINS TRUCKING, INC., P.O. Box 218, Assaria, KS 67416. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. Contract, irregular; *such commodities as are dealt in by machinery manufacturers and foundries,* between points in the US under continuing contracts with Great Plains Manufacturing, Inc. and Wyatt Foundry, Inc. Supporting shippers: Wyatt Foundry, Inc., Salina, KS. Great Plains Manufacturing, Inc. Assaria, KS.

MC 159261 (Sub-5–1TA), filed November 13, 1981. Applicant: PEAKE TRUCKLINE, INC., 10 Main, Hudson, IA 50643. Representative: Thomas S. Fryer (same as applicant). *Petroleum Products in Bulk in Tank Vehicles,* between Bettendorf and Linwood, IA on the one hand, and on the other, all points in IL. Supporting shipper: Amoco Oil Company, 200 E. Randolph Drive, Chicago, IL 60601.

MC 159263 (Sub-5–1TA), filed November 13, 1981. Applicant: B.R.E. TRANSPORTION, INC., 2401 West Marshall Drive, Grand Prairie, TX 75051. Representative: A. William Brackett, 623 S. Henderson, 2nd Floor, Fort Worth, TX 76104. Contract; irregular. *Such commodities as are dealt in or used by wholesale or retail, discount, or variety stores (except commodities bulk),* between points in the United States, originating at or destined to the facilities of Wal-Mart, Inc. Supporting shipper: Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 81-33963 Filed 11-24-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development, Advisory Committee on Voluntary Foreign Aid; Meeting

Pursuant to Executive Order 11769 and the provisions of section 10(a)(2), Pub. L. 92–463. Federal Advisory Committee Act, notice is hereby given of the meeting of the Advisory Committee on Voluntary Foreign Aid which will be held on December 9 (from 9:00 a.m. to 5:00 p.m.), and December 10 (from 9:00 a.m. to 12:00 noon), 1981, at the Mariott Twin Bridges, 333 Jefferson Davis Highway, Arlington, Virginia 22202.

On December 9th the Committee will hear testimony identifying potential opportunities for cooperation between U.S. corporations and private voluntary organizations (PVO's) in third world development programs. Testimony will be provided by representatives from industry, PVO's and academia. Discussion will follow each presentation.

On December 10 the Committee will review pending recommendations, formulate its recommendations based on the proceedings on December 10 and set its 1982 meeting agenda.

The meeting will be open to the public. Any interested person may attend, request to appear before, or file statements with the Committee in accordance with procedures established by the Committee. Written statements should be filed prior to the meeting and should be available in twenty copies.

Ms. Kate Semerad will be the ASID representative at the meeting. It is suggested that those desiring further information contact Ms. Semerad or Ms. Coss at 703/235–2708, or by mail c/o the Advisory Committee on Voluntary Foreign Aid, Agency for International Development, Washington, D.C. 20523.

Dated: November 13, 1981.

Julia Chang Bloch,

Assistant Administrator, Bureau for Food for Peace and Voluntary Assistance.

[FR Doc. 81-33948 Filed 11-24-81; 8:45 am]

BILLING CODE 4710-02-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–89]

Certain Apparatus for the Continuous Production of Copper Rod; Termination of Investigation

AGENCY: International Trade Commission.

ACTION: Termination of investigation.

SUPPLEMENTARY INFORMATION: On October 19, 1981, complainant Southwire Co., respondents Fried. Krupp G.m.b.H. and Krupp International Inc., and the Commission investigative attorney jointly moved to terminate the above-captioned investigation based upon settlement agreements signed by Southwire and the Krupp respondents (Motion 89–31C). Respondents Phelps Dodge Corp. and Phelps Dodge Industries, Inc., do not oppose termination.

The settlements which form the basis for the parties motion for termination were approved as being in the public interst by the Commission on July 6, 1981.

On November 13, 1981, the Commission granted Motion 89–31C and terminated investigation No. 337–TA–89.

This investigation was instituted as a result of a complaint filed by Southwire Co. under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), alleging that the Krupp respondents were in violation of that statute by reason of infringement of claims of U.S. Letters Patent 4,129,170. A notice of institution was published in the **Federal Register** on August 13, 1980 (45 FR 53923).

Copies of the Commission's Action and Order and all other nonconfidential document in the record of this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Wasington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT: Jeffrey S. Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, telephne 202–523–0359.

By order of the Commission.

Issued: November 16, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-34131 Filed 11-24-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337–TA–82A]

Certain Headboxes and Papermaking Machine Forming Sections for Continuous Production of Paper, and Components Thereof; Issuance of Exclusion Order

AGENCY: International Trade Commission.

ACTION: Issuance of exclusion order.

SUMMARY: On November 18, 1981, the Commission issued its Action and Order in the above-captioned investigation. The Commission ordered that multi-ply headboxes and papermaking machine forming sections for the continuous production of paper, and components thereof and spare parts therefor, manufactured by Aktiebolaget Karlstads Mekaniska Werkstad (KMW) of Karlstad, Sweden, or any of its affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, which infringe and contribute to or induce the infringement of claims 1, 12, 15, 16, or 22 of U.S. Letters Patent RE 28,269 and

claim 4, 5, or 6 of U.S. Letters Patent 3,923,593 be excluded from entry into the United States for the remaining terms of the patents, except under license.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on July 1, 1981 (46 FR 34437) to determine whether there is a violation of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in connection with the importation into the United States and the sale therein of certain headboxes and papermaking machine forming sections for the continuous production of paper, and components thereof. On October 19, 1981, the Commission determined (Commissioner Stern dissenting and Commissioner Frank not participating) that there is a violation of section 337 in the unauthorized importation and sale of multi-ply headboxes and papermaking machine forming sections for the continuous production of paper, and components thereof, which are produced in accordance with claims 1, 12, 15, 16, or 22 of U.S. Letters Patent RE 28,269 and claim 4, 5, or 6 of U.S. Letters Patent 3,923,593. The Commission also determined (Commissioner Stern not voting and Commissioner Frank not participating) that the appropriate remedy is to exclude infringing articles manufactured by KMW from entry into the United States for the remaining terms of the aforesaid patents, except under license by the patent owner, and that public-interest considerations do not preclude relief in this case. The Commission also determined that the articles ordered to be excluded shall be permitted to enter under a bond of 100 percent of the c.i.f. port of entry value of the merchandise until the Commission's determination becomes final or is disapproved by the president.

Copies of the Commission's Action and Order and any other public documents on the record of this investigation are available for inspection by the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Room 156, Washington, D.C. 20436, Telephone 202–523–0350.

FOR FURTHER INFORMATION CONTACT:

P. N. Smithey, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0350.

By order of the Commission.

Issued: November 18, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-34129 Filed 11-24-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-75]

Certain Large Video Matrix Display Systems and Components Thereof; Denial of Motion To Reopen Investigation

AGENCY: International Trade Commission.

ACTION: Denial of motion to reopen investigation.

SUMMARY: The Commission has voted unanimously to deny respondent's motion to reopen the record of the investigation to receive newly discovered evidence.

SUPPLEMENTARY INFORMATION: On June 19, 1981, the Commission ordered that large video matrix display systems and components thereof, including spare parts, that infringe claims of U.S. Letters Patent Nos. 3,594,762, 3,941,926, or 4,009,335 and are manufactured by SSIH Equipment S.A., of Bienne, Switzerland, or any of its affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns, be excluded from entry into the United States for the remaining terms of said patents, except under license. 46 FR 32694 (June 24, 1981). On July 16 and 17, 1981, the United States District Court for the Eastern District of Michigan held invalid U.S. Letters Patent Nos. 3,941,926 and 4,009,335 in the course of a patent infringement suit. On August 10, 1981, the Commission, on its own motion, modified its exclusion order to suspend that portion of the order relating to the '926 and '335 patents, pending resolution of the validity of those patents on appeal. 46 FR 42217 (Aug. 19, 1981). The modified order became final on August 19, 1981. Respondent SSIH Equipment S.A. has asked the Commission to reopen the investigation to consider newly discovered evidence. Motion No. 75–33 (July 29, 1981). The Commission voted unanimously to deny the motion on November 12, 1981.

Copies of the Commission's Action and Order, Opinion, and all other nonconfidential documents in the record of this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202–523–0161.

FOR FURTHER INFORMATION CONTACT:

Michael B. Jennison, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–0350.

By order of the Commission.

Issued: November 19, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-34132 Filed 11-24-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-110; Order No. 1]

Plastic Tubing; Certain Extruding Methods

Pursuant to my authority as Chief Administrative Law Judge of this Commission, I hereby designate Administrative Law Judge Donald K. Duvall as Presiding Officer in this investigation.

The Secretary shall serve a copy of this order upon all parties of record and shall publish it in the **Federal Register.**

Issued: November 18, 1981.

Donald K. Duvall,

Chief Administrative Law Judge.

[FR Doc. 81-34128 Filed 11-24-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-97]

Certain Steel Rod Treating Apparatus and Components Thereof; Sanctions and Disposition of Certain Procedural Matters

AGENCY: International Trade Commission.

ACTION: Notice of imposition of sanctions and of disposition of certain procedural matters.

SUPPLEMENTARY INFORMATION: Pursuant to section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, the Commission is currently conducting an investigation of alleged unfair acts and unfair methods of competition in connection with the importation or sale of certain steel rod treating apparatus and components thereof.

Notice of the institution of this investigation was published in the **Federal Register** of January 28, 1981 (46 FR 9263).

The Commission conducted a hearing on violation and on remedy, bonding and the public interest on October 14, 1981.

Prior to oral argument on violation, the Commission disposed of certain procedural matters then pending before the Commission. The matters pending were the following:

(1) Motion No. 97–57c—Complainant's motion to declassify documents for the purpose of effective oral presentation. Filed October 2, 1981. Response filed October 7, 1981.

(2) Respondents' submission concerning the allegedly inconsistent testimony of one of complainant's witnesses in court proceedings in New York. Filed October 7, 1981. The alleged inconsistent statement was submitted for inclusion in the evidentiary record.

(3) Motion No. 97–59—Respondents' motion for sanctions against complainant for withholding documents. Filed October 7, 1981. Response filed October 9, 1981.

(4) Motion No. 97–60—Complainant's motion to allow Mr. Paul Morgan to appear as a witness in the public-interest phase of the hearing. Filed October 8, 1981.

The matters were disposed of as follows:

(1) Motion No. 97–57c was denied. The Commission indicated that it was prepared to conduct a portion of the hearing in camera in order to hear argument regarding the documents in question.

(2) Respondents' submission of the allegedly prior inconsistent statement of one of complainant's witnesses was denied as untimely filed and was not received into evidence.

(3) The Commission requested oral argument from counsel regarding Motion No. 97–59, with a written ruling to follow after the hearing.

(4) Motion No. 97–60 to allow Mr. Paul Morgan to appear as a witness in the public-interest phase of the hearing was granted.

Following the hearing, both complainant Morgan and respondents Ashlow Ltd., Ashlow Corp., Korf Industries, Inc., and Georgetown Steel Corp. filed submissions regarding Motion No. 97–59.

The Commission has granted Motion No. 97–59 and has imposed certain limited evidentiary sanctions against complainant by entering certain adverse findings of fact and by admitting certain documents into evidence.

FOR FURTHER INFORMATION CONTACT: Warren H. Maruyama, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 523–0375.

Issued: November 19, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–34122 Filed 11–24–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–102]

Certain Wheel Locks and Components Thereof; Termination of Investigation

AGENCY: International Trade Commission.

ACTION: Termination of investigation based on settlement agreement.

SUMMARY: Having reviewed the record in this investigation, including the presiding officer's recommendation, the Commission has voted to grant the parties' joint motion to terminate (motion 102–4) and is ordering the termination of investigation No. 337–TA–102, Certain Wheel Locks and Components Thereof. The motion was joined by all parties to the investigation.

PETITIONS FOR RECONSIDERATION: Any party wishing to petition for reconsideration of the Commission's action must do so within 14 days of service of the Commission order. Such petitions must be in accord with § 210.57 of the Commission's rules (46 FR 17528 (March 18, 1981), to be codified at 19 CFR 210.57).

SUPPLEMENTARY INFORMATION: On May 28, 1981, the Commission published notice of the institution of an investigation, pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), of alleged unfair methods of competition and unfair acts in the importation and sale of certain wheel locks and components thereof (46 FR 28770). On August 7, 1981, complainant McGard, Inc., respondents Kyo-Ei Industrial Corp., Mackin Industries, Superior Industries International, Inc., and Custom Plating Corp., and the Commission investigative attorney jointly moved to terminate the investigation on the basis of a settlement agreement entered into by complainant, respondents and one nonparty, Kyo-Ei America Corp. The presiding officer recommended that the Commission grant the motion.

The Commission published notice of the proposed settlement agreement on September 16, 1981 (46 FR 46023), and requested comments from the public. No comments adverse to termination were received.

Copies of the Commission's Action and Order and any other public documents on the record of this investigation are available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW, Washington, D.C. 20436; telephone 202–523–0161. The complete text of the settlement agreement, except for confidential business information contained therein, is also available for public examination.

FOR FURTHER INFORMATION CONTACT: Michael P. Mabile, Esq., Office of the General Counsel, U.S. International Trade Commission, 701 E Street NW, Washington, D.C. 20436; telephone 202–523–1626.

Issued: November 18, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–34130 Filed 11–24–81; 8:45 am]

BILLING CODE 7020–02–M

Drycleaning Machinery from West Germany; Request for Comments Concerning Institution of Section 751(b) Review Investigation

AGENCY: International Trade Commission.

ACTION: Request for comments regarding institution of section 751(b) review investigation concerning affirmative determination in Investigation No. AA1921–99, Drycleaning Machinery from West Germany.

SUMMARY: The Commission invites comments from the public on whether changed circumstances exist which warrant the institution of an investigation pursuant to section 751(b) of the Tariff Act of 1930 (19 U.S.C. 1675(b)), to review the Commission's affirmative determination in investigation No. AA1921–99 regarding drycleaning machinery from West Germany. The purpose of the proposed section 751(b) review investigation, if instituted, would be to determine whether an industry in the United States would be materially injured, would be threatened with material injury, or the establishment of an industry would be materially retarded, by reason of imports of drycleaning machinery from West Germany if the antidumping order is modified or revoked with respect to such merchandise provided for in item 670.41 of the Tariff Schedules of the United States.

SUPPLEMENTARY INFORMATION: On September 29, 1972, the Commission determined that an industry in the United States was injured within the meaning of the Antidumping Act 1921, by reason of imports of drycleaning machinery from West Germany determined by the Secretary of Treasury to be sold or likely to be sold at less than fair value (LTFV).

On November 8, 1972, the Department of the Treasury issued a finding of dumping (T.D. 72–311) and published

notice of the dumping finding in the **Federal Register** (37 FR 23715).

On October 28, 1981, the Commission received a request to review its affirmative determination in investigation No. AA1921–99. The request was filed pursuant to section 751(b) of the Tariff Act of 1930 by Barnes, Richardson, & Colburn on behalf of Boewe Machinenfabrik, GmbH, a West German exporter of drycleaning machinery, and American Permac Inc., a related U.S. importer of such merchandise.

Written Comments Requested

Pursuant to § 207.45(b)(2) of the Commission's Rules of Practice and Procedure (46 FR 18023), the Commission requests comments on whether the following alleged changed circumstances are sufficient to warrant institution of a review investigation: (1) domestic consumption of drycleaning machines has been increasing steadily during the past five years, (2) sales of machines with larger capacity, new technology, and more environmentally safe features used almost exclusively by professional drycleaners have increased, while sales of smaller coin-operated machines have declined markedly, and (3) imports of drycleaning machines from West Germany have declined from 15 percent of U.S. consumption in 1977 to 10 percent in 1981.

The Request for Review of the Injury Determination

Copies of the request for review of the injury determination and any other public documents in this matter are available to the public during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436; telephone 202–523–0161.

Additional Information

Under § 201.8 of the Commission's Rules of Practice and Procedure (19 CFR 201.8), the signed original and 19 true copies of all written submissions must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, D.C. 20436. All comments must be filed no later then December 28, 1981. Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request business confidential treatment under § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Such request should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. Each sheet must be clearly marked at the top "Confidential Business Data." The Commission will either accept the submission in confidence or return it. All nonconfidential written submissions will be available for public inspection in the Office of the Secretary.

FOR FURTHER INFORMATION CONTACT: Abigail Eltzroth, Office of Investigations, U.S. International Trade Commission (202–523–0289).

Issued: November 19, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–34124 Filed 11–24–81; 8:45 am]

BILLING CODE 7020–02–M

Fishing Rods and Parts Thereof; Report to the President on Investigation on TA–201–45

November 17, 1981.

Determination: On the basis of the information developed in the course of investigation No. TA–201–45, the Commission (Commissioner Frank dissenting) [1] has determined that fishing rods and parts thereof provided for in item 731.15 of the Tariff Schedules of the United States (TSUS), are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.

Background: The Commission instituted the present investigation, No. TA–201–45, on July 27, 1981, following the receipt, on July, 1981, of a petition for import relief filed by twenty-one U.S. firms, 18 of which manufacture fishing rods and fishing rod parts. One of the firms manufactures fishing reels, one manufactures fiberglass cloth and another manufactures mandrels used in forming tubular rod blanks. The investigation was instituted pursuant to section 201(b) of the Trade Act of 1974 (19 U.S.C. 2251(b)(1)) in order to determine whether fishing rods and parts thereof provided for in item 731.15 of the TSUS are being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.

[1] Commissioner Frank determined that fishing rods and parts thereof are being imported in such increased quantities as to be a substantial cause of the threat of serious injury to the domestic industry producing articles like or directly competitive with the imported articles.

Notice of the Commission's investigation was published in the **Federal Register** of August 5, 1981 (46 FR 39914).

A public hearing in this investigation was held in the hearing room of the U.S. International Trade Commission Building in Washington, D.C., on Friday, October 2, 1981. All interested parties were afforded an opportunity to be present, to present evidence, and to be heard.

This report is being furnished to the President in accordance with section 201(d)(1) of the Trade Act. The information in the report was obtained from fieldwork and interviews by members of the Commission's staff, and from other Federal agencies, responses to Commission questionnaires information presented at the public hearing, briefs submitted by interested parties, the Commission's files, and other sources.

Views of Chairman Bill Alberger, Commissioner Catherine Bedell, Commissioner Paula Stern, and Commissioner Alfred Eckes

On the basis of the information obtained in this investigation,[2] we have determined that fishing rods and parts thereof provided for in item 731.15 of the Tariff Schedules of the United States are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles.

In order to make an affirmative determination in an investigation under section 201 of the Trade Act of 1974, the Commission must find that three conditions exist:

(1) Some or all of the articles described in the notice of investigation

[2] Chairman Alberger notes that in September 1978, the Commission unanimously found that fishing rods and parts thereof were not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic industry producing articles like or directly competitive with the imported articles (TA–201–34). The previous investigation considered the period January 1973 through April 1978. He feels that the relevant period for consideration in this investigation should include the last full year of the previous investigation. Going back to 1976, is in his view, reopening the prior case. There, is in his view, nothing magic or in any sense mandated about reviewing five years of data. Therefore, he has considered the period January 1977 through June 1981 in reaching his determination. If anyone were to construe such a requirement here, as he notes his collegues have apparently done, his view is that there would be increased imports from 1976 to present, and they would be an "important cause," but the analysis of serious injury and substantial cause would be unaffected. Neither would exist.

are being imported in "increased quantities;"

(2) The relevant domestic industry is being seriously injured or is being threated with serious injury; and

(3) The increased imports are a "substantial cause" of the serious injury or threat thereof.

In this case, we have found that imports are increasing,[3] but that the injury present in the industry is not serious, and increased imports are not a substantial cause of any injury or the threat thereof to the domestic industry producing articles like or directly competitive with the imported articles. For these reasons, we have made a negative determination.

The domestic industry

In making our determination, we must first decide what constitutes the domestic industry which may be injured and against which the impact of increased imports must be assessed.

The term "domestic industry" is not defined in the Trade Act or its legislative history. However, section 201, like predecessor import relief provisions, describes the domestic industry in terms of domestic production of an article "like or directly competitive with" an imported article. Generally, the Commission has followed a "product line" approach, finding the domestic industry to consist of the domestic productive facilities and workers producing a product "like" the imported product. When the scope of an investigation has included several distinct products, the Commission has found there to be two or more distinct industries and has made separate findings with respect to each where there were adequate data for making such separate findings.

In the present case, we have concluded that the appropriate industry consists of the domestic facilities and workers producing fishing rods and parts like the imported rods and parts covered in the investigation. While such rods (either domestically made or imported) may vary in construction or materials, they are essentially alike in that all have handles, shafts, line guides, and reel seats (rod parts). Moreover, rods of different construction and composition are made by the same firms, are made on similar equipment, and involve similar worker skills. Although the finishing operations may vary slightly in sequence according to the type of rod produced and the manufacturer involved, the finishing process is virtually the same in all rod production. Additionally, rods are sold in the same markets using similar marketing techniques.

It is impossible to give a more extensive analysis of the domestic industry in order to examine rod parts in more detail. However, it really is not a meaningful exercise in view of the lack of injury to rod parts producers shown by the data we have obtained and the relative lack of concern expressed by the producers of those products.

Imports in increased quantities

The first of the three conditions for an affirmative determination is that the imported articles are being imported in "increased quantities." Sec. 201(b)(1). The statute provides that imports are in increased quantities when the increase is in actual or absolute terms or when the increase is "relative to domestic production." Section 201(b)(2)(C).

Imports of fishing rods increased irregularly from 5.4 million units in 1976 [4] to 7.5 million units in 1980, representing an increase of 2.1 million units or 40 percent, although imports in 1980 were barely above the level of 7.4 million rods reached in 1977. Imports in January–June 1981 were 7 percent above the level in the corresponding period of 1980. Since 1977, the last full year of the previous investigation, imports increased slightly from 7.4 million units in 1977 to 7.5 million units in 1980. Imports have increased, and we therefore find that the first statutory condition is satisfied.

Serious injury or threat thereof

The second condition for an affirmative determination is that the domestic industry be seriously injured or threatened with serious injury. Section 201(b)(1). While the statute does not define the terms "serious injury" or "threat of serious injury," it directs the Commission to consider certain economic factors in its analysis of the injury issue.

In determining whether there is serious injury, the Commission is required to take into account all economic factors which it considers relevant. These include, but are not limited to, the significant idling of productive facilities in the industry, the inability of a significant number of firms to operate at a reasonable level of profit, and significant unemployment or underemployment within the industry. Section 201(b)(2)(A). In connection with the question of serious injury, we have considered other economic factors also in order to determine whether injury exists. These include data on production, shipments, inventories, prices, and exports.

In determining whether there is a threat of serious injury, the Commission is similarly directed to take into account all factors which it considers relevant. These include, but are not limited to, a decline in sales, a higher and growing inventory, and a downward trend in production, profits, wages, or employment (or increasing underemployment) in the domestic industry. Section 201(b)(2)(B). The legislative history of section 201 defines a threat of serious injury to exist where "serious injury, although not yet occurring, is clearly imminent if present trends continue." [5]

No serious injury.—An analysis of the relevant economic factors has led us to conclude that the domestic industry is not being seriously injured. As shown below, domestic production, shipments, sales, and employment have all increased, and inventories of domestically produced rods have decreased during the period under review. While several small domestic producers have been unprofitable, the larger more efficient producers have been profitable. Capacity utilization levels have declined somewhat, in part because domestic capacity has substantially increased.

Domestic production of fishing rods increased irregularly from 6.1 million units in 1976 to 6.5 million units in 1978 and 6.7 million units in 1979, and fell to 6.5 million units in 1980. Production stayed almost constant at 3.1 million units in January-June 1980 and January-June 1981.

Exports, mostly to Canada, increased irregularly during the 5-year period from 21,000 rods in 1976 (only 0.3 percent of shipments) to 259,000 rods in 1980 (nearly 4 percent of shipments). Exports increased from 102,000 rods in January-June 1980 to 165,000 rods in January-June 1981 and accounted for about 4.3 percent of shipments in the 1981 period.

Apparent U.S. consumption rose from 11.4 million units in 1976 to 13.9 million units in 1980, an increase of 22 percent.

[3] Chairman Alberger notes that imports of fishing rods increased slightly from 7.4 million units in 1977 to 7.5 million units in 1980, representing an increase of 0.1 million units, or 1.5 percent. During 1978 and 1979, imports were 6.9 and 6.7 million units, respectively. Imports from January–June 1981 were 7 percent above the level in the corresponding period of 1980. A trend-line analysis of imports during 1977–80 shows a small negative slope. He could argue that imports have not increased, but since imports are higher in 1980 than in 1977, he has given industry the benefit of the doubt and found that the first statutory condition is satisfied.

[4] Chairman Alberger has a different view as expressed in footnote two on p. 3 and footnote three on p. 4.

[5] S. Rep. No. 93–1298, 93d Cong., 2d Sess. 121 (1974).

During January-June 1981, U.S. consumption rose 9 percent from the rate of consumption during the corresponding period in 1980, while U.S. producers' shipments rose 12 percent and imports increased by 7 percent.

Domestic productive capacity increased substantially between 1978 (the earliest year for which comparable data are available) and 1980 from 5.7 million units to 7.0 million units. In part as a result of this increase in capacity, capacity utilization declined during that period from 87 percent in 1978 to 81 percent in 1979 and 73 percent in 1980.

Producers' shipments of fishing rods generally paralleled domestic production levels, increasing irregularly from 6.1 million units in 1976 to 6.7 million units in 1979 but falling slightly in 1980 to 6.6 million units. Such shipments rose from 3.4 million units in January-June 1980 to 3.9 million units in January-June 1981.

The number of production and related workers employed in the manufacture of fishing rods increased from 1,152 workers in 1978 to 1,300 workers in 1980. Inventories of domestically produced fishing rods in 1980 were 9 percent below the 1978 inventory level.

Profit-and-loss data were received from 11 rod manufacturers and 2 rod parts producers, which made up 79 percent of U.S. production of fishing rods in 1980. Net sales of fishing rods and fishing rod parts of U.S. manufacturers that supplied profit-and-loss data to the Commission rose from $36.7 million in 1978 to $47.3 million in 1980, or by 29 percent. For January through June of 1981, net sales by those firms were up $7.5 million or 29 percent from sales reported during the corresponding period of 1980. Although 7 of the 13 firms had operating losses and net losses in 1978, that number declined to 5 firms reporting losses in 1979, 1980 and the partial year of 1981. Aggregate pretax losses reported by the firms declined from 4.5 percent of net sales in 1978 to 1.1 percent in 1980 and to 0.7 percent in the partial accounting year that ended June 30, 1981. A profit of 0.1 percent was experienced by the reporting producers in 1979. Large producers, that on the average, have achieved significant economies of scale, are generally more profitable than the small producers. * * *.

Data were obtained by the Commission on average wholesale prices received by manufacturers and importers for their best-selling rods. These data are difficult to interpret because of numerous significant differences in the characteristics of the various products. But the data do not indicate underselling. The average domestic spin-casting rods were consistently priced well under the imported spin-casting rods throughout the period January 1978-June 1981. The best-selling domestic spinning rods have increased in price since 1978, while the best-selling imported spinning rods have fallen in price and since 1980 have been less costly than the domestic rods. U.S. producers prices for best-selling bait-casting rods have risen sharply since 1978, and since 1979 have averaged well above prices for the imported products. There has been no reliable indication that these changes in relative prices represent anything more than changes in the types of rods being domestically produced and imported.

In summary, notwithstanding the financial difficulties which several of the smaller producers are experiencing, we have concluded that the industry is not in such a condition as to be "seriously injured."

Threat of serious injury—Economic factors do not indicate that the industry is threatened with serious injury in the sense that serious injury is "imminent" if present trends continue. As the data discussed above show, domestic sales, production, and employment, are rising and inventories are falling. The profit picture of producers has improved slightly in recent years. Thus, the present trends do not suggest that serious injury is imminent.

Although the capacity to produce fishing rods in Taiwan (the principal foreign supplier of imports) increased during 1980–1981 by * * * units from capacity in 1979, this increase was largely the result of the establishment of one new manufacturer. At present, the industry in Taiwan is reportedly operating at * * * percent of capacity and has no plans for future expansion.[6] with respect to the Republic of Korea (Korea), the second largest supplier, most of the fishing rod producers were in operation by 1978, and since then, no major manufacturing facilities have been established. The fishing rod industry in Korea is reportedly * * *

Imports from Japan,[7] the third principal supplier in recent years, have declined annually since 1977, and that country has reportedly become a significant market for rods produced in Taiwan and Korea. Therefore, it appears unlikely that U.S. imports of fishing rods from the major foreign suppliers will increase significantly in the near future.

[6] Posthearing brief filed on behalf of the Taiwan Sporting Goods Manufacturers' Association, p. 8.

[7] Posthearing brief filed on behlaf of the Korean Plastic Goods Exporters' Association, app. 1.

Substantial cause of injury[8]

Not having found serious injury or threat thereof, it is unnecessary to reach the substantial cause issue. We discuss it here to demonstrate conclusively that increased imports are not a substantial cause of any problems the industry is experiencing or may soon face. Section 201(b)(4) defines the term "substantial cause" as "a cause which is important and not less than any other cause." Thus, for increased imports to be a substantial cause of injury, they must be both an "important" cause of injury and must not be a less important cause than any other cause of injury.

The statute directs the Commission, in determining the substantial cause question, to take into account all economic factors which it considers relevant, including but not limited to, an increase in imports, either actual or relative to domestic production, and a decline in the proportion of the domestic market supplied by domestic producers. Section 201(b)(2)(C).

Our analysis convinces us that increased imports are not a substantial cause of problems this industry is experiencing or may soon face.

Imports have increased, but not by a large amount. The 1980 level of 7.5 million rods is barely higher than the 1977 level of 7.4 million rods. The ratio of imports to production has increased slightly if one examines a trend line for the years 1976–80, but the 1980 level of 115 percent is below the 1977 level of 133 percent. However, the ratio of imports to consumption has declined slightly in recent years from a high of 59 percent in 1977 to 55 percent in 1978, and 50 percent in 1979, before rising to 54 percent in 1980. The imports-to-consumption ratio in January–June 1981 was 54 percent, slightly lower than the 55 percent level in the corresponding period of 1980.

It is questionable whether the increase in imports has been of sufficient magnitude to constitute and "important" cause of any injury or threat thereof.[9] Even if it is, we believe that other factors constitute more important causes of any injury or threat, further precluding an affirmative finding.

We believe that the shift in demand from rods of tubular construction to less expensive solid rods constitutes a more important cause of injury or threat than increased imports. Consumption of such

[8] Commissioner Bedell and Commissioner Eckes, having found no serious injury or threat thereof, do not join in the discussion of causation which follows.

[9] Chairman Alberger feels that the increase which he found to be almost non-existent is not even an important cause.

rods nearly doubled between 1978 and 1980, and such rods accounted for nearly * * * percent of all rods sold in 1980. Domestic producers increased their production of solid rods by more than * * * between 1978 and 1980, and most of the firms producing such rods are among the most profitable in the industry. Solid rods have been imported in significant quantities only since 1979. But for such imports, fishing rod imports have declined by nearly * * * percent between 1978 and 1980. Both domestic production and imports of tubular rods declined by about * * * percent during 1978–80.

A second more important cause of any injury or threat of injury is the high rate of interest that has prevailed during the last several years. High interest rates have increased the costs of financing debt, including debt covering inventories, and have made it more difficult for firms to implement expansion and/or improvement plans.

Conclusion

For the foregoing reasons, we have concluded that fishing rods are not being imported into the United States in such increased quantities as to be a substantial cause of serious injury, or the threat thereof, to the domestic fishing rod industry.

Views of Vice Chairman Michael J. Calhoun

While I am in concurrence with my colleagues in result, I have reached my position for reasons that are somewhat different than those expressed in the majority opinion. For this reason I submit these separate views.

The Domestic Industry

As the majority has observed, little guidance is given the Commission in statute or legislative history for defining the term "domestic industry". However, Commission practice in this regard is clear and consistent and is farily represented in the majority opinion.

Since the statute speaks of the relevant industry as "the domestic industry producing an article like or directly competitive with the imported article," it seems obvious to begin the analysis of what constitutes the domestic industry with a comparison of what is being imported to that which is being domestically produced. Two discrete categories of items are entering this country: completed fishing rods and certain fishing rod parts. Regarding completed rods, that vast majority of imports include spinning rods, spin-casting rods, bait-casting rods, surf rods, boat and bay rods, and fly rods. These rods are either of tubular or solid construction and may be composed of fiberglass, graphite, or boron. These imports cover the price spectrum but concentrate in the mid to lower price ranges.

With regard to fishing rod parts, a serious problem arose in this investigation in gathering full information on both imports and domestic production. Since the TSUS does not require identification of the various fishing rod parts being imported, data on imports of rod parts by type had to be deduced by staff.[10] From this information it is clear that imported parts are overwhelmingly of three types: rod blanks, line guides (the largest category) and handles.

There is domestic production which parallels the two categories of articles being imported. As of 1980, 25 domestic firms produced completed fishing rods. Of these, 16 firms specialized in the production of completed rods and nine produced and sold both completed rods and parts. Domestic production of completed rods include tubular and solid; graphite, fiberglass, boron, metal and bamboo; spinning, spin-casting, bait-casting, fly, boat and bay, deep sea, and ice fishing rods. Plainly, domestic production of completed rods includes all the various types and styles which are being imported. Moreover, from the information we collected in our investigation, it appears that domestic and imported completed rods of the same type are substantially the same. To the extent there are differences, they are largely cosmetic.

Domestically produced parts include line guides, rod blanks, and handles. Thus, domestic parts production includes each of the types of parts being imported. While domestic fishing rod parts are substantially the same as imported parts of the same type, there was information given us that some imported parts were qualitatively superior to domestic parts.

In view of all the information collected, I can find no serious question as to whether domestic fishing rods are like the imports and whether domestic parts are like imported parts. Indeed, during the investigation the issue was never raised by any party. Therefore, I find domestic fishing rods to be like the imported ones and domestic fishing rod parts to be like those that are imported.

A more difficult question, however, is whether fishing rods and fishing rod parts ought to be considered as belonging to the same industry. Commission practice in this regard is helpful. As the majority opinion observes,

> [w]hen the scope of an investigation has included several distinct products, the Commission has found there to be two or more distinct industries, and has made separate findings with respect to each where there were adequate data for making such a separate finding. p. 4.[11]

The domestic production of completed rods and rod parts appears to be well divided into two distinct groups. As observed above, most domestic producers, 16, produce only completed rods. Seven produce only parts and nine make and sell both. Furthermore, domestic parts production and imported parts do not simply supply the original equipment market, but also supply a separate replacement market. All of these factors strongly suggest two distinct, though related, industries. However, with regard to domestic production of parts, financial and other data useful in making an injury finding is limited. Of the sixteen domestic producers and sellers of parts, sporadic data are available for only five producers. Despite this, it is my view that an adequate basis exists to find that there are two domestic industries at issue in this investigation. The first is comprised of the domestic facilities and workers producing fishing rods. I agree with the majority that, althrough fishing rods, whether domestic or imported, do vary in construction and material, they are all essentially alike, made by the same firms, made on similar equipment, and involve similar worker skills. In addition, finishing processes for fishing rods are virtually the same even though finishing operations may vary sequentially according to the type of rod and manufacturer involved. Finally, all rods are sold in the same markets using similar marketing techniques.

[10] The Commission staff obtained detailed information about the types of parts being imported through its questionnaire to importers which requested data on rod blanks, line guides, handles, and all other parts. The response to these questionnaries accounted for 49 percent of total imports by value in 1980.

[11] *See* the Views of Chairman Will E. Leonard, Commissioners George M. Moore, Catherine Bedell, Joseph O. Parker, and Italo H. Ablondi, pp. 407, in *Certain Gloves: Report to the President on Investigation No. TA–201–9. . . .* USITC Publication 760, 1976, the Views of Vice Chairman Daniel Minchew, pp. 4–5, and the Views of Chairman Will E. Leonard and Commissioner Italo H. Ablondi, pp. 18–22, in *Shrimp: Report to the President on Investigation No. TA–201–12. . . .*, USITC Publication 773, 1976; the Views of Chairman Bill Alberger, pp. 4–11, the Views of Vice Chairman Michael J. Calhoun, pp. 53–64, the Views of Commissioner Paula Stern, pp. 95–103, the Views of Commissioners George M. Moore and Catherine Bedell, p. 168, in *Certain Motor Vehicles and Certain Chassis and Bodies Therefor: Report to the President on Investigation No. TA–201–44. . .*, USITC Publication 1110, 1980.

I find the second industry to be comprised of the facilities and workers producing fishing rod parts for sale. Although fishing rod parts, whether imported or domestic, vary by purpose served, they tend to be produced by the same firms, they are all essential parts of the same product, and are all largely used in conjunction with that product.

Serious Injury

In requiring that increased quantities of imports be a "substantial" cause of "serious" injury and in defining substantial cause as being a cause which is, *inter alia*, "not less important that any other cause," the statute compells us to compare and weigh the various causes of injury in reaching a decision in section 201 investigations. The starting point, then, in the analysis here, is to determine whether there is serious injury to the two industries. Then, if such injury exists, it must be determined how much a part imports have played in contributing to that injury.

The conclusion as to whether an industry is injured or whether imports are increasing can be greatly affected by the reference period examined. Commission practice in usual circumstances has been to refer to the immediately preceding five year period.[12] To do so in this case is complicated by the fact that on September 21, 1978 the Commission found no injury in investigation No. TA-201-34, which included substantially the same products relevant here. To use the normal five year period as the reference period in this investigation would be to include data already evaluated in reaching our decision in the prior determination. The determination in the prior investigation was based on consideration of the period 1973 through the first four months of 1978. I recognize a certain continuity in trends might be introduced if we were to consider as part of the relevant period here, a portion of the period, such as the last full year, considered in this investigation. I am more persuaded, however, that, in this investigation, nothing in the data suggests that factors in the marketplace make such continuity sufficiently important to consider data a second time.[13]

The case before us does not arise as a review of the Commission's prior finding. It is a matter *de novo*. As a result, in absence of an extraordinary circumstances compelling otherwise, we ought not to include complete data already accounted for in previous investigations. Thus, in my view the appropriate period for reference in this investigation is the full year 1978 through the second quarter of 1981.

As the majority observes, the statute and the legislative history are not especially explicit in identifying what is meant by "serious". Section 201(b)(2)(A) and (B), regarding serious injury and the threat thereof, respectively, requires us to take into account all economic data we consider relevant, including specifically delineated factors for finding serious injury and for finding threat.[14] The legislative history does not address the issue of what constitutes serious injury.

Regarding serious injury to the completed rod industry, I concur in the result and, except as noted, share the views of the majority. I note, however, that with respect to the statutorily mandated matter of the idling of productive facilities, there has been virtually no instance of it. Indeed, there have been rather significant increases in domestic capacity, although capacity utilization has declined. This decline from 87 percent to about 73 percent, in the face of increased capacity is explained by what I see to be rather static production levels owing to an anticipation of a decline in demand. That production has been static seems rather clear: In 1978 production was 6.5 million units, 6.7 million in 1979 and 6.5 million in 1980. Production for the first half of 1981 was essentially the same as the first half of 1980.

With respect to the statutorily mandated matter of the number of firms operating at a reasonable level of profit, I note, in addition, to the majority's discussion of profitability, that six of the 11 firms reporting data for their completed rod operations were reporting pretax losses in 1978, five in 1979 and five in 1980. By the same token, the ratio of net operating profit/loss to net sales has been largely in loss status since 1978 when six firms were negative. Currently five firms are experiencing negative ratios.

Thus, while the industry is plainly experiencing difficulties, the indicators, as a whole, are too mixed or are not sufficiently strong for me to conclude that the measure of the difficulties can be characterized as serious. I admit, however, to this being a close question. Regarding threat of serious injury to the completed rod industry, I concur with the result and the reasoning of the majority.

The matter of serious injury and threat to the rod parts industry is more difficult to address, but easier to conclude. Because of TSUS classification and the accounting practices of the industry, it was not possible to obtain the full range of data we normally acquire in these investigations. We received questionnaire responses from only five non-rod producing parts producers regarding shipments. With regard to profit and loss data, we received responses from two of the non-rod producing fishing rod parts producers. This circumstance introduces obvious difficulties in making the kind of assessments required. While this data base is clearly smaller than I would like, it is in the industry's interest to submit this data. Their failure to do so cannot be allowed to frustrate the operation of law.

Based on the data we have collected, domestic shipments of fishing rod parts increased slightly from about $7.1 million in 1978, $6.9 million in 1979, to $7.8 million in 1980. Half year figures show shipments decreasing from a value of $4.5 million in 1980 to $3.0 million in 1981. Profit and loss data for the firms reporting [15] show an industry far from injury of any kind. The industry reported an * * * percent ratio of net profit to net sales in 1978 and * * * in 1979 but significantly improved with a ratio of * * * percent in 1980. A comparison of end of 1979 accounting year through June 1980 with accounting year 1970 thorugh June 1981 shows the ratio of net profits to net sales increasing from * * * percent to * * * percent. Based upon data on less than 50 percent

[12] Commission practice under both the present law (The Trade Act of 1974) and its precedessor provision (sec. 301(b) of the Trade Expansion Act of 1962 (76 Stat. 872)) are well articulated in views expressed by former Commission Chairman Will E. Leonard in *Birch Plywood Door Skins: Report to the President on Investigation No. TA-201-1 * * *,* USITC Publication 743 (1975), pp. 17-19; and *Bolts, Nuts and Screws of Iron or Steel: Report to the President on Investigation No. TA-201-2 * * *,* USITC Publication 747 (1975), p. 11.

[13] To the contrary, the last full year considered in the prior investigation was 1977. In that year imports were 7.4 million units compared to 5.4 million units in 1976, 6.9 million units in 1978 and 6.7 million units in 1979. Inclusion of 1977, then, would seem to introduce not a measure of continuity to a developing trend, but rather would introduce an unnecessary abberration to the data base.

[14] In the case of serious injury we must consider: the significant idling of productive facilities * * *, the inability of a significant number of firms to operate at a reasonable level of profit, and significant unemployment or underemployment.

In the case of threat of serious injury we must consider: a decline in sales, a higher and growing inventory, and a downward trend in production, profits, wages or employment.

[15] Firms reporting profit and loss data for the years 1978, 1979 and 1980, accounted for * * * percent of reported shipments, * * * percent, and * * * percent, respectively.

of domestic producers, it is my view that this industry is neither suffering serious injury nor is threatened with it.

I concur with the majority opinion regarding threat to the completed rod industry.

Causality

Having found no serious injury to either industry, it is not necessary to address the question of whether imports are a substantial cause. But since I have found the question of whether the completed rod industry is suffering or is threatened with serious injury to be a rather close question, I shall address causality as though serious injury or threat had been found to exist. In deciding whether increased quantities of imports are a substantial cause of serious injury we must, obviously, find, first, that imports are increasing and, second, that such increased quantities are a substantial cause.

Increased imports—In deciding whether imports are arriving in increased quantities, section 201(b)(2)(C) requires us to take into account, in addition to other economic factors,

> an increase in imports (either actual or relative to domestic production) and a decline in the production of the domestic market supplied by domestic producers.

Imports of completed rods increased, in absolute terms, irregularly from 6.9 million units in 1978 to 7.5 million units in 1980, an increase of about 8.7 percent. In the first half of 1981, imports were 6.9 percent higher than the same period in 1980. Relative to domestic production, imports increased irratically in the 1978 to 1980 period. Currently, the ratio of imports to production of 138 percent is running significantly higher than the 106.8 percent ratio of 1978.

Against this, however, the imports' share of the dometic market has remained at about the same magnitude although the trend is in slight decline. In 1978, imports were 55.4 percent of comsumption, 50.4 percent in 1979, and 54.1 percent in 1980. The first half year figures for 1981 are running slightly behind those for 1980. Overall, though, I find the data must be read to mean that imports of completed rods are entering in increased quantities.

Substantial cause.—Section 201, in providing that increased quantities of imports must be a substantial cause of serious injury, compels us to focus not so much on the impact of the quantum of imports as on the impact of the incremental increase. Furthermore, these increased quantities have to be sufficient to be considered, in themselves, as an important cause and a cause not less than any other cause. In this investigation, the amount of increase in imports during the period was about 8.7 percent. During this period, however, import market share declined by about 2 percent (1.3 percentage points). For the partial year figures, there is a one percent decline. As well, the financial condition of the industry, while plainly not especially good, is, nevertheless, steadily improving. If increased quantities of imports were an important cause of serious injury, it is hard to explain how the financial indicators and market share would be improving in the face of steadily increasing imports.

As well, the fact that domestic market share is improving while import volume is growing and imports as a percent of domestic production is accelerating further demonstrates the absence of a meaningful nexus between imports and injury to the domestic industry. Indeed, this anomoly suggests that while completed rod imports are coming into the United States at a rather faster rate than the industry is producing them, the domestic industry is ever so slightly gaining over imports in the rate at which it converts production into sales. This fact does not support a conclusion that imports are an important cause of serious injury.

For all of these reasons, I do not find that increased quantities of imports are an important cause of serious injury or threat of serious injury to the domestic industry producing completed rods.

Moreover, I believe that there is a cause of serious injury or threat that is more important than increased imports. In this regard, I support the views expressed in the majority opinion regarding the demand shift from rods of tubular construction to solid rods. It is important to note, in this connection, that those firms producing solid rods are the most profitable in the industry.

Efforts to Compete

Section 201(5) requires that we report to the President those efforts made by the domestic industry to compete more effectively with imports. In requiring us to make such an assessment, this provision observes that our assessment is "for the purpose of assisting the President in making his determination under sections 202 and 203." Since this is a negative determination, the President can make no such determination and, thus, there is no need for us to make such an assessment.

Views of Commissioner Eugene J. Frank

On the basis of information developed in this investigation, I have determined that fishing rods and parts thereof, provided for in item 731.15 of the Tariff Schedules of the United States, are being imported into the United States in such increased quantities as to be a substantial cause of the threat of serious injury to the domestic industry producing articles like or directly competitive with the imported articles.

The Trade Act of 1974 (section 201(b)(1)) requires that each of the following criteria be met before an affirmative determination can be made:

(1) There are increased imports (either actual or relative to domestic production) of some or all of the articles into the United States;

(2) A domestic industry is seriously injured, or threatened with serious injury; *and*

(3) Such increased imports are a substantial cause of serious injury, or the threat thereof.

The domestic industry

Before discussing the three statutory criteria and the information relevant thereto, it is appropriate to define the domestic industry against which the impact of imports should be assessed.

The Trade Act does not expressly define the term "domestic industry" but suggests that it should be defined in terms of domestic facilities engaged in the production of articles "like or directly competitive with" the imported articles under investigation.[16] The Commission has consistently defined the industry in such terms under both the Trade Act and predecessor provisions.

In the present case I have found the appropriate domestic industry to consist of the facilities engaged in the production of fishing rods and parts thereof. There are 25 firms producing fishing rods and several additional firms producing parts for such rods. Because most domestically produced rod parts are used in the production of domestic rods, the discussion herein will focus on domestic rod production.

Increased imports

The first criterion for an affirmative determination requires a finding that an article is being imported into the United States in increased quantities. Section 201 provides that an article is being imported in "increased quantities" when the increase is "either actual or relative to domestic production" (section 201(b)(2)(C)). Traditionally, the Commission has examine import trends during the most recent 5-year period in determining whether imports have increased. In this determination I have

[16] Section 201 (b)(1) and (b)(3).

considered data for the period 1976–81 inclusive.

Imports of fishing rods have increased significantly since 1976 both in actual terms and relative to domestic production. Imports rose from a level of 5.4 million rods in 1976 to 7.4 million rods in 1977, declined somewhat to 6.9 million rods in 1978 and 6.7 million rods in 1979, and rose to a record 7.5 million rods in 1980. The record level of 1980 continued in 1981, and January–June 1981 imports of 4.3 million rods were 7 percent above the January–June 1980 level of 4.0 million.[17]

The ratio of imports to production similarly rose irregularly from 87.5 percent in 1976 to 115.4 percent in 1980. The ratio was 130.8 percent in January–June 1980 and 8 percentage points higher, 138.3 percent, in January–June 1981.[18]

Serious injury or threat thereof

The second criterion requires a finding that the domestic industry is seriously injured or, in the alternative, that the industry is threatened with serious injury. Like the term "domestic industry," the term "serious injury or threat thereof" is not expressly defined in the statute. However, the statute sets forth economic factors which are to be considered in determining whether serious injury or the threat of serious injury is present.

Thus, section 201(b)(2) provides that the Commission, in determining whether there is serious injury, is to take into account all economic factors which it considers relevant, including (but not limited to) the significant idling of productive facilities in the industry, the inability of a significant number of firms to operate at a reasonable level of profit, and significant unemployment or underemployment within the industry. With respect to threat of serious injury, the Commission is to take into account all relevant economic factors including (but not limited to) a decline in sales, a higher and growing inventory, and a downward trend in production, profits, wages, or employment (or increasing underemployment) in the industry. The legislative history of the Trade Act further explains that the drafting committees considered a threat of serious injury to be present when "serious injury, although not yet existing, is clearly imminent if import trends continued unabated."[19]

In the present case I have concluded that several of the relevant economic factors show that the basic indicators of serious injury are present and that they clearly show that serious injury, if not presently occurring, is imminent if such trends continue. In particular, I have found that the industry's continuing unprofitability, low and declining capacity utilization, and declining employment clearly show that the industry is presently unhealthy, and I believe that any continuation of these trends will lead to further deterioration from which large parts of the industry will be unable to recover.

A significant number of firms are unable to operate at a reasonable level of profit. In the aggregate, on their fishing rod operations the eleven reporting producers of fishing rods operated at a loss in each of the last 3 years (1978–80) and operated at a loss in January–June 1980 and January–June 1981. The ratio of pretax loss to net sales was * * * percent in 1978, * * * percent in 1979, * * * percent in 1980, * * * percent in January–June 1980, and * * * percent in January–June 1981. Six of 11 reporting firms reported a loss in 1978, and five of 11 reporting firms showed losses in 1979 and 1980. Four out of eight reporting for the period January–June 1981 showed a loss. (Comparable data were not available for the pre-1978 period.) The loss ration was worse in 1980 than in 1979, and was worse in January–June 1981 than in the comparable period of 1980.[20] No firm or industry can sustain continuing losses and remain in business.

Utilization of productive capacity in the industry has declined to a comparatively low level and will decline further with the cessation of domestic production last month by a major producer, Abu-Garcia, an event not yet reflected in available figures. Capacity utilization declined from 87 percent in 1978 (the earliest year for which comparative data are available) to 81 percent in 1979 and 73 percent in 1980. Capacity utilization for the firms principally producing tubular rods, which account for the bulk of the value of domestic production, has declined even more precipitously, from * * * percent in 1978 to * * * percent in 1979 and to * * * percent in 1980. While total capacity for fishing rods increased between 1978 and 1980 (and available data do not reflect the recent closing of the aforementioned major producer), most of such increase was accounted for by capacity added by one firm to produce a substantially less expensive solid (as opposed to tubular) rod.[21]

While domestic shipments, production, and sales have trended upward during the last 3 years, these normally postive indicators of an industry's health are greatly overshadowed by the industry's unprofitability and declining capacity utilization.

Inventories of domestic fishing rods held by U.S. producers more than tripled between 1976 and 1980 from 272,000 to 865,000 (although the 1979 level was about 11 percent higher).[22]

In summary, the relevant economic factors clearly show that the fishing rod industry, if not already seriously injured, is threatened with serious injury.

Substantial cause

The third criterion requires a finding that the increased imports are "a substantial cause" of the serious injury or threat thereof. Section 201(b)(4) defines the term "substantial cause" to mean a cause which is "important and not less than any other cause." Further, section 201(b)(2) directs the Commission, in determining substantial cause, to take into account all economic factors which it considers relevant, including (but not limited to) "an increase in imports (either actual or relative to domestic production) and a decline in the proportion of the domestic market supplied by domestic producers."

As stated above, imports of fishing rods have increased significantly since 1976. Imports have also increased relative to domestic consumption. The ratio of imports to consumption increased irregularly from 47 percent in 1976 to 54 percent in 1980. The ratio remainded at 54 percent in January–June 1981.[23] Imports clearly have increased at a faster rate than domestic production or shipments as the index below, derived from tables in the attached report, shows.

[In Percent]

Year	U.S. production	U.S. producers shipments	U.S. imports
1976	100	100	100
1977	91	85	138
1978	106	98	129
1979	110	110	124
1980	106	109	140

The ratio of imports to consumption is certain to rise higher with the opening of new foreign plants and the cessation of domestic production by the large domestic producer Abu-Garica. A plant

[17] Report, p. A–15.
[18] Report, p. A–15.
[19] *Trade Reform Act of 1974: Report of the Committee on Finance . . .*, S. Rept. No. 93–1298 (93d Cong., 2d sess.), 1974, p.121.
[20] Report, pp. A–55 through A–59.
[21] Report, pp. A–17 and A–20.
[22] Report, pp. A–30 and A–40.
[23] Report, p. A–67.

that opened in Taiwan in late 1980 has a capacity to produce 3 million tubular rods per year, a quantity equal to almost half annual U.S. production. It is likely that the U.S. market will be a target for much of that production. Taiwan is already a major supplier of the U.S. market. Abu-Garcia, as stated earlier in these views, ceased production of tubular rods in October 1981. The firm has stated it will substitute imported rods for the domestic rods which it presently supplies its customers.

During the course of the investigation, the Commission received information on many efforts by U.S. producers to compete more effectively with imports. These efforts ranged from the introduction of new lines of fishing rods to replace those lost to imports, to improve production processes, advertising promotions and new credit terms and discounts. In spite of these efforts, U.S. producers documented many lost sales as a direct result of import competition. Eight wholesaler/retailers indicated that they increased their purchases of imports at the expense of U.S. products because foreign manufacturers offered rods of equal or better quality at a lower price. Seven companies reported that they had not changed suppliers but that their traditional U.S. sources had added an increased proportion of imports in their product mix.[24]

Many firms that comprise the fishing rod industry are small and many of the smaller firms that specialize in the production of fishing rods and parts without a strong brand name have experienced the greatest financial difficulty. Since 1976, the U.S. Department of Labor has certified 3 petitions for adjustment assistance for workers from the fishing rod industry. During the same period, the Department of Commerce has certified 6 petitions for adjustment assistance for producers.

It is worthy of note that, during the public hearing on this case, a sizable profitable importer/domestic manufacturer of fishing rods conceded that it would have a cost problem from a labor imput standpoint if it were to maintain a full product line domestically and not import at all.[25]

Data obtained by the Commission on average wholesale prices received by manufacturers and importers for their best selling rods were difficult to analyze. This was due to an inability to ascertain comparability of competing products, particularly in tubular rods, and determine appropriate price break points in the breadth of product lines available to the consumer. Consequently, it is my view that an analysis of pricing trends of domestic vis-a-vis imported articles is not a feasible undertaking that can be conducted with any meaningful precision. Therefore, I believe no definitive conclusions can be drawn from that data.

Several causes were suggested as being more important causes of injury or threat of injury than increased imports. For example, it was suggested that the shift by consumers from tubular rods to less expensive solid rods, high interest rates, and aging domestic machinery were more important causes of injury. However, after considering these other possible causes of injury, I have concluded that none of them, even if of sufficient magnitude to constitute an "important" cause, constitutes a more important cause of the threat of serious injury than increased imports.

Conclusion

For the foregoing reasons, I have concluded that fishing rods and parts thereof are being imported into the United States in such increased quantities as to be a substantial cause of the threat of serious injury to the domestic fishing rod industry. However, in view of the fact that the majority of Commissioners have made a negative determination, I am not addressing the issue of remedy.

Issued: November 18, 1981.

By Order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-34123 Filed 11-24-81; 8:45 am]

BILLING CODE 7020-02-M

[24] Report, P. A-75.

[25] Transcript of hearing, p. 181.

[Investigations Nos. 701-TA-83 and 84 (Preliminary)]

Hot-Rolled Carbon Steel Plate From Belgium and Brazil; Countervailing Duty Investigations and Conference

AGENCY: International Trade Commission.

ACTION: Institution of two preliminary countervailing duty investigations and scheduling of a conference to be held in connection with the investigations.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of investigations Nos. 701-TA-83 (Preliminary) and 701-TA-84 (Preliminary) to determine, pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Belgium and Brazil of hot-rolled carbon steel plate, provided for in item 607.6615 of the Tariff Schedules of the United States Annotated (1981), upon which bounties or grants are alleged to be paid.

EFFECTIVE DATE: November 18, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Featherstone, Office of Investigations, U.S. International Trade Commission; telephone 202-523-0242.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted following receipt of advise from the U.S. Department of Commerce on November 18, 1981, that it was initiating countervailing duty investigations on hot-rolled carbon steel plate, from Belgium and Brazil pursuant to section 702(a) of the Tariff Act of 1930 (19 U.S.C. 1671a(a)). The Commission must make its determination in these investigations within 45 days after the date of notification from Commere, or by January 4, 1982 19 CFR 207.17). The investigations will be subject to the provisions of Part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 FR 76457), and Particularly Subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before December 16, 1981, a written statement of information pertinent to the subject matter of the investigations. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with the investigations for 9:30 a.m., e.s.t., on December 14, 1981, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisiory investigator for the investigation, Mr. Lynn Featherstone, telephone 202-523-0242, not later than December 7, 1981, to arrange for their appearance. The conference in these investigations will be held concurrently

with that for investigations Nos. 731–TA–51 (Preliminary), hot-rolled carbon steel plate, from Romania, and 701–TA–85 (Preliminary), hot-rolled carbon steel sheet, from France. Parties in support of the imposition of antidumping or countervailing duties in these cases will be collectively allocated two hours within which to make an oral presentation at the conference. Parties in opposition to the imposition of such duties will also be collectively allocated two hours, with one-half hour each for representatives of Romania, Belgium, Brazil, and France.

For further information concerning the conduct of the investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and B (19 CFR Part 207), and Part 201, subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

Issued: November 19, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 34125 Filed 11–24–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–51 (Preliminary)]

Hot-Rolled Carbon Steel Plate From Romania; Antidumping Investigation and Conference

AGENCY: International Trade Commission.

ACTION: Institution of a preliminary antidumping investigation and scheduling of a conference to be held in connection with the investigation.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of investigation No. 731–TA–51 (Preliminary) to determine, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C 1673b(a)), whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Romania of hot-rolled carbon steel plate, provided for in item 607.6615 of the Tariff Schedules of the United States Annotated (1981), which are possibly sold in the United States at less than fair value.

EFFECTIVE DATE: November 18, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Featherstone, Office of Investigations, U.S. International Trade Commission; telephone 202–523–0242.

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted following receipt of advice from the U.S. Department of Commerce on November 18, 1981, that it was initiating an antidumping investigation on hot-rolled carbon steel plate from Romania pursuant to section 732(a) of the Tariff Act of 1930 (19 U.S.C. 1673a(a)). After monitoring imports of certain steel products under the Trigger Price Mechanism, Commerce found significant sales of hot-rolled carbon steel plate from Romania being made at less than the relevant trigger price. These sales constitute possible sales at less than fair value. The Commission must make its determination in the investigation within 45 days after the date of notification from Commerce, or by January 4, 1982 (19 CFR 207.17). The investigation will be subject to the provisions of Part 207 of the Commission's Rules of Practice and Procedure (19 CFR 207, 44 FR 76457), and particularly Subpart B thereof.

Written submissions.—Any person may submit to the Commission on or before December 16, 1981, a written statement of information pertinent to the subject matter of this investigation. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commission has scheduled a conference in connection with this investigation for 9:30 am., e.s.t., on December 14, 1981, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigation, Mr. Lynn Featherstone, telephone 202–523–0242, not later than December 7, 1981, to arrange for their appearance. The conference in this investigation will be held concurrently with that for investigations Nos. 701–TA–83 and 84 (Preliminary), hot-rolled carbon steel plate from Belgium and Brazil, and 701–TA–85 (Preliminary), hot-rolled carbon steel sheet from France. Parties in support of the imposition of antidumping or countervailing duties in these cases will be collectively allocated two hours within which to make an oral presentation at the conference. Parties in opposition to the imposition of such duties will also be collectively allocated two hours, with one-half hour each for representatives of Romania, Belgium, Brazil, and France.

For further information concerning the conduct of the investigation and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, subparts A and B (19 CFR 207), and Part 201, Subparts A through E (19 CFR Part 201). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

Issued: November 19, 1981.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81–34126 Filed 11–24–81; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 701–TA–85 (Preliminary)]

Hot-Rolled Carbon Steel Sheet From France; Countervailing Duty Investigation and Conference

AGENCY: International Trade Commission.

ACTION: Institution of a preliminary countervailing duty investigation and scheduling of a conference to be held in connection with the investigation.

SUMMARY: The U.S. International Trade Commission hereby gives notice of the institution of investigation No. 701–TA–85 (Preliminary) to determine, pursuant to section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)), whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from France of hot-rolled carbon steel sheet upon which bounties or grants are alleged to be paid. For purposes of this investigation, hot-rolled carbon steel sheet is defined as hot-rolled sheets and plates, of other than alloy iron or steel, whether or not corrugated or crimped and whether or not pickled; not cold rolled; not cut, not pressed, and not stamped to nonrectangular shape; not coated or

plated with metal and not clad; over 12 inches in width and in coils or if not in coils under 0.1875 inch in thickness; as provided for in items 607.6610, 607.6700, 607.8320, or 607.8342 of the Tariff Schedules of the United States Annotated (1981).

EFFECTIVE DATE: November 18, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Lynn Featherstone, Office of Investigations, U.S. International Trade Commission; telephone 202–523–0242.

SUPPLEMENTARY INFORMATION:

Background.— This investigation is being instituted following receipt of advice from the U.S. Department of Commerce on November 18, 1981, that it was initiating a countervailing duty investigation on hot-rolled carbon steel sheet from France pursuant to section 702(a) of the Tariff Act of 1930 (19 U.S.C. 1671a(a)). The Commission must make its determination in this investigation within 45 days after the date of notification from Commerce, or by January 4, 1982 (19 CFR 207.17). The investigation will be subject to the provisions of Part 207 of the Commission's Rules of Practice and Procedure (19 CFR Part 207, 44 FR 76457), and particularly Subpart B thereof.

Written submissions.— Any person may submit to the Commission on or before December 16, 1981, a written statement of information pertinent to the subject matter of the investigation. A signed original and nineteen copies of such statements must be submitted.

Any business information which a submitter desires the Commission to treat as confidential shall be submitted separately, and each sheet must be clearly marked at the top "Confidential Business Data." Confidential submissions must conform with the requirements of § 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business data, will be available for public inspection.

Conference.—The Director of Operations of the Commissions has scheduled a conference in connection with this investigation for 9:30 a.m., e.s.t., on December 14, 1981, at the U.S. International Trade Commission Building, 701 E Street, NW., Washington, D.C. Parties wishing to participate in the conference should contact the supervisory investigator for the investigation, Mr. Lynn Featherstone, telephone 202–523–0242, not later than December 7, 1981, to arrange for their appearance. The conference in this investigation will be held concurrently with that for investigations Nos. 731–TA–51 (Preliminary), hot-rolled carbon steel plate from Romania, and 701–TA–83 and 84 (Preliminary), hot-rolled carbon steel plate from Belgium and Brazil. Parties in support of the imposition of antidumping or countervailing duties in these cases will be collectively allocated two hours within which to make an oral presentation at the conference. Parties in opposition to the imposition of such duties will also be collectively allocated two hours, with one-half hour each for representatives of Romania, Belgium, Brazil, and France.

For further information concerning the conduct of the investigations and rules of general application, consult the Commission's Rules of Practice and Procedure, Part 207, Supparts A and B (19 CFR Part 207), and Part 201, Subparts A through E (19 CFR part P01). Further information concerning the conduct of the conference will be provided by Mr. Featherstone.

This notice is published pursuant to § 207.12 of the Commission's Rules of Practice and Procedure (19 CFR 207.12).

Issued: November 19, 1981

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-34127 Filed 11-24-81; 8:45 am]

BILLING CODE 7020-02-M

Request for Public Comment on Termination of Countervailing Duty Investigation Concerning Refrigerators, Freezers, Other Refrigerating Equipment and Parts From Italy

AGENCY: International Trade Commission.

ACTION: Request for comments on proposed termination of countervailing duty investigation under section 104(b) of the Trade Agreements Act of 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Larry Reavis, Office of Investigations, telephone 202–523–0296.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979, subsection 104(b)(1), requires the Commission in the case of a countervailing duty order issued under section 303 of the Tariff Act of 1930, upon the request of a government or group of exporters of merchandise covered by the order, to conduct an investigation to determine whether an industry in the United States would be materially injured, or threatened with material injury, or whether the establishment of such industry would be materially retarded, if the order were to be revoked. On March 28, 1980, the Commission received a request from the Delegation of the Commission of the European Communities for the review of the countervailing duty order on refrigerators, freezers, other refrigerating equipment and parts from Italy (T.D. 75–85), notice of which was published on March 28, 1973, in the **Federal Register** (38 FR 8057).

The Commission received a letter on October 26, 1981, from White Consolidated Industries, Inc., the original petitioner for the countervailing duty order, stating that it withdraws its request for the imposition of countervailing duties under the above-referenced countervailing duty order.

The legislative history of section 704(a) of the Tariff Act of 1930, as amended by the Trade Agreements Act, indicates that the Commission should solicit public comment prior to termination of an investigation and approve the termination only if it is in the public interest. In light of the Commission's duty to consider the public interest, the Commission requests written comments from persons concerning the proposed termination of the investigation on refrigerators, freezers, other refrigerating equipment and parts from Italy. These written comments must be filed with the Secretary to the Commission no later than December 28, 1981.

By order of the Commission.

Issued: November 17, 1981.

Kenneth R. Mason,

Secretary.

[FR Doc. 81-34037 Filed 11-24-81; 8:45 am]

BILLING CODE 7020-02-M

MERIT SYSTEMS PROTECTION BOARD

Privacy Act of 1974; Annual Publication of Systems of Records

The Privacy Act of 1974 (U.S.C. 552a(e)(4)) requires agencies to publish annually in the **Federal Register** a notice of the existence and character of their systems of records. The Merit Systems Protection Board (MSPB) published the full text of its systems of records at 46 FR 32530, June 23, 1981. The MSPB amended its system entitled MSPB/GOVT–1, Appeal and Case Records at 46 FR 42372, August 20, 1981. There have been no further changes to the systems. Therefore, the systems of records remain in effect as published and revised.

For the Board.

Dated: November 18, 1981.

Ersa H. Poston,

Vice Chair.

[FR Doc. 81-34010 Filed 11-24-81; 8:45 am]

BILLING CODE 7400-01-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-364]

Alabama Power Co.; Issuance of Amendment to Facility Operating License, and Granting of Exemption

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 10 to Facility Operating License No. NPF-8 issued to Alabama Power Company (the licensee), which revised Technical Specifications for operation of the Joseph M. Farley Nuclear Plant, Unit No. 2 (the facility) located in Houston County, Alabama. The amendment is effective as of the date of issuance.

The amendment modifies the Technical Specifications related to primary containment leakage testing. In connection with this action, the Commission has granted a one-time Exemption to 10 CFR 50.46, Appendix J. The action approves a request for an extension to the 24-month test interval for certain Type B and C containment penetration tests.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since this amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

The Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the Commission has approved the exemption request identified above.

For further details with respect to this action, see (1) the application for amendment dated October 8, 1981, (2) Amendment No. 10 to License No. NPF-8, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the George S. Houston Memorial Library, 212 W. Burdeshaw Street, Dothan, Alabama 36303. A copy of items (2) and (3) may be obtained upon requests addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 19th day of November, 1981.

For the Nuclear Regulatory Commission.

Marshall Grotenhuis,

Acting Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-34081 Filed 11-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 50-318]

Baltimore Gas and Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 61 and 43 to Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to Baltimore Gas and Electric Company, which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2 located in Calvert County, Maryland. The amendments were effective on November 17, 1981.

The amendments revised the Appendix A Technical Specifications to reflect changes in fire protection features.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) The application for amendment dated August 1, 1980 as supplemented June 5, 1981, (2) Amendment Nos. 61 and 43 to License Nos. DPR-53 and DPR-69, and (3) The Commission's related letter dated November 12, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, the 12th day of November, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch #3, Division of Licensing.

[FR Doc. 81-34082 Filed 11-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-317 and 318]

Baltimore Gas & Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 62 and 44 to Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to Baltimore Gas and Electric Company, which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications (1) to modify the applicability statement of the Limiting Conditions for Operation to allow maintenance on the containment purge valve isolation system during refueling outages and (2) to change the description of the training program to correctly reflect responsibility for training of facility staff.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental

impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of the amendments.

For further details with respect to this action, see (1) the application for amendment dated October 16, 1981, (2) Amendment Nos. 62 and 44 to License Nos. DPR–53 and DPR–69, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 17th Day of November, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-34083 Filed 11-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-213]

Connecticut Yankee Atomic Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 44 to Facility Operating License No. DPR–61, issued to Connecticut Yankee Atomic Power Company (the licensee), which revised the Technical Specifications for operation of the Haddam Neck Plant (the facility) located in Middlesex County, Connecticut. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specifications to (1) incorporate operability and surveillance requirements for automatic initiation of the auxiliary feedwater system, and (2) increase the surveillance requirements on the auxiliary feedwater pumps and related flow paths.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) The applications for amendment dated August 27, 1980 and April 16, 1981 and supportive letters dated November 30 and December 4, 1979, January 17 and 30, April 11, May 19, June 10 and September 29, 1980, May 26, June 30, August 14, August 27, and September 9, 1981, (2) Amendment No. 44 to License No. DPR–61, including its transmittal letter, and (3) The Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the Russell Library, 119 Broad Street, Middletown, Connecticut 16457. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this twentieth day of November, 1981.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch No. 5, Division of Licensing.

[FR Doc. 81-34084 Filed 11-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-341A]

Detroit Edison Co., et al.; Finding of No Significant Antitrust Changes and Time for Filing of Requests for Reevaluation

In the matter of the Detroit Edison Co., Northern Michigan Electric Cooperative, Inc., and Wolverine Electric Cooperative, Inc.; notice of finding of no significant antitrust changes and time for filing of requests for reevaluation.

The Director of Nuclear Reactor Regulation has made an initial finding in accordance with Section 105c(2) of the Atomic Energy Act of 1954, as amended, that no significant (antitrust) changes in the licensee's activities or proposed activities have occurred subsequent to the previous construction permit review of Enrico Fermi Unit 2 by the Attorney General and the Commission. The finding is as follows:

Section 105c(2) of the Atomic Energy Act of 1954, as amended, provides for an antitrust review of an application for an operating license if the Commission determines that significant changes in the licensee's activities or proposed activities have occurred subsequent to the previous construction permit review. The Commission has delegated the authority to make the 'significant change' determination with respect to nuclear reactors to the Director, Office of Nuclear Reactor Regulation. Based upon examination of events that have transpired since issuance of the Enrico Fermi Unit 2 construction permit to the Detroit Edison Company, the Northern Michigan Electric Cooperative, Inc., and the Wolverine Electric Cooperative, Inc., the staffs of the Office of Nuclear Reactor Regulation and the Office of the Executive Legal Director, hereafter referred to as the 'staff,' have jointly concluded, after consulting with the Department of Justice, that the changes that have occurred since the antitrust construction permit review are not 'significant' in an antitrust context to require a second antitrust review at the operating license stage of the application for licenses; i.e., the changes which have occurred either are not reasonably attributable to the licensees or do not have antitrust implications that would likely warrant some Commission remedy. In reaching this conclusion, the staff considered the events relevant to the Fermi 2 construction permit antitrust review and the events that have occurred subsequent to that permit review as well as events associated with the Greenwood Nuclear Plant application, an application ultimately withdrawn.

The Summary and Conclusions of the staff's analysis is as follows:

'During the construction permit antitrust review of Fermi 2, the Attorney General was primarily concerned with a provision in the pooling agreement between Detroit Edison Company and Consumers Power Company which could have been construed so as to restrict interconnection and coordination arrangements with third parties. A 'no hearing' advice letter by the Attorney General was conditioned on a commitment letter by Detroit Edison to use its best efforts with Consumers Power Company to eliminate or revise the questionable provision. No intervention requests were received from the public in response to the publication of the advice letter in the **Federal Register.**

'Consistent with Detroit Edison's commitment letter, a new pooling agreement was entered into between Detroit Edison and Consumers Power Company which eliminated the offensive provision and expressly provided for coordination with third parties. However, such coordination was conditioned on the third party's ability to meet certain power supply and financial responsibilities.

'Subsequently, in connection with the construction permit antitrust review of Detroit Edison's proposed Greenwood Nuclear Plant, the Assistant Attorney General's antitrust advice letter did not specifically indicate whether the Justice Department was satisfied or not with the actions taken by Detroit Edison regarding third party coordination opportunities.

Instead, the 'no hearing' advice letter was conditioned on the acceptance by Detroit Edison of certain commitments which would become conditions in the Greenwood licenses—conditions requiring Detroit Edison to interconnect and share reserves, provide emergency and maintenance service, allow joint participation in Greenwood and future nuclear units, coordinate in the planning of future transmission and generation, and provide transmission service and wholesale for resale service. Again, no intervention petitions were received from the public in response to the publication of the advice letter in the **Federal Register.**

'The Greenwood application was withdrawn and therefore the antitrust commitments did not become license conditions. Staff does not consider the submittal and withdrawal of the Greenwood application as a 'significant change' with respect to the Fermi 2 construction permit antitrust review, since there was no mention or apparent expectation of the Greenwood plant during the Fermi 2 construction permit review. In this regard, as previously noted, the Department of Justice had available to it the results of its Greenwood antitrust review and has concurred in staff's proposed finding of no significant changes with respect to the Fermi 2 operating license application.

'Staff's review of actions taken by the Detroit Edison Company since the Fermi 2 construction permit antitrust review has disclosed no 'significant changes' nor any actions inconsistent with its antitrust commitments made during the Greenwood review. Therefore, the staff, after consultation with representatives of the Department of Justice, recommends that the Director of Nuclear Reactor Regulation make a finding of 'no significant change' for Fermi 2.'

"Based on the staff's analysis, it is my finding that an operating license antitrust review of the Detroit Edison Company, the Northern Michigan Electric Cooperative, Inc., and the Wolverine Electric Cooperative, Inc., with respect to Fermi 2, is not required."

Signed on October 29, 1981 by Harold R. Denton, Director, Office of Nuclear Reactor Regulation.

Any person whose interest may be affected pursuant to this initial determination may file with full particulars a request for reevaluation with the Director of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555 by January 25, 1982.

For the Nuclear Regulatory Commission.

Argil Toalston,

Acting Chief, Antitrust and Economic Analysis Branch, Division of Engineering, Office of Nuclear Reactor Regulation.

[FR Doc. 81-34065 Filed 11-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-335]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 47 to Facility Operating License No. DPR-67, issued to Florida Power & Light Company (the licensee), which revised the Technical Specifications for operation of the St. Lucie Plant, Unit No. 1 (the facility), located in St. Lucie County, Florida. The amendment is effective as of the date of issuance.

This amendment changes the Technical Specifications to permit resumption of operation after the Cycle 5 refueling outage with less than 100% inspection of all steam generator tubes in each steam generator.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated November 10, 1981, (2) Amendment No. 47 to License No. DPR-67, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 16th day of November, 1981.

For the Nuclear Regulatory Commission.

Robert A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-34086 Filed 11-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-250 & 50-251]

Florida Power and Light Co. (Turkey Point Plant Unit Nos. 3 and 4); Exemption

I.

The Florida Power and Light company (FPL) is the holder of Facility Operating License Nos. DPR-31 and DPR-41 which authorize operation of the Turkey Point Plant, Unit Nos. 3 and 4 (Turkey Point). This license provides, among other things, that it is subject to all rules, regulations and Orders of the Commission now or hereafter in effect.

The Facility is a pressurized water reactor located at the licensee's site located in Dade County, Florida.

II.

Section III.A of Appendix R to 10 CFR Par 50 requires "two separate water supplies shall be provided to furnish necessary water volume and pressure to the main fire loop." In the case of Turkey Point this requires that FPL must, at a minimum (1) modify the existing on-site 500,000 gallon water tank by installing a new standpipe to dedicate a minimum of 300,000 gallons of the capacity of that tank to fire protection purposes; (2) design, engineer, procure, and construct a new on-site water tank of 750,000 gallon capacity, to include a redundant water supply of at least 300,000 gallons; and (3) install an automatic starting diesel fire pump to supply the fire systems. The cost of installing these new components and modifying the existing tank is estimated to be $1,860,000. It is FPL's intention to comply fully with the requirements of Section III.A. However, FPL is unable to achieve full compliance with Section III.A on the date required by the rule. The schedule set out in § 50.48(c)(2) applies to the installation of the modifications described above. That schedule requires that those modifications be installed nine months after the effective date of the rule, or by November 19, 1981. FPL, despite its best efforts, will be unable to comply fully with Section III.A before March 31, 1984.

The new on-site water tank will be approximately 750,000 gallon capacity. It is necessary to install a tank of that size in order to both meet the NRC's requirements that a total of 600,000

gallons of water (300,000 gallons from each of the two on-site tanks) be dedicated for fire protection purposes from two separate, and redundant, sources and to supply the normal needs to the four generating units—two fossil and two nuclear—on the Turkey Point site. FPL began the preliminary design and engineering work necessary to meet the requirements of Section III.A promptly following the promulgation of the fire protection rule. The procurement process for the new tank as well as for the diesel fire pumps has begun. However, because of the current NRC requirements, pumps of the type necessary to meet these standards are in heavy demand and in short supply throughout the country. Therefore, FPL cannot get delivery of the required diesel fire pumps until June 1982. Moreover, FPL cannot get delivery of the components necessary to construct the new storage tank until October 1982. Construction of the new water storage tank and installation of the diesel fire pump cannot be completed until October 1983. Modifications of the current tank cannot begin until completion of construction and availability of the new tank and therefore cannot be completed until March 31, 1984.

The completion date required by the rule for modifications to the fire protection system water supply was intended for the miscellaneous modifications required by most plants which were much smaller in magnitude. The schedular requirements of the rule were not intended to apply to a modification of this magnitude.

Based on our evaluation we conclude that FPL's request to be exempted from the schedular requirements of Section III.A "Water Supplies for Fire Suppression System" should be granted. FPL's request for exemption from the schedular requirements of Section III.A of Appendix R to 10 CFR Part 50 is hereby approved as described above.

III.

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest.

The NRC staff has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

For further details with respect to this action see (1) the licensee's request dated March 19, 1981 which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 53199.

Dated at Bethesda, Maryland, this 9th day of November 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

FR Doc. 81-34087 Filed 11-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-250 and 50-251]

Florida Power & Light Co.; Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 73 to Facility Operating License No. DPR-31, and Amendment No. 67 to Facility Operating License No. DPR-41 issued to Florida Power and Light Company (the licensee), which revised Technical Specifications for operation of Turkey Point Plant, Unit Nos. 3 and 4 (the facilities) located in Dade County, Florida. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications to: (1) Include the air lock testing according to Appendix J to 10 CFR Part 50; (2) Make certain corrections in terminology to be consistent with Appendix J; and (3) Make certain administrative corrections.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) The application for amendments dated September 20, 1974, as supplemented July 27, 1977, (2) Amendments Nos. 73 and 67 to License Nos. DPR-31 and DPR-41, and (3) The Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Environmental and Urban Affairs Library, Florida International University, Miami, Florida 33199. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 4th day of November 1981.

For the Nuclear Regulatory Commission.

Steven A. Varga,

Chief, Operating Reactors Branch No. 1, Division of Licensing.

[FR Doc. 81-34088 Filed 11-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-321 and 50-366]

Georgia Power Co., (Edwin I. Hatch Nuclear Plant, Units 1 and 2); Exemption

I.

The Georgia Power Company (the licensee) and three other co-owners are the holders of Facility Operating Licenses Nos. DPR-57 and NPF-5 which authorize operation of the Edwin I. Hatch Nuclear Plant, Units 1 and 2 (Hatch or the facilities). These licenses provide, among other things, that they are subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission) now or hereafter in effect.

The facilities are boiling water reactors located at the licensee's site in Appling County, Georgia.

II.

Section III.G.3 of Appendix R to 10 CFR Part 50 requires that a fixed fire suppression system be installed in an area, room or zone under consideration for alternative safe shutdown modifications. In the case of Hatch, under this provision a fixed fire suppression system would be required in the control room.

The licensee indicated in its March 19, 1981 letter, that the fire protection features currently installed in the control room provide adequate fire fighting capability in the control room and constitute an adequate fixed fire suppression system for the area. However, inasmuch as the term "fixed suppression" has been used to connote

sprinklers or gas suppression systems, the licensee has requested an exemption from the requirements of III.G.3 to provide a fixed suppression system.

The licensee's exemption request is based on the following:

An alternate shutdown system has been provided for the control room. This alternate shutdown system provides remote control capabilities for those systems needed to carry out a reactor shutdown function, maintain hot shutdown, proceed to and maintain cold shutdown, from outside the main control room.

A fire detection system has been installed in the control room.

A hose station and fire extinguishers have been installed inside the control room.

The modifications which the licensee's exemption request is based on are required by Appendix R to 10 CFR Part 50. Therefore, the above modifications alone do not justify an exemption from the requirement to install a fixed fire suppression system in areas where redundant divisions are located. However, the control room is a unique area of the plant that is required to be continually occupied by the operators. In the event of a fire, manual fire suppression would be effective and prompt. Because the operators provide a continuous fire watch in the control room, a fixed suppression system is not necessary to achieve adequate fire protection in the control room. This is similar to the concept reflected in the staff's acceptance, on a short-term basis, of a continuous fire watch as an alternative to fixed suppression systems when such systems become unavailable per 3.7.11.2 of the Standard Technical Specifications.

Based on our evaluation, we conclude that the licensee's fire protection features for the control room meet the objectives of Section III.G, "Fire Protection of Safe Shutdown Capability", of Appendix R to 10 CFR Part 50, and, therefore, the licensee's request to be exempted from the requirement to provide a fixed fire suppression system in the control room should be granted.

III.

Accordingly, the Commission has determined that, pursuant to 10. CFR 50.12, an exemption is authorized by law and will not endanger life or property or the common defense and security, is otherwise in the public interest, and is hereby granted.

The Commission has determined that the granting of this exemption will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with this action.

This exemption is effective upon issuance.

Dated at Bethesda, Maryland, this 16th day of November 1981.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 81-34089 Filed 11-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-321]

Georgia Power Co., et al.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 87 to Facility Operating License No. DPR-57, issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Association of Georgia, and City of Dalton, Georgia, which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1 (the facility) located in Appling County, Georgia. The amendment is effective as of the date of issuance.

The amendment revises the Technical Specifications to enable operation of the Plant after the replacement of 168 fuel assemblies. This fuel replacement does not constitute a reload and was made necessary by fuel leakages occurring after the June 21, 1981, restart from the Cycle 5 reload outage.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any signficiant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated October 27, 1981, (2) Amendment No. 87 to License No. DPR-57, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Appling County Public Library, 301 City Hall Drive, Baxley, Georgia 31513. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 13th day of November 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch #4, Division of Licensing.

[FR Doc. 81-34090 Filed 11-24-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-282 and 50-306]

Northern States Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 51 and 45 to Facility Operating License Nos. DPR-42 and DPR-60, respectively, issued to Northern States Power Company (the licensee), which revised the Technical Specifications for operation of the Prairie Island Nuclear Generating Plant, Units Nos. 1 and 2 (the facilities) located in Goodhue County, Minnesota. The amendments are effective as of the date of issuance.

The amendments revise Technical Specifications to incorporate monitoring conditions for Secondary Water Chemistry.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in

connection with issuance of these amendments.

For further details with respect to this action, see (1) The application for amendments dated November 22, 1978, (2) Amendment Nos. 51 and 45 to License Nos. DPR–42 and DPR–60, and (3) The Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Environmental Conservation Library, 300 Nicollet Mall, Minneapolis, Minnesota 55401. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 13th day of November, 1981.

For the Nuclear Regulatory Commission.

R. A. Clark,

Chief, Operating Reactors Branch No. 3, Division of Licensing.

[FR Doc. 81-34091 Filed 11-24-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published October 29, 1981 (46 FR 53546). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee meetings usually begin at *:30 a.m. The time when items listed on the agendfa will be discussed during full Committee meetings and when Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the December 1981 ACRS full Committee meeting, can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committee (telephone 202/634–3267, ATTN: Barbara Jo White) between 8:15 a.m. and 5:00 p.m., Eastern Time.

ACRS Subcommiottee Meetings

**Emergency Core Cooling Systems*, December 2 and 3, 1981, Los Alamos, NM. The Subcommittee will review selected portions of the NRC Safety Research Program for the ACRS Report to Congress. The Subcommittee will also discuss the status of Unresolved Safety Issues, "Water Hammer (A–1)" and "Containment Emergency Sump Performance (A–43)". Notice of this meeting was published October 29.

**Advanced Reactors*, December 3 and 4, 1981, San Francisco, CA. The Subcommittee will continue discussion regarding possible design considerations, issues, and criteria for future commercial advanced reactors and plans to prepare a report to submit to the ACRS. Notice of this meeting was published October 29.

**Metal Components*, December 8, 1981, Washington, DC. The Subcommittee will discuss with the NRC Staff and Industry matters relating to reactor pressure vessel repressurization thermal shock. Also discussed will be the evaluation of conservatisms in the thermal shock analysis and steps that could be taken to avoid repressurization. Notice of this meeting was published October 29.

**Regulatory Activities*, December 8, 1981, Washington, DC. The Subcommittee will discuss proposed Regulatory Guides and Regulations. Notice of this meeting was published October 29.

**CESSAR/Palo Verde*, December 8, 1981, Washington, DC—CANCELLED.

**Reactor Operations*, December 8, 1981, Washington, DC. The Subcommittee will meet with the NRC Staff to review a proposed rule and regulatory guide dealing with the licensee event reporting system prior to it being presented to the Commission for approval to be published for comment. The rule (10 CFR 50.73) will be aimed at dropping less significant events from the LER system and requiring more detailed reporting on events of significance.

Meeting with the Canadian Atomic Energy Control Board (AECB), December 9, 1981, Washington, DC. The Subcommittee will discuss quantitative risk and probabilistic risk assessment (PRA), human factors, and design criteria for waste management facilities. Notice of this meeting was published October 29.

Nuclear Safety Research Program, December 9, 1981, Washington, DC. The Subcommittee will discuss the Draft ACRS Report to Congress on the NRC FY 1983 Safety Research Program. Notice of this meeting was published October 29.

**Nuclear Safety Research, Development, and Demonstration Act of 1980*, December 9, 1981, Washington, DC. The ACRS Subcommittees will discuss the Department of Energy's response to Public Law 96–567, "Nuclear Safety Research, Development, and Demonstration Act of 1980", including the assessment of the need for an feasibility of establishing a national reactor engineering simulator facility, a study as to the desirability and feasibility of creating a federal nuclear operations corps, and a program management plan for the conduct of a research, development, and demonstration program for improving the safety of nuclear power plants.

**Combined Metal Components and Waste Management*, December 14, 1981, Washington, DC—CANCELLED.

**Class 9 Accidents*, December 16 and 17, 1981, Denver, CO. The Subcommittee will continue its review of core melt mitigation systems, degraded core rulemaking, and hydrogen rulemaking and the NRC sponsored research in this area. Notice of this meeting was published October 29.

**Combined Waste Management and Reactor Radiological Effects*, December 18 and 19, 1981, Washington, DC. The Subcommittee will review the Reseach Program/Budget for these two items. Notice of this meeting was published October 29.

**Watts Bar Nuclear Plant*, December 18 and 19, 1981, Knoxville, TN—CANCELLED.

**Safety Philosophy, Technology and Criteria*, January 5, 1982, Washington DC. The Subcommittee will review the proposed Systems Interaction Study for the Indian Point Nuclear Power Plant. Notice of this meeting was published October 29.

**Reliability and Probabilistic Assessment*, January 5, 1982, Washington DC. The Subcommittee will review portions of the NRC FY 1983 Safety Research Program related to Reliability and Probabilistic Assessment. Notice of this meeting was published October 29.

**Shippingport*, January 6, 1982, Washington, DC. The Subcommittee will review the extension of Light Water Breeder Reactor (LWBR) Operation beyond 26,000 effective full power hours. Notice of this meeting was published October 29.

**Nuclear Safety Research Program*, January 6, 1982, Washington, DC. The

Subcommittee will discuss the Draft ACRS Report to Congress on the NRC FY 1983 Safety Research Program. Notice of this meeting was published October 29.

*Qualification Program for Safety Related Equipment, Date to be determined, Washington DC. The Subcommittee will review the NRC Equipment Qualification Program Plan as outlined in the SECY-81-504.

*Extreme External Phenomena, January 28 and 29, 1982, Washington, DC. The Subcommittee will review the status of NRC's research program on geology and seismology and the Status of research being performed other than the NRC programs. Notice of this meeting was published October 29.

*Combined Electrical Systems and Emergency Core Cooling Systems, Date to be determined, Washington, DC. The Subcommittee will continue review of the NRC- and Industry-sponsored research on core water level indicator instruments and the implementation of core water level indicator installation requirements.

*Combined Advanced Reactors and Clinch River Breeder Reactor, Date to be determined, Washington, DC. The Subcommittee will review the advanced reactor research budget and programs and the Clinch River Breeder Reactor program status.

*Waterford, Date to be determined, Washington, DC. The Subcommittee will review Safety Evaluation Report, Supplement 2 on management capability scheduled for issuance on January 8, 1982.

*Combined Clinch River Breeder Reactor and Site Suitability, Date to be determined, Washington, DC. The Subcommittee will begin site suitability review for Clinch River Breeder Reactor.

*Simulator Tour, Date to be determined, Silver Springs, MD. The Subcommittee will visit the Singer-Line Corporation.

ACRS Full Committee Meetings

December 10-12, 1981: Items are *tentatively* scheduled.

*A. *Combustion Engineering Standardized Safety Analysis Report (CESSAR System-80)*—Final design approval.

*B. *Palo Verde Nuclear Plant Units 1, 2 and 3*—Operating License.

*C. *Licensee Event Reporting Requirements*—Proposed changes in 10 CFR Part 50.73.

*D. *Evaluation of Generic Issues*—Proposed methodology for assessment and prioritization of safety related issues.

*E. *Nuclear Safety Research, Development and Demonstration Act of 1980 (Public Law 96-567)*—Proposed Department of Energy (DOE) plan for implementation of P.L. 96-567.

*F *Regulatory Activities*—Proposed changes in NRC Regulatory Guides.

*G. *Meeting with NRC Commissioners*—Discuss proposed changes in ACRS safety research reports and other safety related matters.

*H. *Decay Heat Removal Systems*—Discuss proposed Task Action Plan for evaluation of alternate decay heat removal systems.

January 7-9, 1982: Agenda to be announced.

February 4-6, 1982: Agenda to be announced.

Dated: November 20, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-34113 Filed 11-24-81; 8:45 am]

BILLING CODE 7590-01-M

POSTAL RATE COMMISSION

[Docket No. A82-2; Order No. 407]

Station B, Howard Beach, N.Y. 11414; John W. Blake, Petitioner; Order of Filing of Appeal

Issued: November 20, 1981.

On November 16, 1981, the Commission received a letter from John W. Blake (hereinafter "Petitioner"), concerning alleged United States Postal Service plans to close Station B, Howard Beach, New York 11414. Although the letter makes no explicit reference to the Postal Reorganization Act, we believe it should be construed as a petition for review pursuant to section 404(b) of the Act [39 U.S.C. 404(b)], so as to preserve Petitioner's right to appeal which is subject to a 30-day time limit.[1] The petition does not conform perfectly with the Commission's rules of practice, which also require a petitioner to attach a copy of the Postal Service's Final Determination to the petition.[2] However, section 1 of the Commission's rules of practice calls for a liberal construction of the rules to secure just and speedy determination of issues.[3]

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a proposed post office closing so as to "ensure that such persons will have an opportunity to present their views." [4] The petition requests that the decision to close the Station B at Howard Beach be reconsidered. From the face of the petition it is unclear whether any hearings were held and whether a determination has been made under 39 U.S.C. 403(b)(3). (Petitioner failed to supply a copy of the Postal Service's Final Determination, if one is in existence.) The Commission's rules of practice require the Postal Service to file the administrative record of the case within 15 days after the date on which the petition for review is filed with the Commission.[5]

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[6]

Section 404(b)(2)(C) of the Act specifically includes consideration of this goal in determinations by the Postal Service to close post offices. The effect on the community is also a mandatory consideration under section 404(b)(2)(A) of the Act.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service complied with its regulations for the discontinuance of post offices.[7]

Upon preliminary inspection, the petition appears to raise the following issues of law:

1. Whether the Postal Service's actions with regard to Station B, Howard Beach, N.Y. must comply with the requirements of 39 U.S.C. 404(b).

2. Whether the Postal Service considered the effect the closing would cause in the community's use of the postal services under the effect on postal service factor, section 404(b)(2)(C).

The first issue, whether a closing of the station is a consolidation or closing of a post office within the meaning of 39 U.S.C. 404(b), is a threshold question which should be addressed at an early stage in this proceeding. Therefore, we are requesting the Postal Service to file, within 20 days of the issuance of this Order, a memorandum on this subject. The Postal Service is to serve Petitioner with a copy of the memorandum. In the interests of procedural fairness and

[1] 39 U.S.C. 404(b)(5). 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94-421 (September 24, 1976), 90 Stat. 1310-11. Our rules of practice governing these cases appear at 39 CFR 3001.110 *et seq.*

[2] 39 CFR 3001.111(a).

[3] 39 CFR 3001.1

[4] 39 U.S.C. 404(b)(1).

[5] 39 CFR 3001.113(a).

[6] 39 U.S.C. 101(b).

[7] 42 FR 59079-85 (November 17, 1977); the Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

administrative efficiency, we will modify the usual schedule for the filing of the Petitioner's brief so that it is due 30 days after the Postal Service is to file its memorandum rather than 30 days after the petition is filed.

Other issues of law may become apparent when the Commission has had the opportunity to examine the determination made by the Postal Service. Such additional issues may emerge when the parties and the Commission review the Service's determination for consistency with the principles announced in Lone Grove, Texas, *et al.*, Docket Nos. A79-1, *et al.*, (May 7, 1979), and the Commission's subsequent decisions on appeals of post office closings and consolidations. The determination may be found to resolve adequately one or more of the issues involved in the case.

In view of the above, and in the interest of expediting this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service in addition to the one requested previously in this Order on one or more of the issues described above and/or any further issues of law disclosed by the determination made in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will, within 20 days of receiving the determination and record pursuant to section 113 of the rules of practice (39 CFR 3001.113) make the request therefor by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be due within 20 days of the issuance, and a copy of the memorandum shall be served on the Petitioner by the Service.

In briefing the case or in filing any motion to dismiss for want of prosecution in appropriate circumstances the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in section 404(b) cases,[5] and none is being appointed.

The Commission orders that:

(A) The letter of November 16, 1981, from John W. Blake be construed as a petition for review pursuant to section 404(b) of the Act [39 U.S.C. 404(b)].

(B) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register.**

(C) The Postal Service shall file a memorandum by December 7, 1981, on whether 39 U.S.C. 404(b) is applicable to the action of the Postal Service complained of in the petition.

By the Commission.

David F. Harris,

Secretary.

APPENDIX

Nov. 16, 1981	Filing of Petition.
Nov. 20, 1981	Notice and Order of Filing of Appeal.
Dec. 1, 1981	Filing of record by Postal Service [*see* 39 CFR 3001.113(a)].
Dec. 7, 1981	Last day for filing of petitions to intervene [*see* 39 CFR 3001.111(b)].
Dec. 7, 1981	Filing of Postal Service's legal memorandum.
Jan. 6, 1982	Petitioner's initial brief [*see* 39 CFR 301.115(a)].
Jan. 21, 1982	Postal Service answering brief [*see* 39 CFR 3001.115(a)].
Feb. 5, 1982	(1) Petitioner's reply brief, should petitioner choose to file such brief [*see* 39 CFR 3001.115(c)]. (2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.
Mar. 17, 1982	Expiration of 120-day decisional schedule [*see* 39 U.S.C. 404(b)(5)].

[FR Doc. 81-34003 Filed 11-24-81; 8:45 am]

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[Docket No. A82-3; Order No. 408]

West Barnet, Vermont 05870; Richard Beardsworth, Petitioner; Order of Filing of Appeal

November 20, 1981.

On October 26, 1981, the Commission received a letter from Richard Beardsworth (hereinafter "Petitioner"), concerning United States Postal Service's closing of the West Barnet, Vermont, post office. The letter states that it is an "appeal"; that is, a petition for review pursuant to section 404(b) of the Act [39 U.S.C. 404(b)].[1] The petition does not conform perfectly with the Commission's rules of practice, which also require a petitioner to attach a copy of the Postal Service's Final Determination to the petition.[2] However, section 1 of the Commission's rules of practice calls for a liberal construction of the rules to secure just and speedy determination of issues.[3]

The Petitioner's appeal letter states the Postal Service posted a notice of its decision on September 23, 1981, but that the posting was incomplete. The Petitioner requests that the Postal Service make a new, complete posting and that the 30-day period for appeal begin from that date. The Petitioner's appeal letter is dated October 22, 1981, and postmarked St. Johnsbury, Vermont, October 24, 1981. The Commission received the appeal letter on October 26, 1981.

The statute provides, "A determination of the Postal Service to close or consolidate any post office may be appealed by any person served by such office to the Postal Rate Commission within 30 days after such determination is made available to such person under paragraph (3)." [4] The Commission's jurisdiction over appeals from Postal Service determinations is created, and governed, by the statute. The Commission may not enlarge or reduce its jurisdiction.

The threshold question is whether the Commission has jurisdiction in this case. It appears that the Commission could have jurisdiction if the statute is read to mean that a Petitioner need only place an appeal in the mailstream within the 30 days after the Postal Service's posting and Mr. Beardsworth mailed his appeal within that period. The Commission also might have jurisdiction if the Postal Service did not issue, as required by the statute, a complete determination. A failure by the Postal Service to make a complete determination in accordance with the Act might extend the period for appeal until 30 days after the Postal Service makes a complete final determination available to the patrons of the post office. The Petitioner appears to be taking this position.

Due to the uncertainty surrounding the question of jurisdiction, before establishing a docket for this matter the Commission requested that the Postal Service file its administrative record and the Postal Service quickly complied. We appreciate the Postal Service's cooperation. After examining that record, we believe that the Postal Service and the Petitioner should be given an opportunity to present their views on whether the Commission has jurisdiction. Because the statute gives us only 120 days to complete our review, we are establishing a procedural schedule that assumes jurisdiction so that, if the Commission determines it has jurisdiction, it will be able to issue a decision within the 120-day statutory deadline.

The Act requires that the Postal Service provide the affected community with at least 60 days' notice of a

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[5] In the matter of Gresham, S.C., Route #1, Docket No. A78-1 (May 11, 1978).

[1] 39 U.S.C. 404(b) was added to title 39 by Pub. L. 94-421 (September 24, 1976), 90 Stat. 1310-11. Our rules of practice governing these cases appear at 39 CFR 3001.110 *et seq.*

[2] 39 CFR 3001.111(a).

[3] 39 CFR 3001.1.

[4] 39 U.S.C. 404(b)(5).

proposed post office closing so as to "ensure that such persons will have an opportunity to present their views." [5] The petition requests that the decision to close the West Barnet post office be reconsidered.

The Postal Reorganization Act states:

> The Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit, it being the specific intent of the Congress that effective postal services be insured to residents of both urban and rural communities.[6]

Section 404(b)(2)(c) of the Act specifically includes consideration of this goal in determinations by the Postal Service to close post offices. The effect on the community is also a mandatory consideration under section 404(b)(2)(A) of the Act.

The petition appears to set forth the Postal Service action complained of in sufficient detail to warrant further inquiry to determine whether the Postal Service complied with its requlations for the discontinuance of post offices.[7]

Upon preliminary inspection, this case appears to involve the following issues of law:

1. Whether the Commission has jurisdiction in this matter: That is, whether the Petitioner's appeal was made within the 30-day period established by the statute; of if not, whether an incompleteness in the determination made its posting ineffective and whether in that event the 30-day period does not begin until a complying posting is made.

2. Whether the procedure followed by the Postal Service was in compliance with the statute and the Postal Service's regulations.

3. Whether the Postal Service's actions are consistent with the statutory requirement that the Postal Service provide a maximum degree of effective and regular postal services to rural areas, communities and small towns where post offices are not self-sustaining [39 U.S.C. 404(b)(2)(C)].

Other issues of law may become apparent when the Commission has had the opportunity to examine further the determination made by the Postal Service. Such additional issues may emerge when the parties and the Commission review the Service's determination for consistency with the principles announced in *Lone Grove, Texas, et al.*, Docket Nos. A79-1, *et al.* (May 7, 1979), and the Commission's subsequent decisions on appeals of post office closings and consolidations. The determination may be found to resolve adequately one or more of the issues involved in the case.

In view of the above, and in the interest of expediting this proceeding under the 120-day decisional deadline imposed by section 404(b)(5), the Postal Service is advised that the Commission reserves the right to request a legal memorandum from the Service on one or more of the issues described above and/or any further issues of law disclosed by the determination made in this case. In the event that the Commission finds such memorandum necessary to explain or clarify the Service's legal position or interpretation on any such issue, it will make the request therefor by order, specifying the issues to be addressed.

When such a request is issued, the memorandum shall be due within 20 days of the issuance, and a copy of the memorandum shall be served on the Petitioner by the Service.

In briefing the case or in filing any motion to dismiss for want of prosecution, in appropriate circumstances the Service may incorporate by reference all or any portion of a legal memorandum filed pursuant to such an order.

The Act does not contemplate appointment of an Officer of the Commission in section 404(b) cases,[8] and none is being appointed.

The Commission orders:

(A) The letter from Richard Beardsworth be accepted as a petition for review pursuant to section 404(b) of the Act [39 U.S.C. 404(b)].

(B) The Secretary of the Commission shall publish this Notice and Order in the **Federal Register.**

By the Commission.

David F. Harris,

Secretary.

APPENDIX

[Docket No. A82-3]

Oct. 26, 1981	Commission received Petition.
Nov. 20, 1981	Notice and Order of Filing of Appeal.
Nov. 27, 1981	Last day for filing of petitions to intervene [see 39 CFR 3001.111(b)].
Dec. 7, 1981	Petitioner's initial brief [see 30 CFR 3001.115(a)]
Dec. 22, 1981	Postal Service answering brief [see 39 CFR 3001.115(a)].
Jan. 11, 1982	(1) Petitioner's reply brief, should petitioner choose to file such brief [see 39 CFR 3001.115(c)]. (2) Deadline for motions by any party requesting oral argument. The Commission will exercise its discretion, as the interests of prompt and just decision may require, in scheduling or dispensing with oral argument.

[5] 39 U.S.C. 404(b)(1).

[6] 39 U.S.C. 101(b).

[7] 42 FR 59079-85 (November 17, 1977); the Commission's standard of review is set forth at 39 U.S.C. 404(b)(5).

[8] In the Matter of Gresham, S.C., Route #1, Docket No. A78-1 (May 11, 1978).

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-18266; File No. SR-Amex-81-1, Amdt. No. 2]

Self-Regulatory Organizations; Proposed Rule Change by the American Stock Exchange, Inc.

In the matter of minimum margins for United States Government obligations. Comments requested on or before December 16, 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 November 12, 1981, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. ("Amex" or the "Exchange") proposes to amend its filing SR-AMEX-81-1 as set forth below.

(A) The Exchange is proposing to expand the definiton of the term "covered" to provide, in substance, that a short position is a call option contract relating to an underlying Treasury bill may be "covered" by any Treasury bill which, but for its maturity date, would be deliverable in accordance with the rules of the Exchange and The Options Clearing Corporation in connection with the exercise of the option.

(B) The Exchange is proposing to revise Paragraph (d)(2) of Rule 462 (Minimum Margins) by adding new subsections (d)(2)(C) and (d)(2)(K), amending current subsections (D)(2)(C) through (D)(2)(1), and redesignating such current subsections, as amended, as (d)(2)(D) through (d)(2)(J), respectively. Those provisions, as proposed to be revised, would state as follows:

Rule 462. Minimum Margins

* * * * *

(d)(2) Puts, Calls and Other Options.

* * * * *

(C) For purposes of this paragraph (d)(2), obligations issued by the United States Government shall be referred to as United States Government

obligations. Mortgage pass-through obligations guaranteed as to timely payment of prinicipal and interest by the Government National Mortgage Association shall be referred to as GNMA obligations. The term "current market value" of an option shall mean the total cost or net proceeds of the option transaction on the day the option was purchased or sold and at any other time shall be the preceding business day's closing price of that option as shown by any regularly published reporting or quotation service.

(D) Subject to the exceptions set forth in subparagraphs (F) through (K) of this paragraph (d)(2) the minimum margin on any put or call issued, guaranteed or carried "short" in a customer's account shall be:

(i) In the case of a put or call traded in the over-the-counter market, and representing options on equity securities, 50 percent of the market value of the equivalent number of shares of the underlying security, increased by any unrealized loss or reduced by any excess of the exercise price over the current market price of the underlying security, in the case of a call, or any excess of the current market price of the underlying security over the exercise price, in the case of a put; or,

(ii) In the case of a put or call dealt in on a registered national securities exchange, and representing options on equity securities, 30 percent of the market value of the equivalent number of shares of the underlying security, increased by any unrealized loss or reduced by any excess of the exercise price over the current market price of the underlying security in the case of a call, or any excess of the current market price of the underlying security over the exercise price in the case of a put, or

(iii) In the case of puts and calls traded in the over-the-counter market and representing options on United States Government obligations or obligations unconditionally guaranteed as to principal or interest by the United States Government or any agency thereof other than GNMA obligations, 5 percent of the principal amount of the underlying security plus any unrealized loss (any excess of the current market price of the underlying security over the exercise price, in the case of a call, or any excess of the exercise price over the current market price of the underlying security, in the case of a put), or

(iv) In the case of puts and calls listed or traded on a registered national securities exchange and representing options on United States Government obligations, 100 percent of the current market value of the option plus the percentage of the principal amount of the underlying security specified in the applicable category below, reduced by any "out-of-the-money" amount (any excess of the current market price of the underlying security over the exercise price of the option, in the case of a put, or any excess of the exercise price of the option over the current market price of the underlying security, in the case of a call):

	Percentage of principal amount (percent)
(1) U.S. Treasury Bills:	
95 days or less to maturity	0.35
More than 95 days but less than 190 days to maturity	.50
190 days or more to maturity	.75
At least 2 years, but less than 5 years, to maturity	2
5 years or more to maturity	3
(3) U.S. Treasury Bonds:	
10 years or more to maturity	3.5

Notwithstanding the foregoing:

(i) If the option contract provides for the delivery of obligations with different maturity dates or coupon rates, the computation of the "out-of-the-money" amount, if any, where required by this Rule, shall be made in such a manner as to result in the highest margin requirement on the short option position.

(ii) The minimum margin on any and each put or call issued, guaranteed or carried "short" in a customer's account shall be not less than $250, in the case of an option on equity securities, or $500, in the case of an option on:

(1) $1,000,000 principal amount of U.S. Treasury Bills which mature in 95 days or less, or

(2) $500,000 principal amount of U.S. Treasury Bills which mature in more than 95 days, or

(3) $100,000 principal amount of other obligations issued by the United States Government, or

(4) $100,000 principal amount of obligations unconditionally guaranteed as to principal or interest by the United States Government or any agency thereof other than GNMA obligations.

However, in the case of an option on a smaller principal amount of such obligations, the mininum margin shall be that portion of $500 that the smaller principal amount bears to the principal amount specified above, but in any event not less than $100.

(v) In the case of puts and calls listed or traded on a registered national securities exchange and representing options on GNMA obligations in the principal amount of $100,000, 130% of the current market value of the option plus $1,500, except that the margin required need not exceed $5,000 plus the current mrket value of the option.

(vi) If the underlying security is a BVN, the premium received, plus the excess of $25 per troy ounce by which a gold BVN is denominated and $1.50 per troy ounce by which a silver BVN is denominated, over the amount by which the aggregate exercise price exceeds the current market price of the underlying BVN in the case of a call, or over the amount by which the current market price of the underlying BVN exceeds the aggregate exercise price in the case of a put; provided, however, that the minimum margin on each put or call shall not be less than $5 per troy ounce by which a gold BVN is denominated and not less than $0.30 per troy ounce by which a silver BVN is denominated.

(E) Except as provided below, each put or call issued, guaranteed or carried "short" in a customer's account shall be margined separately and any difference between the market price of the underlying security and the exercise price of a put or call (if the underlying security is a stock) or the aggregate exercise price of a put or call (if the underlying security is a United States Government obligation) shall be considered to be of value only in providing the amount of margin required on that particular put or call. Substantial additional margin must be required on options issued, guaranteed of carried "short" with an unusually long period of time to expiration, or written on securities which are subject to unusually rapid or violent changes in value, or which do not have an active market, or where the securities subject to the option cannot be liquidated promptly.

(F) (i) If both a put and a call for the same number of shares of the same equity security or the same principal amount of the same United States Government obligation are issued, guaranteed or carried "short" for a customer, the amount of margin required shall be the margin on the put or the call whichever is greater, as required pursuant to subparagraph (D) of this Paragraph (d)(2) increased by the amount of any unrealized loss on the other option. The minimum margin requirements, however, shall not apply to the other option.

(ii) If both a put and call for the same GNMA obligation in the principal amount of $100,000 are issued, guaranteed or carried "short" for a customer, the amount of margin required shall be the margin on the put or call whichever is greater, as required pursuant to subparagraph (D)(v) above, plus the current market value of the other option.

(G) (i) When a call that is dealt in on a registered national securities exchange

is carried "short" for a customers' account and the account is also "long" a call dealt in on an exchange, expiring on or after the expiration date of the "short" call and written on the same number of shares of the same equity security or the same principal amount of the same United States Government obligation, the minimum margin which must be maintained in respect of the "short" position shall be the lesser of (1) the margin required pursuant to subparagraph (D)(ii) of this paragraph (d)(2), in the case of equity securities, or subparagraph (D)(iv) above in the case of United States Government obligations or (2) the amount, if any, by which the exercise price of the "long" call exceeds the exercise price of the "short" call (if the underlying security is an equity security) or by which the aggregate exercise price of the "long" call exceeds the aggregate exercise price of the "short" call (if the underlying security is a United States Government obligation).

When a put that is dealt in on a registered national securities exchange is carried "short" for a customer's account and the account is also "long" a put dealt in on an exchange, expiring on or after the expiration date of the "short" put and written on the same number of shares of the same underlying equity security or the same principal amount of the same United States Government obligation, the minimum margin which must be maintained in respect of the "short" put shall be the lesser of (1) the margin required pursuant to subparagraph (D)(ii) of this Paragraph (d)(2), in the case of equity securities, or (D)(iv) above in the case of United States Government obligations, or (2) the amount, if any by which the exercise price of the "short" put exceeds the exercise price of the "long" put (if the underlying security is an equity security) or by which the aggregate exercise price of the "short" put exceeds the aggregate exercise price of the "long" put (if the underlying security is a United States Government obligation).

(ii) When a call that is listed or traded on a registered national securities exchange is carried "long" for a customer's account and the account is also "short" a call listed or traded on a registered national securities exchange, expiring on or before the date of expiration of the "long" listed call, and both calls are written on the same GNMA obligation in the principal amount of $100,000, the margin required on the "short" call shall be the lower of (1) the margin required pursuant to subparagraph (D)(v) above or (2) the amount, if any, by which the exercise price of the "long" call exceeds the exercise price of the "short" call multiplied by the appropriate multiplier factor set forth below.

When a put that is listed or traded on a registered national securities exchange is carried "long" for a customer's account and the account is also "short" a put listed or traded on a registered national securities exchange, expiring on or before the date of expiration of the "long" listed put, and both puts are written on the same GNMA obligation in the principal amount of $100,000, the margin required on the "short" put shall be the lower of (1) the margin required pursuant to subparagraph (D)(v) above or (2) the amount, if any, by which the exercise price of the "short" put exceeds the exercise price of the "long" put multiplied by the appropriate multiplier factor set forth below.

For purposes of this subparagraph (d)(2)(G)(ii), the multiplier factor to be applied shall depend on the then current highest qualifying rate as defined by the rules of the national securities exchange on which the option is listed or traded. If the then current highest qualifying rate is less than 8 percent, the multiplier factor shall be one; if the then current highest qualifying rate is greater than or equal to 8 percent but less than 10 percent, the multiplier factor shall be 1.2; if the then current highest qualifying rate is greater than or equal to 10 percent but less than 12 percent, the multiplier factor shall be 1.4; if the then current highest qualifying rate is greater than or equal to 12 percent, but less than 14 percent, the multiplier factor shall be 1.5; if the then current highest qualifying rate is greater than or equal to 14 percent, but less than 16 percent, the multiplier factor shall be 1.6; and if the then current highest qualifying rate is greater than or equal to 16 percent, but less than or equal to 18 percent, the multiplier factor shall be 1.7. The multiplier factor or factors for higher qualifying rates shall be established by the Exchange as required.

(H)(i) When a call is issued, guaranteed or carried "short" against an existing net "long" position in the security under option or in any security immediately exchangeable or convertible, other than warrants without restriction including the payment of money, into the security under option, no margin need be required on the call, provided (1) such net "long" position is adequately margined in accordance with this Rule and (2) the right to exchange or convert the net "long" position does not expire on or before the expiration date of the "short" call. When a put is issued, guaranteed or carried "short" against an existing net "short" position in the security under option, no margin need be required on the put, provided such net "short" position is adequately margined in accordance with this Rule.

(ii) When a call is issued, guaranteed or carried "short" against an existing net "long" position in a warrant convertible into an equivalent number of shares of the same underlying equity security, margin shall be required on the call equal to the lesser of (1) the margin required pursuant to subparagraph (D)(ii) of this Paragraph (D)(2), or (2) the amount, if any, by which the conversion price of the "long" warrant exceeds the exercise price of the "short" call, provided such net "long" position is adequately margined in accordance with this Rule and the right to convert the net "long" position does not expire on or before the date of expiration of the "short" call. Such warrant shall have no value for purposes of this Rule.

(iii) In determining net "long" and "short" positions, for purposes of subparagraphs (H)(i) and (ii) above, offsetting "long" and "short" positions in exchangeable or convertible securities (including warrants) or in the same security, as discussed in Paragraphs (c)(1) and (c)(4) of this Rule, shall be deducted. In computing margin on such existing net security position carried against a "short" put or "short" call, the current market price to be used shall not be greater than the exercise price in the case of a call or less than the current market price in the case of a put and the required margin shall be increased by an unrealized loss on the short security position.

(I) No margin need be required in respect of a put or call issued, guaranteed or carried "short" for a customer's account, when (i) in the case of a call the customer has delivered to the member organization carrying such account an "escrow receipt" meeting the requirements of Rule 610 of the Options Clearing Corporation or an option guarantee letter in form satisfactory to, and issued by a custodian approved by, the Exchange, which certifies that the custodian issuing such "escrow receipt" or option guarantee letter holds for the account of the customer the underlying equity security represented by such call and that such underlying equity security will be delivered to the member organization (or, where applicable, to the order of the Options Clearing Corporation) against payment of the aggregate exercise price of such call or (ii) in the case of a put the customer has delivered to the member organization carrying such account an option guarantee letter in form satisfactory to,

and issued by a custodian approved by, the Exchange, which certifies that the custodian issuing such letter holds on deposit for the account of the customer cash in the full amount of the aggregate exercise price of such put and that such amount will be paid to the member organization against delivery of the underlying equity security covered by such put.

(J) Notwithstanding the other provisions of this Paragraph (d)(2), the account of a person in which are effected only transactions in options in which such person is registered and acts as a specialist or market-maker on an exchange, and the account of a registered trader containing only Exchange option transactions effected by him in his capacity as a registered trader, may be cleared and carried on a margin basis which is satisfactory to the specialist, market-maker or registered trader and the member organization carrying the account.

(K) The Exchange may at any time impose higher margin requirements than those set forth above in respect to any option position(s) when it deems such higher margin requirements are appropriate.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for the Proposed Rule Change

The Exchange is proposing to amend the definition of a "covered" short position in a call option contract in recognition of the unique characteristic of Treasury bill options and their delivery requirements. The amendment provides that for the purposes of the definition of "covered" set forth in Rule 900(b)(23)(i), the term "underlying security" when used with reference to an option relating to a Treasury bill shall include any Treasury bill which, but for its maturity date, would be deliverable in accordance with the rules of the Exchange and The Options Clearing Corporation in connection with the exercise of the option. The proposed amendment alters the meaning of the term "covered" in that the specific Treasury bills held will not have to be of deliverable quality in connection with the exercise of the options they cover. However, this amendment does not change the delivery requirement, which still must be complied with upon assignment. The purpose of this amendment is to avoid requiring persons to continually "roll" their Treasury bill positions in order to keep a current deliverable Treasury bill to meet the current definition of "covered" in Rule 900(b)(23)(i).

A Treasury bill which meets all of the delivery requirements relating to the exercise of a particular option except time to maturity (e.g., the principal amount), will be very closely related in price to the underlying security which must actually be delivered upon exercise of the option. Thus, the proposed new definition of "covered" would assure virtually the same degree of risk limitation that has heretofore been associated with the concept of a "covered" option.

The Exchange is also proposing to modify provisions of Rule 462, relating to minimum margin requirements, originally proposed in AMEX–81–1. The new rules are easier to understand and follow, while still maintaining adequate credit protection.

In addition, the Exchange has added provisions regarding the margining of mortgage pass-through obligations guaranteed by the Government National Mortgage Association.

The proposed changes are consistent with the requirements of the Securities Exchange Act of 1934 (the "1934 Act") and rules and regulations thereunder applicable to the Exchange in that they provide simpler margin rules while maintaining adequate credit protection, and a more practical definiton of the term "covered" with regard to Treasury bills while maintaining virtually the same risk limitation generally associated with the concept of a "covered" option.

Therefore, the proposed rule changes are consistent with section 6(b)(5) of the 1934 Act, which provides, in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade and to protect investors and the public interest.

III. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule changes will not impose a burden on competition.

IV. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received.

V. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before December 30, 1981, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

VI. 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. 522, 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 December 16, 1981. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

November 17, 1981.

[FR Doc. 81-33955 Filed 11-24-81; 8:45 am]

BILLING CODE 8010-01-M

Cincinnati Stock Exchange: Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

November 19, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the following stocks:

Manville Corporation, Common Stock, $2.50 Par Value (File No. 7–6086).

KDI Corporation, Common Stock, $.35 Par Value (File No. 7–6087).

Koger Properties, Inc. (Florida), Common Stock, $.10 Par Value (File No. 7–6088).

U.S. F & G Corporation, Common Stock, $2.50 Par Value (File No. 7–6089).

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 11, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-33997 Filed 11-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22281; (70-6675)]

Consolidated Natural Gas Co.; Proposed Intrasystem Financing

November 18, 1981.

Consolidated Natural Gas Company ("Consolidated"), 100 Broadway, New York, N.Y. 10005, a registered holding company and its subsidiary companies, CNG Producing Company ("Producing Company"), Consolidated Gas Supply Corporation ("Supply Corporation"), Consolidated System LNG Company ("LNG Company"), The East Ohio Gas Company ("East Ohio"), The Peoples Natural Gas Company ("Peoples"), and West Ohio Gas Company ("West Ohio"), have filed an application-declaration with this Commission pursuant to sections 6, 7, 9, 10 and 12 of the Public Utility Holding Company Act of 1935 ("Act"), and Rules 42(b)(2), 45, and 50(a)(3) promulgated thereunder.

The filing states that certain companies in the Consolidated system temporarily accumulate cash over and above current requirements, for the most part because of large seasonal heating business. At the same time, Consolidated may require funds for working capital and for the financial requirements of other system companies. Therefore, Consolidated may be making short-term borrowings when subsidiaries with excess cash are making temporary money-market investments outside the system. Accordingly, applicants-declarants are of the opinion that it would be advantageous to alleviate this situation and to continue the temporary prepayment of subsidiary long-term notes to optimize the internal utilization of excess cash funds accumulated within the system.

It is proposed that the following subsidiaries make temporary prepayments on long-term notes held by Consolidated from excess cash funds, from time to time prior to December 31, 1982, not exceeding at any time the amounts set forth below:

East Ohio	$75,000,000
Peoples	15,000,000
Producing Company	10,000,000
Supply Corporation	50,000,000
LNG Company	10,000,000
West Ohio	3,500,000
Total	163,000,000

Consolidated estimates that the aggregate prepayment of $163,500,000 is the maximum that can be utilized for the temporary financing of system requirements during 1981.

The long-term notes temporarily prepaid by an individual subsidiary will be those bearing the highest rate outstanding at the time of each prepayment. Interest on such notes will cease upon prepayment and start again upon reinstatement of the notes. As funds are thereafter required by such subsidiary for corporate purposes, including construction, it is proposed that advances be made on open account to the subsidiary by Consolidated in an aggregate amount not to exceed the amount of long-term notes previously prepaid, less any current maturities applicable to notes which have matured subsequent to the prepayment dates. The open account advances will bear interest during 1982 at the same rate or rates as borne by the equivalent principal amounts of the notes previously prepaid by such subsidiary but in reverse order to that of the prepayments, i.e., from the lowest rate on the notes previously prepaid to the highest rate. Interest on the open account advances will commence on the date of the advance and will become due on June 30, 1982, and December 31, 1982, and/or on the date such advances are repaid by the reinstatement of the prepaid notes.

It is proposed that open account advances to a subsidiary be increased or decreased from time to time in accordance with variations in the cash flow of the subsidiary. At no time will the advances outstanding be in excess of the notes prepaid. At such time as the open account advances equal the aggregate amount of the prepaid notes, or in any event not later than December 31, 1982, the notes prepaid by a subsidiary will be reinstated in repayment of the related outstanding open account advances made to the subsidiary by Consolidated. If the aggregate of the notes prepaid exceeds such advances at the end of 1982, Consolidated proposes to make cash repayment of the difference in order to effect reinstatement of the proposed notes in full. No financing of any subsidiary which may presently or subsequently be authorized by this Commission in connection with the construction or gas storage programs of any such subsidiary will be consummated until such time as advances have been made in an amount equal to the amount of notes prepaid.

It is stated that the proposed transactions will be beneficial to the system because they will: (1) Permit subsidiary companies with excess cash to prepay temporarily long-term notes held by Consolidated, with a resulting reduction in their interest expense; (2) make available to Consolidated a temporary cash source for working capital and for the financing of other companies within the system; and (3) permit Consolidated, which obtains all external financing required by the system, to defer or prepay short-term financing such as inventory loans with banks and commercial paper borrowings for working capital.

The fees, commissions and expenses to be incurred in connection with the proposed transaction are estimated at $2,600 including $500 payable to Consolidated Natural Gas Service Company, Inc., a subsidiary, for services at cost which include legal fees. The Public Service Commission of West Virginia has jurisdiction over the proposed transaction. It is stated that no other state or federal regulatory authority, other than this Commission, has jurisdiction over the proposed transaction.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested person wishing to comment on or request a hearing should submit their views in writing by December 11, 1981, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicants-declarants at the addresses specified above. Proof of service (by affidavit or, in 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-declaration, as filed or as it may be amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-33998 Filed 11-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12048; (812-4980)]

Fiduciary Growth Associates, Inc. and Sprout Capital Corp.; Filing of Application for an Order Pursuant to Section 17(b) of the Act Exempting a Proposed Transaction From the Provisions of Section 17(a) of the Act

November 19, 1981.

Notice is hereby given that Fiduciary Growth Associates, Incorporated ("FGA"), 140 Broadway, New York, NY 10005, registered under the Investment Company Act of 1940 ("Act") as an open-end, non-diversified, management investment company, and Sprout Capital Corporation ("Sprout"), 140 Broadway, New York, NY 10005, licensed as a small business investment company under the Small Business Investment Act of 1958 ("Applicants"), filed an application on September 30, 1981, for an order pursuant to section 17(b) of the Act exempting from the provisions of section 17(a) of the Act the proposed sale by Sprout to FGA of 142,500 shares of Automatix Corporation ("Automatix") common stock currently held by Sprout. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The application states that as of April 15, 1981, 8,680,484 shares of Automatix common stock were issued and outstanding and were held by approximately 150 stockholders and that no ready market or market quotations at present exist for Automatix shares. Applicants represent that Sprout currently owns 150,000 shares of Automatix common stock, which amounts to approximately 1.73% of the total of such shares outstanding, and that Sprout does not control Automatix.

The application further states that FGA's investment adviser is Alliance Capital Management Corporation ("Alliance"), a wholly-owned subsidiary of Donaldson, Lufkin & Jenrette, Inc. ("DLJ"). DLJ is a large supplier of diversified financial services. Applicants represent that approximately 99% of the issued and outstanding voting securities of Sprout are owned by entities controlled by DLJ that serve as investment vehicles for certain of DLJ's customers and for certain other investors.

The application states that shortly following its organization in January, 1980, Automatix, which is a manufacturer of industrial robots, issued 1,150,000 shares of its common stock to certain institutional investors in a private placement at a price of $5.00 per share. Sprout purchased 50,000 of these shares for an aggregate price of $250,000. The application further states that on January 26, 1981, Automatix effected a 3-for-1 stock split (by means of a 200% stock dividend) thereby increasing the number of shares owned by Sprout to 150,000. During February, 1981, Automatix issued an additional 600,000 shares of its common stock in a private placement to certain of its existing stockholders (other than Sprout) and to certain new institutional investors at a purchase price of $7.50 per share.

Applicants represent that FGA and Sprout propose to enter into an agreement pursuant to which Sprout will agree to sell to FGA, and FGA will agree to purchase, 142,500 shares of Automatix common stock currently owned by Sprout at a price of $7.50 per share, amounting to an aggregate consideration of $1,068,750. Applicants further represent that Sprout is retaining 7,500 Automatix shares in order to maintain an interest in the robotics industry and because the management of Automatix has requested that Sprout retain a small stake in the company. The agreement will further provide, among other things, that the sale of the shares is conditioned upon an issuance of an order by the Commission granting the relief requested in this application. According to the application, no brokerage commission or other charges are payable in connection with the proposed transaction.

Section 17(a) of the Act provides, in relevant part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal knowingly to sell any security to such registered company.

Applicants state that Sprout may be deemed to be an affiliate of Alliance and, since Alliance is an affiliate of FGA, Sprout may be deemed to be an affiliate of an affiliate of FGA. In view of this, the proposed sale by Sprout to FGA of the shares of Automatix common stock currently held by Sprout could be deemed to constitute the sale of a security to a registered investment company by an affiliated person of an affiliated person of such registered investment company prohibited by section 17(a) of the Act. Accordingly, Applicants request an order pursuant to section 17(b) of the Act exempting the proposed transaction from the provisions of section 17(a) of the Act.

Section 17(b) of the Act provides, in part, that the Commission, upon application, may exempt a proposed transaction from the provisions of section 17(a) of the Act if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

In support of the relief requested, Applicants assert that the terms of the proposed sale by Sprout to FGA of 142,500 shares of common stock of Automatix, including the consideration to be paid, are fair and reasonable. According to the application the proposed purchase price has been negotiated at arms' length between the respective officers of FGA and Sprout primarily on the basis of the price at which the February, 1981, private placement to purchasers independent of FGA and Sprout took place, which was $7.50 per share. The application further states that officers of FGA and its investment adviser have conducted an investigation into the business history, current operations and prospects of Automatix and have concluded, in the exercise of their independent business and investment judgement, that the price is reasonable and that the proposed purchase at that price represents an attractive investment opportunity for FGA. Applicants represent that in making that determination they took into account all relevant factors. In the view of management of FGA and its investment adviser, there has been no material change in the business and operations of Automatix since the private sale in February, 1981, that would indicate that $7.50 is not a fair and reasonable price. The proposed purchase has been reviewed in detail with the board of directors of FGA, including all its disinterested directors, and the board has unanimously approved the proposed purchase.

The application states that Sprout is seeking to dispose of the shares because maintaining a substantial position in Automatix stock has become

inconsistent with Sprout's investment policies. Applicants also state that the proposed transaction is consistent with the investment policy of FGA. According to the application, FGA's investment objective, as set forth in its current prospectus, is to emphasize growth of capital and investments are to be made based upon their potential for capital appreciation. In pursuing this investment policy, FGA may also invest in the securities of a new company with a record of less than three years of continuous operations if immediately thereafter less than ten percent of FGA's total assets are invested in the securities of such new companies. FGA may invest in restricted securities and other assets having no ready market if such purchases at the time thereof would not cause more than ten percent of the value of FGA's total assets to be invested in such restricted or not readily marketable assets. Applicants represent that management of FGA has determined that the common stock of Automatix offers potential for capital appreciation and that, at present, FGA does not own any securities of new companies with a record of less than three years of continuous operations or any restricted or not readily marketable securities. Accordingly, the application states, if the proposed purchase is consummated, FGA's ownership of Automatix stock, as a percentage of its total assets, would be well within the ten percent limitations applicable to such investments.

Applicants finally submit that the proposed transaction is consistent with the general purposes of the Act. Section 1 of the Act states that its policy and purposes are "to mitigate and, so far as is feasible, to eliminate the conditions enumerated * * * which adversely affect the national public interest and the interest of investors." Applicants assert that the only condition enumerated in Section 1 of the Act that could be deemed to have relevance to the proposed transaction is Section 1(b)(2), which refers to the selection of portfolio securities in the best interest of directors, officers or other affiliated persons of a registered investment company, rather than in the best interests of the security holders of the registered investment company. Applicants represent that the officers of FGA and its investment adviser, as well as its board of directors, have, in the exercise of their independent business and investment judgment and after good faith, arms-length negotiations with Sprout, determined that the proposed transaction is in the best interests of FGA and its stockholders and the board of directors of FGA (including all the disinterested directors) has unanimously approved the proposed transaction.

Notice is further given that any interested person may, not later than December 14, 1981, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communicatin should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion, persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmon,

Secretary.

[FR Doc. 81-33999 Filed 11-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12046; (811-2934)]

Greene Cananea Copper Co.; Filing of Application for an Order Pursuant to Section 8(f) of the Act Declaring That Applicant Has Ceased To Be an Investment Company

November 18, 1981.

Notice is hereby given that Greene Cananea Copper Company ("Applicant"), 555 Seventeenth Street, Denver, Colo. 80217 a closed-end, non-diversified, management investment company registered under the Investment Company Act of 1940 ("Act"), filed an application on October 15, 1981, and an amendment thereto on October 28, 1981, pursuant to section 8(f) of the Act, for an order declaring that Applicant has ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant, a corporation organized under the laws of the state of Minnesota, registered under the Act on June 18, 1979. Applicant states that prior to 1971, it owned all the outstanding common stock of Compania Minera de Cananea ("CMC"), a Mexican mining corporation. Application further states that in 1971, CMC was "Mexicanized" pursuant to provisions of the newly enacted nationalization laws applicable to foreign ownership of Mexican natural resource companies and Applicant reduced its equity owership in CMC below 50%. According to the application, Applicant currently owns 47.965% of CMC's common stock, and various Mexican persons including agencies of the Mexican government own the remaining majority interest in CMC. Applicant's sole assets as of December 31, 1980, except for approximately $94,000 in cash, receivables and short-term investments, consists of its common stock holdings in CMC.

Applicant states that prior to July 30, 1981, it had 500,122 shares of captial stock issued and outstanding. According to the application, approximately 99.5% or 497,541 of Applicant's outstanding shares were held by The Anaconda Company ("Anaconda"), a wholly-owned subsidiary of Atlantic Richfield Company, and the remaining .5%, consisting of 2,581 shares was held by 152 persons. Applicant states that its board of directors submitted to shareholders at their annual meeting held on July 30, 1981, a proposal to recapitalize Applicant by a reverse stock split whereby one new share of capital stock would be issued for each three thousands shares of old outstanding stock with cash being paid in lieu of fractional shares. Applicant represents that its board of directors, including a majority of the directors who are not interested persons of Applicant, Anaconda or Atlantic Richfield, had previously voted unanimously to approve the reverse stock split.

The board of directors determined that Applicant would pay for fractional interests at the rate of $144 for each old share of stock held. According to the application, Applicant's board of directors had determined in good faith based on all available financial and market information that as of March 31, 1981, and subsequent thereto, Applicant's investment in CMC should be valued at zero and Applicant's outstanding shares were therefore worthless. Applicant states no cash

dividends have been paid by CMC since 1975. Applciant further states that, nevertheless, its board of directors determined that its shareholders, other than Anaconda, who would be entitled to fractional shares should receive an amount in excess of Applicant's net asset value. Applicant further states that its board of directors considered, in their deliberation concerning the valuation of its assets, two reports of independent appraisers which valued the minority shareholder interest at no more than $25.46 per share. Applicant represents that at its annual meeting of shareholders held on July 30, 1981, no votes were cast against the reverse stock split. As a result of the reverse stock split, Anaconda is now the sole owner of all of Applicant's outstanding shares.

Applicant states that it had deposited $371,664 representing the amount required to pay the minority shareholders and that as of October 9, 1981, it had paid the claims of 68 former shareholders which totaled $241,200. Applicant represents that pending its merger or dissolution, Applicant or its successor in interest will continue to maintain in an escrow account sufficient funds to satisfy the claims of any former minority shareholder until such claims have been satisfied or until such funds are required to escheat to any states which may be lawfully entitled to such funds.

Applicant represents that it does not conduct any business nor does it intend to conduct any business except that which is required to transfer its holdings of CMC. According to the application, Applicant will cause its stock holdings in CMC to be transferred to an instrumentaity or trust created by the Mexican government. Applicant states that Anaconda will be released from its $72 million guarantee of a loan made to CMC or be indemnified for any amounts which Anaconda may be required to pay as a result of this loan guarantee.

Applicant states that it has no debts or liabilties excpet $7,605,100 of noninterest bearing debt owned to Anaconda and Atlantic Richfield Company and is not a party to any litigation or administrative proceeding. Applicant further states that it has one securityholder, Anaconda, and is not making nor does it intend to make a public offering of its securities.

Section 8(f) of the Act provides, in part, that when the Commission upon application finds that a registered invesment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 14, 1981, at 5:30 p.m. submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed to: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-34000 Filed 11-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 12050; (812–4920)]

Lincoln National Pension Insurance Co. and Lincoln National Pension Variable Annuity Account C

November 19, 1981.

Notice is hereby given that Lincoln National Pension Insurance Company ("LNP") and Lincoln National Pension Variable Annuity Account C (the "Separate Account"), 1300 South Clinton Street, Fort Wayne, Ind. 46801, referred to collectively herein as "Applicants," filed an application on July 20, 1981, and amendments thereto on August 18, 1981, October 20, 1981, and November 16, 1981 for an order of the Commission, pursuant to Section 6(c) of the Investment Company Act of 1940, as amended (the "Act"), exempting certain transactions from the provisions of sections 2(a)(32), 2(a)(35), 22(c), 22(e), 26(a), 27(c)(1), 27(c)(2) and 27(d) of the Act, and Rule 22c–1 promulgated thereunder, and for Commission approval of certain exchange offers pursuant to sections 11(a) and 11(c) of the Act to the extent necessary to permit Applicants to offer the variable annuity contracts described in the application. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

LNP, a wholly-owned subsidiary of Lincoln National Life Insurance Company ("LNL"), is the depositor and sponsor of the Separate Account. LNP established the Separate Account as a segregated investment account on June 3, 1981, pursuant to Indiana law, as a facility through which to set aside and invest assets attributable to variable annuity contracts issued by LNP. The Separate Account proposes to offer individual variable annuity contracts (the "Contracts"). The Contracts provide for: (1) A single-premium annuity with payments beginning immediately ("single-premium immediate Contract"); (2) a single-premium annuity with payments beginning at a future date ("single-premium deferred Contract"); or (3) a periodic payment annuity with annuity payments beginning at a future date ("periodic payment Contract"). These Contracts are designed and will be offered for use in connection with certain tax-qualified plans.

Purchase payments less applicable charges ("Net Purchase Payments") will be allocated, according to the instructions of the Contractowner, to one or more subaccounts of the Separate Account, each of which invests solely in shares of a specified open-end diversified management investment company registered under the Act (collectively referred to as the "Eligible Funds" or "Funds"). Shares of the Eligible Funds will be sold to the Separate Account at net asset value, and will be issued under an open account arrangement without the use of stock certificates.

Prior to the annuity commencement date, a Contractowner may transfer all or a portion of his investment in one subaccount to another subaccount, subject to limitations on the frequency and amount of transfers. The amount transferred will be used to purchase accumulation units in the subaccount to which the transfer is made at the then current net asset value of those accumulation units, as explained in the prospects of the Separate Account. Currently, there is no charge to the Contractowner for a transfer, however, LNP reserves the right to impose a charge for transfers between subaccounts.

The charges associated with purchase, ownership and surrender of a Contract vary according to the type of Contract selected. For single-premium immediate Contracts, LNP will deduct from the purchase payment an account charge of $100 plus a sales charge of 2.5 percent of the purchase payment. For single-premium deferred Contracts, there is an account charge of $50 deducted from the purchase payment. There are no deductions made from purchase payments with respect to periodic payment Contracts; however, for periodic payment Contracts, LNP will deduct an account charge of $25 from the contract value on the last valuation date of each contract year. The account charges are designed to compensate LNP for the administrative services provided to Contractowners. In addition, LNP will deduct from the daily net asset value of the Separate Account an amount, computed daily, which is equal to an annual rate of 1.002 percent. The level of this charge, which is designed to compensate LNP for its assumption of certain mortality and expense risks, is guaranteed and will not change. The 1.002 charge is allocable .9% to LNP's assumption of mortality risks and .102% to LNP's assumption of expense risks. The amount deducted will be allocated to LNP's general account, from which LNP meets the administration, mortality and general expenses related to the Contracts as well as to other Contracts which LNP issues. Finally, any premium taxes levied by a state or other governmental entity will be charged against contract value when incurred.

Before the annuity commencement date, LNP will, upon the written request of the Contractowner, allow the surrender of a Contract in its entirety or the withdrawal of a portion of the contract value, subject to the following charges. For a periodic payment Contract, there will be a charge of 8 percent of proceeds withdrawn in years 1–5; a charge of 4 percent for withdrawals in years 6–10; and no charge made for withdrawals after the Contract has been in force for 10 years. For a single-payment deferred Contract, there will be a charge of 2 percent of the proceeds withdrawn in years 1–5; and no charge for withdrawals after the Contract has been in force for 5 years. Applicants agree that the aggregate contingent deferred sales charge shall not exceed 9% of the total purchase payments under the Contract. Because these charges associated with surrender or withdrawal paid to LNP are intended to compensate it for the cost of distributing the Contracts, the charges constitute contingent deferred sales charges.

In addition, for periodic payment Contracts only, a $25 account charge will be deducted from the contract value as of the valuation date on or immediately following receipt of a written request by the Contractowner for total surrender, irrespective of when during the contract year the surrender occurs. This $25 account charge is an administrative charge to compensate LNP for the cost of processing a surrender and is also charged in lieu of the annual account charge which otherwise would be collected at the end of the year. It is not pro rated because the cost of maintaining an account for part of a year plus the cost of processing a surrender are not appreciably less (and in some cases may exceed) the cost of maintaining an account for a full year.

The amount paid to the Contractowner upon a surrender during the period when the contingent deferred sales charge is applicable will be equal to the accumulated value of the Contract less the amount of the applicable charge. The Contract will then be cancelled. Upon a withdrawal during the period when the contingent deferred sales charge is applicable, the amount of contract value redeemed will be the amount to be paid to the Contractowner plus the applicable charge.

LNL also offers variable annuity contracts through its separate account, Lincoln National Variable Annuity Fund A ("Fund A"), an open-end, diversified management investment company registered with the Commission under the Act. The variable annuity contracts offered by Fund A are designed for the same markets as the Contracts offered by the Separate Account. Persons who purchased on or after July 1, 1981, or who hereinafter purchase, a Lincoln National Variable Annuity Fund A Group or Individual Variable Annuity Contract ("Fund A Contract") or a Lincoln National Life Insurance Company Individual Fixed Annuity Contract ("Fixed Contract") may exchange their interests therein for a new Contract. If a person who purchased on or after July 1, 1981 or who hereinafter purchases a Fund A Contract transfers his investment to purchase a new Contract, LNL will, in effect, reimburse the front-end sales and administrative charges previously deducted in connection with the Fund A Contract, so that the initial value of the new Contract will equal the current account value of the Fund A Contract, plus the value of any sales and administrative charges previously deducted. The transferred amount will become subject to the sales charge imposed under the new Contracts. However, for purposes of computing the total purchase payments as to which the 9% limitation on sales load mentioned above will apply, such purchase payments shall not include any appreciation in the value of the Fund A Contract prior to the date of exchange. The date of issue of the new Contract will be the date of the exchange. This exchange offer will expire in any given jurisdiction one month after the new Contract becomes available for purchase in that jurisdiction.

Custodian Requirement

Sections 26(a) and 27(c)(2) provide, in pertinent part, that periodic payment plan certificates of a unit investment trust may not be sold unless the proceeds of all payments, other than sales loads, are deposited with a qualified bank as trustee or custodian and are held under an indenture or agreement containing provisions specified in section 26(a) of the Act.

Applicants request an exemption from sections 26(a) and 27(c)(2) of the Act to the extent necessary to permit LNP to hold the assets of the Separate Account for safekeeping rather than to enter into a custodial or safekeeping agreement with a bank, and to permit shares of the Funds to be held under an open account arrangement without the use of stock certificates. As more fully set forth below, Applicants believe that there is little or no necessity for requiring a bank trustee or custodian in the context of an established insurance company offering variable annuity contracts through a separate account registered as a unit investment trust.

LNP is subject to extensive supervision and regulation by the Indiana Insurance Commissioner. LNP is also subject to the insurance laws and regulations of other states and jurisdictions in which it is licensed to operate. The supervision and inspection to which LNP is subject are applicable to the Separate Account so as to provide assurances to variable annuity Contractowners against malfeasance and to afford the essential protection of trusteeship. Moreover, the Contracts themselves impose continuing obligations on LNP to administer the Separate Account and the Contracts. Finally, the purchase, redemption and ownership of Fund shares will, pursuant to the proposed open account arrangement, be shown only on the books and records of the Separate Account and each Fund, and will not be represented by the delivery of stock certificates. Accordingly, Applicants

believe that there is no need for a custodian to have physical possession of the Fund shares. The proposed arrangement will in no way affect the safekeeping of the assets of the Funds, which will be held by a qualified custodian.

Under these circumstances, Applicants believe the dangers of abandonment or default with respect to the obligations of security holders, against which sections 26(a) and 27(c)(2) are directed, appear remote. Applicants contend that to require either the use of a bank custodian or the possession of stock certificates for the Fund shares would therefore be an unnecessary burden. Accordingly, Applicants submit that the exemptions requested pursuant to section 6(c) with respect to the proposed custodial arrangement are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Sales Load and Other Charges

Applicants seek certain exemptions in connection with their assessment of charges under the Contracts and in particular their use of a contingent deferred sales charge arrangement for their periodic payment and single-premium deferred Contracts. Applicants believe that use of a contingent deferred sales charge is more advantageous to Contractowners than use of a front-end sales charge, where the sales charge is deducted prior to investment of the purchase payment. Applicants state that the effect of a front-end charge is to reduce the amount initially allocated to the Separate Account and thus to reduce the Contractowner's potential for investment gain. The contingent deferred sales charge arrangement permits a Contractowner's entire purchase payment to be allocated to the Separate Account for investment in Fund shares. Moreover, Contractowners may never be subject to the contingent deferred sales charge if they make no withdrawals from their Contracts during the periods for which the charges are applicable or if they hold their Contracts until the annuity commencement date.

Section 2(a)(35)

Section 2(a)(35) of the Act as here pertinent defines "sales load" as the difference between the price of a security to the public and that portion of the proceeds from its sale which is received and invested by the issuer (or, in the case of a unit investment trust, by the depositor or trustee), less any portion of such difference deducted for trustee's or custodian's fees, insurance premiums, issue taxes, or administrative expenses or fees which are not properly chargeable to sales or promotional activities. Applicants submit that the sales load definition contemplates that purchase payments under variable annuity contracts will be assessed with a sales load on a "front-end" basis.

LNP will incur expenses related to the sales of the Contracts, including commissions paid to sales personnel and the costs of promotion and sales administration. The contingent deferred sales charge arrangement proposed herein contemplates a deduction upon the surrender of the Contract or withdrawal of a portion of the contract value as compensation for such sales expenses. Applicants contend that the deferring of the charge, and conditioning it upon the occurrence of an event which may not occur, does not change the basic nature of the charge which is in every other respect a "sales charge." Nonetheless, because the nature of the charge raises a question as to whether it meets the technical definition of section 2(a)(35), Applicants request an exemption from section 2(a)(35) to the extent necessary or appropriate to permit the offer of the Contracts with the described contingent deferred sales charge arrangement.

Section 22(c) and Rule 22c-1

Section 22(c) of the Act and Rule 22c-1 thereunder provide, in pertinent part, that no registered investment company selling and redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security. It is Applicants' view that the contingent deferred sales charge provisions of the Contracts do not violate section 22(c) or Rule 22c-1 promulgated thereunder.

Upon a request for surrender of a Contract or for a withdrawal from contract value, the Contractowner will be paid all of the requested portion of the contract value. Applicants state that this contract value is the equivalent of the net asset value required by Rule 22c-1. Depending upon the timing of the surrender or withdrawal, the contingent deferred sales charge deduction may be applicable. If it is, the amount of the charge will be deducted from the proceeds to be paid to the policyholder. Notwithstanding the possibility that such a deduction will be made, Applicants believe that the redemption value of the Contracts will be determined in a manner consistent with the requirements of Rule 22c-1. However, in order to avoid any doubt about the possibility of an adverse interpretation of section 22(c) or Rule 22c-1, Applicants request an exemption from those provisions.

Section 2(a)(32) and 27(c)(1)

Section 27(c)(1) of the Act, in pertinent part, makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor or underwriter of such company, to sell any such certificate unless such certificate is a "redeemable security." Section 2(a)(32) of the Act, in pertinent part, defines a "redeemable security" as any security under the terms of which the holder is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof, upon presentation of the security to the issuer or to a person designated by the issuer.

Applicants submit that the assessment of a contingent deferred sales charge upon certain redemptions, an arrangement which is fully disclosed in the prospectus, should not be construed as a restriction on redemption. The Contracts are still redeemable securities, whether the sales charge is imposed against the purchase payment at the time of purchase, or whether such charge is deferred and made contingent upon an occurrence at a later instant during the contract period. According to the Applicants, defering the imposition of the sales charge in no way restricts the Contractowner from receiving his proportionate share or contract value upon surrender or withdrawal.

Applicants believe that the provisions of sections 2(a)(32) and 27(c)(1) should not be interpreted to preclude the proposed contingent deferred sales charge arrangement under the Contracts. In order to resolve any issues of doubt concerning the applicability of these sections, exemptive relief is sought therefrom.

Section 27(d)

Section 27(d) of the Act, in pertinent part, requires that the holder of a periodic payment certificate be able to surrender the certificate under certain circumstances with the recovery of certain initial sales charges. Applicants submit that section 27(d) contemplates the assessment of an initial sales load. However, as set forth above, Applicants submit that the use of a contingent deferred sales charge merely defers the timing of the imposition of the sales charge and makes the charge contingent upon an event which might never occur. Moreover, Applicants represent that the amount of the sales charge will not exceed the limits established by section 27(d). Nonetheless, Applicants seek an exemption from the provisions of section

27(d) to the extent necessary to implement the proposed transactions.

Section 26(a)(2)(C) and 27(c)(2)

Section 26 (a)(2)(C) provides, in pertinent part, that no payment to the depositor of, or principal underwriter for, a registered unit investment trust shall be allowed the trustee or custodian as an expense except a fee, not exceeding such reasonable amount as the Commission may prescribe, as compensation for performing bookkeeping and other administrative duties normally performed by the trustee or custodian. Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than sales loads, on such certificates are deposited with a trustee or custodian having the qualifications prescribed in section 26(a)(1), and are held by such trustee or custodian under an agreement containing substantially the provisions required by sections 26(a)(2) and 26(a)(3) of the Act.

Applicants submit that the proposed contingent deferred sales charge is consistent with the limitations expressed in sections 26(a)(2)(C) and 27(c)(2). First, Applicants contend, the contingent deferred sales charge is not the kind of expense Section 26(a)(2) was intended to regulate. The Act clearly distinguishes sales loads from other kinds of fees and expenses. The contingent deferred sales charge is intended specifically to reimburse Applicants for sales-related expenses, including commissions paid to sales personnel and costs of promotion and sales administration. Deferring the imposition of the sales charge and marking it contingent upon an event that might never occur do not change the basic nature of this charge as a sales charge to which section 26(a)(2)(C) was not intended to apply. Moreover, section 27(c)(2) expressly provides for the deduction of sales loads from purchase payments before the proceeds are deposited with a custodian under the requirements of section 26. For the reasons discussed above, Applicants submit that the contingent deferred sales charges are sales loads within the meaning of section 27(c)(2). Accordingly, Applicants submit, their proposed imposition of a contingent deferred sales charge is not in violation of either section 26(a)(2)(C) or section 27(c)(2).

Nonetheless, in order to avoid any possibility that questions might be raised as to the potential applicability of sections 26(a)(2)(C) and 27(c)(2), Applicants respectfully request an exemption from the operation of the provisions of sections 26(a)(2)(C) and 27(c)(2) to the extent necessary to implement the proposed transactions involving the payment of contingent deferred sales charges.

Applicants also request exemption from sections 26(a)(2)(C) and 27(c)(2) of the Act to the extent necessary to permit the assessment of the account charge and the deductions for premium taxes in the manner described herein.

Applicants consent that the order granting the requested exemptions from sections 26(a) and 27(c)(2) may be subject to the conditions that: (1) Any charges under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, and the Commission shall reserve jurisdiction for such purpose; and (2) the payment of sums and charges out of the assets of the Separate Account shall not be deemed to be exempted from regulation by the Commission by reason of the order, provided that Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets, other than charges for administrative services, and LNP and the Separate Account reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Texas Optional Retirement Program

LNP and the Separate Account also request an order under Section 6(c) of the Act exempting them from the provisions of Sections 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit compliance by Applicants with certain provisions of the Education Code of the State of Texas.

The Attorney General of Texas has interpreted § 51.358 of the Texas Education Code to prohibit the use of provisions in a variable annuity contract issued in connection with the state Optional Retirement Program ("ORP") on or after June 14, 1973, that make available the redemption value of the contract prior to the occurrence of one of the conditions specified in the statute, i.e., termination of employment, retirement, death or total disability. The opinion did not affect the right of a participant to transfer the redemption value of his annuity contract from one carrier to another, accordingly, the granting of the relief requested herein would not affect such right.

Applicants will include a provision in their variable annuity Contracts sold in the Texas ORP market requring a faculty member participating in the ORP to obtain a certificate of termination from his employer before he can redeem his account. This provision complies with Texas law by allowing the employer to grant redemption only in cases where the participant has met the statutory requirements. The Texas institutions of higher education participating in the ORP furnish prospective employee participants with written notice that redemption is not permitted except upon obtainment of a certificat3 of termination.

Sections 27(c)(1), 2(a)(32), 22(e) and 27(d)

Section 27(c)(1) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless such certificate is a "redeemable security." Section 2(a)(32) of the Act defines "redeemable security" to mean any security the terms of which entitle the holder to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof, upon presentation of the security to the issuer or to a person designated by the issuer.

Section 22(e) of the Act provides that no registered investment company shall suspend the right of redemption or postpone the date of payment or satisfaction upon redemption or any redeemable security in accordance with its terms for more than seven days after the tender of such security to the company or its agent designated for that purpose for redemption, except in certain prescribed circumstances.

Section 27(d) of the Act makes it unlawful for any registered investment company issuing periodic payment plan certificates, or for any depositor of or underwriter for such company, to sell any such certificate unless the certificate provides that the holder thereof may surrender the certificate at any time within the first eighteen months after the issuance of the certificate and receive in payment thereof, in cash, the sum of (1) the value of his account, and (2) an amount, from such underwriter or depositor, equal to that part of the excess paid for sales loading which is over 15 percent of the gross payments made by the certificate holder. Applicants assert that the legislative history of the 1970 amendments to the Act relating to "periodic payment plan certificates" indicates that these provisions were intended to address problems arising

from the "front-end load" feature of certain contractual plans for purchase of mutual fund shares.

Applicants request an order, pursuant to section 6(c) of the Act, exempting them from the provisions of sections 22(e), 27(c)(1) and 27(d) of the Act to the extent necessary to permit compliance with § 51.358 of the Texas Education Code so that redemption values under individual Contracts issued to participants in the ORP may be made available, in accordance with the opinion of the Texas Attorney General cited above, only upon termination of employment, retirement, death or total disability of the participating faculty member.

If the exemptions requested above are not granted, Applicants state that faculty members participating in the Texas ORP will effectively be denied an opportunity to select as a funding medium for their retirement benefits one of the two funding media specifically provided in the Texas statute for such purpose.

Moreover, Applicants assert that the Commission should grant the requested exemptions because: (1) The limited restriction on redemption is voluntarily assumed by participants, i.e., faculty members are not required to participate in the ORP; (2) the restrictions were not formulated nor suggested by Applicants but were required by the State of Texas; (3) participants' relinquishment of the full right of redemption is a reasonable requirement in exchange for the benefits bestowed by the contributions of the State of Texas; and (4) the strict application of those provisions of the Act dealing with periodic payment plan certificates to the contracts issued by Applicants will not serve the purposes intended by the Act.

If the requested order is granted, Applicants will make appropriate reference to the restriction on redeemability in each prospectus used in the Texas ORP market and will require each participant to sign a statement acknowledging such restriction. LNP will ensure that the substance of the above disclosures is included in any sales literature used in the ORP market and will instruct the salespeople involved in soliciting in this market specifically to bring this restriction to the attention of potential participants.

Offers of Exchange

Transfers between Subaccounts

Applicants propose that Contractowners be permitted to transfer all or part of their investment in one subaccount of the Separate Account to another subaccount prior to the annuity commencement date, subject to certain limitations on the frequency and amount of transfers. Applicants request approval pursuant to sections 11(a) and 11(c) of the Act to permit this transfer privilege under the Contracts, where permitted under applicable law and by the retirement plan under which a given Contract is issued.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such company to make or cause to be made an offer to the holder of a security of such company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset value of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer to exchange the securities of registered unit investment trusts for the securities of any other investment company.

Applicants do not concede that section 11 of the Act is applicable to the type of transfers requested, since, according to the Applicants, neither a variable annuity contract nor any "other investment company" security is actually exchanged under the plan. Further, Applicants do not believe that they will be making an offer of exchange within the contemplation of Section 11 since any transfer between subaccounts which is effected will be made at the unilateral request of the Contractowner. Nevertheless, because this view is not free from doubt, Applicants believe that it is appropriate to seek Commission approval of the proposal.

If the requested approval is granted, Contractowners will be able, prior to the annuity commencement date, to reallocate their investment in the Separate Account to subaccounts having different investment objectives from those of the subaccounts to which they had previously allocated their investment. This transfer right will be of benefit to those Contractowners whose changing personal economic needs make it desirable for them to change their investment philosophy. It will also enable Contractowners to respond, if they so desire, to changes in general economic conditions which could have a meaningful effect on their retirement financial needs.

Finally, LNP currently imposes no administrative charge for the exercise of this privilege and would impose such a charge in the future only to recover its costs. The absence of any charge for the exercise of the privilege and any renumeration to sales personnel for soliciting such a transfer removes any incentive for LNP to solicit transfers. Applicants understand that the continuing effectiveness of any order approving exchanges between subaccounts issued by the Commission in response to the application will be conditional on Applicants' obtaining Commission approval prior to imposition of any charge for transfers between subaccounts.

Offers of Exchange to Fund A Contractowners

As set forth in the Statement of Facts, Applicants propose, in connection with their offering of the new contracts, to make available an exchange privilege to persons who purchased on or after July 1, 1981, or who hereinafter purchase, a Fund A Contract. Applicants request approval pursuant to sections 11(a) and 11(c) of the Act to permit this exchange privilege under the Contracts, where permitted by applicable law.

Applicants assert that this exchange privilege does not constitute an effort on the part of Applicants to impose additional sales charges. If a participant under a Fund A Contract exercises the exchange privilege, the amount transferred to the new Contract will be the account value of the Fund A Contract plus the front-end sales and administrative charges previously deducted in connection with the Fund A Contract. Thus, the transfer will result in the value of the transferor's investment being increased by the amount of the reimbursed sales and administrative charges. The transferred amount, and appreciation thereon, will become subject to the sales charge imposed under the new Contracts; however, Applicants submit that any contingent deferred sales charge would be imposed only on purchase payments made under the Fund A Contracts and not on any appreciation in the value of the Fund A Contract occurring prior to the date of exchange.

Moreover, Applicants assert that the new Contracts offer participants greater investment flexibility than is available under the Fund A Contracts. The new Contracts enable a Contractowner to allocate his investment among several subaccounts of the variable account with different investment objectives, and to transfer his investment between subaccounts. Contractowners may thus alter their investment philosophy depending upon changing personal

economic needs or general economic conditions.

Applicants represent that full disclosure will be made to participants as to the terms of, and costs associated with, the new Contracts. If, after consideration of these factors, a participant believes that his outstanding Contract is a more desirable retirement plan funding vehicle than the new Contract, that participant is completely free to pass up the exchange offer.

Request for Exemptions Pursuant to Section 6(c) and Commission Approval Pursuant to Section 11

For the aforesaid reasons, Applicants request that the Commission grant the exemptions requested pursuant to Section 6(c), which exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act, and the approval requested pursuant to section 11 of the Act.

Notice is further given that any interested person may, not later than December 14, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

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[Release No. 12049; (812-4924)]

In the Matter of Merrill Lynch, Pierce, Fenner & Smith Inc.; Dean Witter Reynolds Inc.; Bache Halsey Stuart Shields Inc.; Shearson Loeb Rhoades Inc.; Filing of Application Pursuant to Section 6(c) of the Act for an Order of Exemption From Rule 22c–1 Under the Act

November 19, 1981.

Notice is hereby given that Merrill Lynch, Pierce, Fenner & Smith Incorporated ("Merrill Lynch"), Dean Witter Reynolds Inc., Bache Halsey Stuart Shields Incorporated and Shearson Loeb Rhoades Inc. (hereinafter referred to with Merrill Lynch as the "Applicants"), c/o Merrill Lynch, Pierce, Fenner & Smith Incorporated, One Liberty Plaza, 165 Broadway, New York, New York 10080, Delaware corporations which serve as sponsors of series of The Corporate Income Fund ("Fund"), a unit investment trust registered under the Investment Company Act of 1940 ("Act"), filed an application on July 23, 1981, requesting an order of the Commission, pursuant to section 6(c) of the Act, exempting the Applicants from the provisions of Rule 22c–1 under the Act to the extent necessary to permit the Applicants to offer units of fractional undivided interest ("Units") of each future Short-Term Series ("Series") of the Fund at a public offering price other than the price next computed after receipt of a purchase order. The exemptive relief requested by the Applicants would be limited to a period of the first five business days of the initial offering period for each future Series of the Fund, or until the end of the business day in which 80% of the Units of such Series initially offered are sold, whichever occurs first. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

According to the application, each Series of the Fund is created under New York law by a separate Trust Agreement among the Applicants as the Fund's sponsors, a trustee and an evaluator. The Applicants further represent that as of June 4, 1981, 122 separate short-term Series of the Fund had been offered. The Applicants further represent that the underlying securities of each Series consist principally of certificates of deposit, but may include notes or other debt obligations, with maturities of approximately either three months or six months depending on the Series, of foreign branches of domestic banks, foreign banks and domestic branches of foreign banks, in each case having assets in excess of $3,000,000,000 (or $5,000,000,000 for certain Series) ("Securities").

The Applicants represent that, upon determining to offer a Fund series, the Applicants file with the Commission under the Securities Act of 1933 ("1933 Act") the documents necessary to register for sale Units of the particular Series. On the basis of indications of interest received, the Bond Fund Department of Merrill Lynch contracts to purchase the underlying Securities for such Series for an accumulation account. On the morning of the business day following completion of the Fund's portfolio (the "Date of Deposit"), the Trust Agreement is signed, and the Applicants deposit (with the trustee) the contracts to purchase the Securities accompanied by an irrevocable letter of credit in an amount sufficient to complete the purpose in exchange for certificates for Units representing the entire ownership of that Series at the rate of one Unit for each $1,000 principal amount of Securities deposited. Upon the effectiveness of the 1933 Act registration for such Units on the Date of Deposit, the initial offering period commences, during which the Units of that Series are offered for sale to the public by the Applicants and other underwriters.

The Applicants represent that the initial offering period continues from day to day as may be necessary until all the Units initially offered have been sold (but not exceeding 30 days unless extended by the Applicants for up to four additional successive 30-day periods). The initial offering period of a Fund Series is normally completed on the Date of Deposit, but may require several days. The Applicants state that the sale of Units of a Series initially offered will be determined on a first-in first-out basis and will be deemed completed when total sales of such Units equal the number of such Units initially received from the trustee. The Applicants further assert that as the indications of interest received prior to the effectiveness of the registration statement for a Series are only approximations and cannot be firm offers to purchase, the actual purchases upon the effectiveness of an offering may be considerably different due to, for example, mistake, changed market conditions, or inaccurate estimates.

Rule 22c–1 adopted under the Act provides, in pertinent part, that no registered investment company issuing any redeemable security, and no dealer in any such security, shall sell, redeem, or repurchase any such security except

at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

The Applicants propose to offer Units of each future Series of the Fund to the public at a public offering price determined as of 3:30 p.m. on the business day preceding receipt of the purchase order ("backward pricing") for a period of the first five business days of the initial offering period for each such Series, or until the end of the business day in which 80 percent of the Units are sold, whichever occurs sooner. Since the public offering price so determined will be effective for all sales of the Units until such time on the next business day, the "forward pricing" requirement of Rule 22c–1 under the Act would not be met.

The Applicants assert that pursuant to the forward pricing requirements of Rule 22c–1, they are currently subject to whatever gains or losses may result due to changing market conditions: (1) Between the time of arranging the purchase of the Securities (the purchases are generally completed by about 12:00 noon New York time on the business day preceding the Date of Deposit) and the time the first public offering price is established (3:30 p.m. on the Date of Deposit), as well as (2) subsequently on any Units remaining unsold. While normally such market changes in the Securities are relatively minor, such shifts can have a significant total impact upon the Applicants, since they are at risk with respect to all of the Units of each Series until sold. According to the application, when it is considered that the initial sales charge ($7.50 on a $1,000 Unit of a 6 month Series), substantially reduced by concessions to dealers ($3.00 a Unit on 6 month series), which constitutes the Applicant's principal cushion against adverse market fluctuations, is significantly smaller than the rate for other types of unit investment trusts, the Applicants are subjected to substantial financial risks. The Applicants further state that even if the requested exemption is granted, these risks, although they would be reduced significantly, would not be totally eliminated.

The Applicants state that Rule 22c–1 has two purposes: (1) To eliminate or reduce any dilution of the value of outstanding redeemable securities of registered investment companies which might occur through the practice of selling securities at a price based upon a previously established value which permits a potential investor to take advantage of an upswing in the market and an accompanying increase in the value of investment company shares by purchasing such shares at a price which does not reflect such increase, and (2) to minimize speculative trading practices which so compromise registered investment companies as to be unfair to the holders of their outstanding securities.

Applicants submit that the proposed backward pricing of Units will not undermine or contravene the purposes of Rule 22c–1. In this regard, the Applicants state that dilution of the Fund is not relevant since the Applicants, having deposited all of the Securities, own all of the Units, and the price at which the Applicants sell those Units can affect only the Applicants, and not the value of the Securities nor the fractional undivided interest in the Securities represented by each Unit outstanding.

The Applicants further assert that the price volatility of the short-term certificates of deposit and other instruments which constitute the Series is ordinarily not sufficient to make speculative trading practices profitable. The Applicants point out that a sales charge of .75% (or $7.50 on a $1,000 Unit of a 6 month Series) is deducted before the net amount is invested. The Applicants represent that the average daily price change during the initial offering periods of 42 Fund Series offered during a recent eight month period was .092% (the largest price change was 0.51%), less than ⅛ of that necessary to allow a speculator to break even. Thus, the Applicants conclude that it would never have been profitable for a speculator to purchase Units at a backwardly determined price for immediate resale, even assuming a market for the Units at a current price could have been found. Moreover, the Applicants state that a speculator, in order to take advantage of a change in the aggregate value of the Securities comprising a Series' portfolio would, in addition to confronting a market in which fluctuations are limited, have to accurately assess the value of such securities, none of which is listed on a securities exchange. On the basis of the foregoing, the Applicants argue that the possibility of profitable speculation by an investor is so remote as to be considered a practical impossibility.

The Applicants further represent that price stability of the underlying Securities is also sufficient to effectively foreclose speculation by Applicants or dealers. For the Applicants or a dealer to make more profit by redeeming Units than by selling to the public, the price would have to rise by more than the sum of the applicable sales charge plus the difference (generally 0.5% to .1%) between the offering side evaluation (the basis for the public offering price) and the bid side evaluation (at which the trustee redeems Units) of the Securities. Nevertheless, to eliminate even the theoretical possibility of such speculation, the Applicants agree, as a condition to the application, not to tender any Units of a Series for redemption during the initial offering period of such Series, computed as described above.

According to the application, the sole risk to investors in the Fund which could result from the adoption of the proposed backward pricing of the Units is that if the current evaluation of Units declines, a purchaser would pay more under the proposed system than if the price were determined pursuant to the forward pricing requirement of Rule 22c–1. In order to reduce this risk of loss to potential investors to what the Applicants consider a de minimis level, the Applicants agree that if the price of the Unit determined by backward pricing on any day would exceed the price determined in accordance with the requirements of Rule 22c–1 by more than $3.00 per Unit, investors will be charged the price determined by forward pricing of the Units on that day. The Applicants submit that potential investors in the Fund will benefit signficanty from the proposed backward pricing of the Units in that while their risk of a negative market shift is limited to a de minimis level, their potential to profit from positive market shifts is limited only by the extent of fluctuations in Securities. The Applicants also assert that the ability to purchase Units at a known return is of substantial interest to many investors and suggest that the continued availability of this market vehicle will be enhanced as the Applicants are afforded increased protection against market risk.

Section 6(c) of the Act provides, in pertinent part, that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest, and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In view of the foregoing, the Applicants assert that the exemption

requested is appropriate and in the public interest, and is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 14, 1981, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion, persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-34002 Filed 11-24-81; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc.; Applications for Unlisted Trading Privileges and of Opportunity for Hearing

November 18, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Flow General, Inc.
Common Stock, $.10 Par Value (File No. 7-6083)

A. G. Edwards & Sons
Common Stock, $1 Par Value (File No. 7-6084)

Inter-Regional Financial Group, Inc.
Common Stock $1.12½ Par Value (File No. 7-6085)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before December 10, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 81-33954 Filed 11-24-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-18267; File No. SR-Amex-81-20]

Self-Regulatory Organizations; Proposed Rule Change by the American Stock Exchange, Inc.

In the matter of options on certificates of deposit. Comments requested on or before January 25, 1982.

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 November 12, 1981, the American Stock Exchange, Inc. filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The American Stock Exchange, Inc. ("Amex" or the "Exchange") is proposing to establish a program for the trading of standardized options on certificates of deposit issued by the most creditworthy U.S. domiciled banks (sometimes referred to as dealer designated "top tier" or "no-name" banks).

A certificate of deposit ("CD") would be defined in proposed Exchange Rule 900(b)(32) as "a negotiable instrument, having a denomination of $100,000 or more, issued by a bank at a fixed rate of interest for a fixed period of time, with both principal and interest payable at maturity."

CDs issued by dealer designated "top tier" banks tend to be traded in the dealer market at lower yields than CDs issued by other banks which are less well capitalized or less financially sound, and whose CDs are therefore presumed to carry a greater risk. "Top tier" bank CDs generally are accepted interchangeably for "good" delivery in the dealer market.

The CD options program would be conducted pursuant to the rules which now govern the trading of options on underlying stocks on the Exchange, with certain modifications to reflect the economic characteristics of, and markets for, the proposed underlying CDs. The Exchange also anticipates that The Options Clearing Corporation ("OCC") will submit appropriate corresponding proposed rule changes to the Commission relating to the subject matter now covered by OCC rules (*e.g.*, specification of units of trading, and requirements concerning exercise and delivery).

The Exchange's CD options program would be structured along the lines of its proposed program for trading options on 13-week $1,000,000 Treasury bills.[1] Each option contract would relate to $1,000,000 principal value of the underlying CD.[2] Following the exercise of such an option, the holder of a put or the writer of a call would be required to deliver $1,000,000 principal value of CDs having approximately 90 days remaining to maturity on the date of delivery.[3]

Some of the proposed rules relating to CD options would differ from the rules proposed for options on Treasury bills because the methods of issuing CDs and of trading them in the dealer market differ from the methods of issuing and trading Treasury bills in a fundamental respect: While Treasury bills are issued, and subsequently trade in the dealer market, at a discount from their principal value, CDs are issued at their full principal value, bear interest at a stated rate until maturity (when both principal and interest become payable

[1] *See* File No. SR-Amex-81-1.

[2] This amount would be specified in OCC rules.

[3] The delivery requirements would be set forth in OCC rules and are explained more fully below.

by the issuer), the trade in the dealer market on the basis of quoted yields.

These Characteristics of CDs may be illustrated as follows: Suppose Mr. X purchases a $1,000,000 90-day CD Paying 10% interest on an annualized basis from Bank A (the issuer). This means that Mr. X would pay Bank A $1,000,000 for the CD on the date of issuance, and 90 days thereafter would be entitled to receive $1,025,000 from Bank A, consisting of $1,000,000 of principal and $25,000 of interest. (The interest would be calculated on the basis of a 360 day year, so that interest for one year would be $100,000, and interest for 90 days would be $25,000.) Suppose Mr. X wishes to sell the CD in the secondary market rather than holding it to maturity. The dealer quotations for CDs would represent expected yields to the dealers and would be related to current interest rates. If interest rates had risen since Mr. X purchased the CD from Bank A, for example, he might sell to a dealer at an agreed yield to the dealer of 12% per annum. Suppose Mr. X engaged in this transaction when there were 60 days remaining to maturity of the CD. The dealer would pay Mr. X an amount which, when increased by 60 days' interest on it at 12% would total $1,025,000 (the total amount due upon maturity of the CD). In other words, the dollar price of a CD in a secondary market transaction is arrived at by using the yield rate agreed to in the transaction to calculate the "present value" of the total amount due at maturity of the CD.

This method of trading affects the proposed rules concerning option exercises and deliveries. The exercise price of a CD option would be expressed as the complement of the annualized yield (*i.e.*, 100% minus the annualized yield) at which the underlying CD could be purchased or sold pursuant to exercise of an option.[4] For example, if the exercise price of a call option covering a CD were 87, the option holder would have the right to purchase the CD, upon exercise of the option, at an annualized yield of 13%.

Computation of the actual dollar amount payable upon exercise of a CD option (*i.e.*, the aggregate exercise price) [5] would be somewhat more complex than the comparable computation for other types of options traded or proposed to be traded on the Exchange. There are two reasons for the complexity. First, the amount to be paid upon purchase of a CD after it has been issued is a function of the total amount due at maturity of the particular CD. This factor would exist when a CD was purchased pursuant to the exercise of an option, just as it exists when a CD is purchased in the open market as described above. Since the total amount due at maturity is a function of the original interest rate and original maturity of the CD, those factors will affect the dollar price that must subsequently be paid for the CD in the secondary market.

For example, suppose a call holder exercises an option to purchase a 90-day CD at an annualized yield of 10%. The writer who received the exercise notice theoretically could deliver to the option holder a $1,000,000 CD purchased 90 days earlier, bearing a 15% interest rate, and having 90 days remaining to maturity (*i.e.*, a 180-day CD at the time of issue). The amount due upon maturity of the CD would be $1,075,000 (*i.e.*, $1,000,000 × 15% × $^{180}/_{360}$). The option holder would be required to pay, as an aggregate exercise price, an amount which, when increased by 90 days' interest at 10%, would total $1,075,000.

Now, suppose the writer in the same example chose to make delivery by purchasing a newly issued $1,000,000 90-day CD from a bank and immediately transferring it to the option holder. Suppose the interest rate paid by the bank were 15%. The amount due upon maturity of the CD would be $1,037,500 (*i.e.*, $1,000,000 × 15% × $^{90}/_{360}$). The actual dollar amount required to be paid by the option holder, as an aggregate exercise price, would be an amount which, when increased by 90 days' interest at 10%, would total $1,037,500. Thus, the actual dollar amount to be paid for the more recently issued CD would be lower than the dollar amount to be paid for the CD issued earlier, notwithstanding that both CDs had the same time remaining to maturity at the time of delivery to the option holder.

The second factor that affects the computation of the aggregate exercise price is that, in order to assure a sufficient deliverable supply, the Exchange is proposing to permit delivery of CDs which do not have exactly 90 days remaining to maturity at the time of delivery. Specifically, in connection with the exercise of an option covering a 90-day CD, the holder of a put or the writer of a call would be permitted to deliver a CD having as few as 87 or as many as 93 days remaining to maturity.[6]

The combination of these factors requires the use of the following formula for computing the aggregate exercise price payable upon exercise of a CD option: The aggregate exercise price of an option contract would be determined by multiplying the principal amount of the underlying security to be delivered (*i.e.*, $1,000,000) by the fraction $360 + R_1L_1 / 360 + R_2L_2$, where

R_1 = The stated interest rate of the particular certificate of deposit delivered in connection with the exercise of the option (*i.e.*, the interest rate at which the CD was issued),

L_1 = The original maturity of the CD (*i.e.*, the number of days to maturity on the date it was issued),

R_2 = The annualized yield at which the CD is to be sold pursuant to exercise of the option (*i.e.*, 100 minus the exercise price of the option contract), and

L_2 = The number of days remaining to maturity of the CD on the date it is delivered in connection with the exercise of the option.

Other than the rules relating to exercise and delivery, the rules governing CD options would be substantively identical to those proposed for options on 13-week $1,000,000 Treasury bills.

The fundamental rules governing CD options transactions would be as follows:

Premium Bids and Offers

(Exchange Rule 951)

Bids or offers for CD options would be expressed as a percentage of $250,000. For example, a bid of "1" would represent a bid of 1% of $250,000, *i.e.*, $2,500, for an option contract having a unit of trading of $1,000,000 principal value of underlying CDS.

Minimum Fractional Changes

(Exchange Rule 952)

The minimum fractional change for dealing on the Exchange in CD option contracts would be one-hundredth of one percent (0.01%) of $250,000 (*i.e.*, $25.00).

Options Transactions of Registered Traders

(Exchange Rule 958)

The Exchange would add requirements to this rule relating to trading by Registered Traders in options on CDs, to aid to the maintenance of fair and orderly markets in those options. Specifically, the Exchange proposes that Registered Traders be required to bid and/or offer so as to create differences in premium quotations of no more than 0.06 between the bid and the offer for each option contract for which the last preceding transaction price was 0.12 or less, no more than 0.12 where the last preceding transaction price was more

[4] *See* proposed Rules 900(b)(13)(v) and 900(b)(34) and (35).

[5] *See* proposed Rule 900(b)(14)(v).

[6] These delivery requirements would be set forth in OCC rules. In addition, the original maturity of the CD delivered would be required to be 180 days or less.

than 0.12 but did not exceed 1.20, and no more than 0.16 where the last preceding transaction price was more than 1.20.

However, certain broader requirements have been proposed for the longest term series of options open for trading in each class.

In addition, Registered Traders would be required to bid no more than 0.09 lower and/or offer no more than 0.09 higher than the last preceding transaction price for the relevant CD option contract. However, this standard would not ordinarily apply if the annualized yield of the underlying CDs in the cash market has changed by more than 0.09.

Position and Exercise Limits

(Exchange Rules 904 and 905)

The Exchange would establish position and exercise limits of 500 contracts for CD options.

Reporting of Option Positions

(Exchange Rule 906)

The Exchange would require that positions in CD options of 50 contracts or more on the same side of the market be reported to the Exchange.

Trading Rotations, Halts and Suspensions

(Exchange Rule 918)[1]

The Exchange would modify this rule to provide for commencement of a trading rotation for options on CDs following the availability of opening quotations on the quotation display mechanism(s) approved by the Exchange.

Minimum Margins

(Exchange Rule 462)

The Exchange would establish margin requirements relating to CD Options similar to those proposed for 13-week Treasury bill options because transactions involving both types of options and/or their underlying securities involve risks of the same kind and the same degree.

The margin requirement for each put or call option on a CD with a $1,000,000 principal amount (and nominal 90 days to maturity) which is carried "short" in a customer's account would be the amount of the option premium plus 0.35% of the principal amount of the underlying CD ($3,500 for a $1,000,000 underlying CD) reduced by any amount the option is "out-of-the-money." The Exchange proposes a minimum margin requirement of $500.

Conduct of Accounts for Options Trading

(Exchange Rules 920–930)

The Exchange proposes no change in the text of these rules other than the proposed changes now pending in SR-AMEX–81–17 (regarding Bullion Value Demand Promissory Notes). Those rules would require sales personnel (Registered Representatives), designated supervisory personnel (Registered Options Principals) and others that have responsibility for a member firm's CD option business to successfully complete an examination prescribed by the Exchange demonstrating adequate knowledge of that subject. The rules would also require that a customer account be specifically approved for CD options trading, that a CD option prospectus be furnished to a customer at or prior to the time the account is approved for CD options trading and that a customer receive each new or revised current prospectus relating to CDs no later than the time of confirmation of a CD option transaction following the issuance of such prospectus.

In addition, Exchange Rule 991, relating to communications to customers, would provide that no written materials respecting options on a particular underlying security may be disseminated to any person who has not previously or contemporaneously received a current prospectus of The Options Clearing Corporation concerning such options.

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 Exchange believes that its proposal to establish a program for the trading of standardized options on CDs is consistent with the requirements of the Securities Exchange Act of 1934 ("the Act") and the rules and regulations thereunder applicable to national securities exchanges in two general respects.

First, the program as a whole would comport with the overall purposes of the Act by making available a new type of security that could further the investment objectives of many market participants. The proposed options on CDs would serve economic purposes similar to those served by options on U.S. Treasury securities, which the Exchange has proposed to trade (see File No. SR-Amex-81–1); *e.g.*, CD options could be used by investors to hedge against risks related to short-term interest rate fluctuations. While the uses of CD options would generally parallel those of Treasury security options, CD options would be more effective as a means of hedging against the risks of short-term lending or borrowing (such as issuing or buying commercial paper, bank loans, or bank certificates of deposit) because the specific risks related to such short-term debt transactions are more closely related to variations in yield rates for banks CDs than for Treasury securities. Thus, options on CDs should serve a valuable economic function beyond that to be served by the proposed options on Treasury securities.

Second, the proposed rules would be consistent with the requirements of section 6(b)(5) of the Act in particular by providing for a fair and orderly market in CD options, promoting just and equitable principles of trade, and protecting public customers. The Exchange rules which would be applicable to options on CDs would be the same as those which now apply to options on common stocks, modified to reflect the economic characteristics of, and markets for, the proposed underlying CDs. The Commission has already determined that those rules, as applied to stock options, meet the requirements of the Act, including Section 6(b)(5).

B. *Self-Regulatory Organization's Statement on Burden on Competition.* The proposed rule changes will not impose a burden on competition.

C. *Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others.* No written comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before December 30, 1981 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

[1] This rule currently appears as Rule 917, and has been proposed to be renumbered "918" in SR-Amex-81-1.

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before January 25, 1982.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

November 17, 1981.

[FR Doc. 81-33953 Filed 11-24-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 781]

Claims Against Iran

This notice concerns the final deadline for the registration with the Department of State of claims against Iran of less than $250,000. It supplements information provided in Public Notices 779 (46 FR 55468, November 9, 1981), 775 (46 FR 49695, October 7, 1981), 772 (46 FR 45057, September 9, 1981) and 764 (46 FR 37418, July 20, 1981). For further information, contact David P. Stewart, Administrator for Iranian Claims, Office of the Legal Adviser, Department of State, Washington, D.C. 20520. Tel. (202) 632-5040.

All United States nationals with claims against the Government of Iran which (i) have a total value of less than $250,000, (ii) arise out of debts, contracts, expropriations or other measures affecting property rights, (iii) were outstanding on January 19, 1981, and (iv) otherwise fall within the jurisdiction of the Iran-United States Claims Tribunal, are required to register those claims with the Department of State no later than December 1, 1981. Failure to register a claim by that date will make it impossible for the Department to prepare the details of the claim for submission to the Tribunal in a timely fashion.

Pursuant to Article III, paragraph 4 of the Claims Settlement Agreement of January 19, 1981, all claims of U.S. nationals against Iran must be filed with the Iran-United States Claims Tribunal at The Hague no later than January 19, 1981. Claimants with claims in the aggregate of $250,000 or more should be preparing to submit their claims directly to the Tribunal on or before that date. Guidance furnished by the Tribunal concerning the preparation of statements of claim has been published in Public Notices 775 and 764.

In accordance with Article III, paragraph 3 of the Claims Settlement Agreement, claims of U.S. nationals of less than $250,000 will be presented to the Tribunal by the United States Government. To prepare for this submission, and to provide the basis for the possible negotiation of an agreement with Iran to settle these claims by lump-sum payment, the Department initially required all U.S. nationals with claims of less than $250,000 to register their claims by May 8, 1981. See Public Notice 749 (46 FR 19893, April 1, 1981). In order to provide claimants with the fullest possible opportunity to register their claims, and because the settlement negotiations had not yet begun, the Department subsequently announced that it would continue to accept registration until the progress of the negotiations made it impossible to take any additional claims into account. Claimants were most recently advised to register their claims by September 30. See Public Notice 772 (46 FR 45057).

Information concerning claims which have been registered with the Department has been provided to Iran together with a proposal for the prompt negotiation of lump-sum settlement agreement. In view of the absence of a response to that proposal, and in order to protect the legal rights of individual claimants, the United States has filed a claim with the Tribunal against Iran on behalf of those U.S. nationals with claims within the jurisdiction of the Tribunal which total less than $250,000 each. The claim, filed on November 18, 1981, seeks an award of at least $180 million in compensation for the losses suffered by those U.S. nationals.

The Department of State is currently preparing detailed statements concerning each of the claims which have been registered to date. In order to assure that any additional claims can be put into proper form for filing with the Tribunal prior to January 19, 1981, the Department has determined that all such claims must be registered with the Department no later than December 1, 1981. Failure to register such claims will make it impossible to present them to the Tribunal in a timely fashion.

Accordingly, U.S. nationals with claims of less than $250,000 who have not yet registered their claims should do so immediately and in no case later than December 1, 1981. Copies of Form DSP-93, "Registration of Claims of United States Nationals Against Iran" may be obtained by contacting the Office of the Administrator for Iranian Claims, Office of the Legal Adviser, Department of State, Washington, D.C. 20520 Tel. (202) 632-5040.

Dated: November 18, 1981.

David P. Stewart,

Administrator for Iranian Claims.

[FR Doc. 81-34012 Filed 11-24-81; 8:45 am]

BILLING CODE 4710-08-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Granting of Relief From Disabilities Incurred by Conviction

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Notice of granting of relief from disabilities incurred by conviction.

SUMMARY: The persons named in this notice have been granted relief by the Director, Bureau of Alcohol, Tobacco and Firearms, from their disabilities imposed by Federal laws. As a result, these persons may lawfully acquire, transfer, receive, ship, and possess firearms if they are in compliance with applicable laws of the jurisdiction in which they live.

FOR FURTHER INFORMATION CONTACT: Special Agent in Charge Lyman H. Schaffer, Firearms Enforcement Branch, Investigations Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20026, (202-566-7457).

SUPPLEMENTARY INFORMATION: In accordance with 18 U.S.C. 925(c), the persons named in this notice have been granted relief from disabilities imposed

by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to the Director's satisfaction that the circumstances regarding the convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

The following persons have been granted relief:

Alger, Gerald D., Rural Route 2, Box 259, Dassel, Minnesota, convicted on July 1, 1957, in the District Court of Minnesota, Clearwater County, Bagley, Minnesota

Atkins, Jerry E., Route 1, Box 535–C, Boones Mill, Virginia, convicted on December 27, 1971, in the Franklin County Circuit Court, Virginia.

Barber, Dale D., 531 Monroe Street, Oshkosh, Wisconsin, convicted on April 28, 1981, in the Circuit Court, Fond du Lac County, Wisconsin.

Bates, James D., Route 1, Box 261, Danville, Alabama, convicted on May 23, 1966, in the United States Court, Northern Divison of Alabama, Jasper District, Jasper, Alabama.

Bell, Boyden T., Route 2, Box 183, Roaring River, North Carolina, convicted on December 5, 1967, in the United States District Court, Greensboro, North Carolina.

Bellanca, Stephen V., 911 Algoma Street, Richmond, Virginia, convicted on April 27, 1973, in the Circuit Court, Henrico County, Virginia.

Bellamy, Douglas K., Route 6, Box 521, Whiteville, North Carolina, convicted on June 14, 1966, in the Superior Court of North Carolina, County of Columbus.

Blade, Gregory C., Star Route, Grand Rapids, Minnesota, convicted on June 2, 1975, in the Itasca County District Court, Grand Rapids, Minnesota.

Bond, David M., Route 2, Box 87, Kempton, Pennsylvania, convicted on March 6, 1974, in the State Court of Honolulu, Hawaii.

Boyden, Frank H., Route 2, Box 187, Mount Jackson, Virginia, convicted on April 23, 1958, in the Shenandoah County Circuit Court, Woodstock, Virginia.

Briggs, Towanner, Route 4, Box 178–B, Madison, North Carolina, convicted on May 15, 1978, in the Superior Court of Rockingham County, North Carolina; and on May 9, 1978, in the Circuit Court of Martinsville, Virginia.

Broder, Dennis R., P.O. Box 481, Ripon, Wisconsin, convicted on June 15, 1973, in the Branch 2, Sheboygan County Court of Wisconsin.

Bronson, Russell D., 2198 Warren Road, Beulah, Michigan, convicted on June 26, 1970, in the Circuit Court of Huron County, Bad Axe, Michigan.

Brzezicki, Anthony J., 3221 West Southland Drive, Franklin, Wisconsin, convicted on March 22, 1976, in the Circuit Court of Milwaukee County, Wisconsin.

Burmeister, Herbert C., Route 1, Box 95, Conestoga, Pennsylvania, convicted on July 28, 1961, in the Court of Oyer and Quarter Sessions of the Peace for the County of Lancaster, Pennsylvania.

Busse, Steven W., 3428 Sergeant, Joplin, Missouri, convicted on November 30, 1976, in the Circuit Court of Newton County, Missouri; and on November 4, 1976, in the Circuit Court of Jasper County, Missouri.

Catron, Danny D., 7706 Antoinette, Apt. 1005, Dallas, Texas, convicted on April 1, 1977, in the 195th Judicial District Court of Dallas, Texas.

Chapman, John T. III, 1847 Ivystone Drive, Richmond, Virginia, convicted on May 9, 1972, in the Circuit Court of Chesterfield County, Virginia.

Ciniglio, Lewis F. Jr., 1240 Woodbridge Drive, Montgomery, Alabama, convicted on August 2, 1976, in the United States District Court, Middle District, Montgomery, Alabama.

Clark, Earnest E., 610 Carridale Street, Southwest, Decatur, Alabama, convicted on April 11, 1961, in the Morgan County Circuit Court of Decatur, Alabama.

Collins, Randall R., 36 Country Club Road, Gering, Nebraska, convicted on June 23, 1977, in the District Court of Scottsbluff County, Gering, Nebraska.

Combs, Carl D., Route 3, Box 472, North Wilkesboro, North Carolina, convicted on April 18, 1973, in the United States District Court of Wilkesboro, North Carolina.

Combs, Rachel D., Route 3, Box 472, North Wilkesboro, North Carolina, convicted on Apirl 18, 1973, in the United States District Court of Wilkesboro, North Carolina.

Corliss, Richard A., 18 Hathorne Street, Box 578, Wilder, Vermont, convicted on January 30, 1961, in the New Hampshire Superior Court, Coos County Circuit Court, Lancaster, New Hampshire.

Cox, Billie G., 10613 North Stelling Road, Cupertino, California, convicted on January 6, 1975, in the Superior Court of Santa Clara County, California.

Davis, Bobby., 301 Cement, Independence, Kansas, convicted on February 12, 1976, in the District Court of Montgomery County, Kansas.

Delios, Steven, 339 Mammoth Road, Manchester, New Hampshire, convicted on May 26, 1978, in the United States District Court, Concord, New Hampshire.

Dewey, Donald A., 406 Wilshire Avenue, Vallejo, California, convicted on March 22, 1974, in the Superior Court of Solano County, California.

Dobson, James H., 221 10th Avenue North, Texas City, Texas, convicted on May 15, 1978, in the 212 Galveston County District Court of Texas.

Donaldson, William H., 3636 13th Avenue South, Minneapolis, Minnesota, convicted on July 7, 1978, in the District Court of St. Louis County, Minnesota.

Doyle, Joseph, Illinois River Lodge, Agness, Oregon, convicted on February 26, 1953, in the Circuit Court of Coos County, Oregon.

Easley, James A., 5585 Broadway, Merrillville, Indiana, convicted on August 5, 1977, in the United States District Court of South Bend, Indiana.

Ecker, Theodore G., 3116 Maryland, Flint, Michigan, convicted on July 13, 1971, in the Genesee County Circuit Court, Flint, Michigan.

Elwell, Emory W., 2808 West Charleston, Phoenix, Arizona, convicted on April 26, 1978, in the United States District Court of Kansas.

Engler, Bruce F., P.O. Box 304, Osmond, Nebraska, convicted on January 18, 1978, in the District Court of Knox County, Nebraska.

Ennis, Phillip L., 1801 North Avenue, Freeport, Texas, convicted on November 15, 1976, in the District Court of Brazoria County, Texas.

Erks, Donald D., 1148 North Columbia, Seward, Nebraska, convicted on October 23, 1961, in the District Court, Seward County, Nebraska.

Eskridge, Thomas D., 10741 Geronimo Court, Boise, Idaho, convicted on June 11, 1976, in the United States District Court of Reno, Nevada.

Estep, Charles S., Route 2, Box 17, Harrisonburg, Virginia, convicted on November 18, 1971, in the Rockingham County Circuit Court, Harrisonburg, Virginia.

Estes, Vern W., 1943 Northwest Irving, Portland, Oregon, convicted on March 11, 1957, in the Superior Court of Kitsap County, Oregon.

Finch, Charles O., RD 1, Box 83–B, Burgettstown, Pennsylvania, convicted on January 12, 1944, in the Military Court Martial, Fort Bragg, North Carolina.

Gard, Michael S., 2767 26th Avenue, Oakland, California, convicted on July 28, 1972, in the San Mateo County Superior Court, California.

Gard, William H., 3308–½ 13th Street, Ashland, Kentucky, convicted on October 6, 1959, in the Boyd Circuit Court, Catlettsburg, Kentucky.

Gaughan, Joseph P., 1003 Flores Way, Rio Vista, California, convicted on June 4, 1976, in the Superior Court of Glenn County, California.

Giddens, Harvey K., 5417 Harbor Drive West, Lakeland, Florida, convicted on October 26, 1973, in the United States District Court, Middle District, Florida.

Gilpin, Ricky A., P.O. Box 244, Holcomb, Missouri, convicted on March 19, 1975, in the Circuit Court of Stoddard County, Missouri.

Glandon, James B., Box 73, Skyline Mobile Park, Twin Falls, Idaho, convicted on May 18, 1964; and on February 26, 1968, in the District Court of Gooding County, Idaho.

Gober, Thomas J., 73 Darwin Drive, Jonesboro, Georgia, convicted on May 8, 1957, in the Fulton Superior Court, Fulton County, Georgia; and on April 26, 1957, in the Cobb Superior Court, Cobb County, Georgia.

Greene, Jack D., 1120 State Street, Green Bay, Wisconsin, convicted on April 7, 1975, in the Winnebago Circuit Court, Oshkosh, Wisconsin.

Gregory, Dennis W., Route 2, Hayward, Wisconsin, convicted on December 19, 1957, in the Lake County Criminal Court, Crown Point, Indiana.

Hankins, Dennis L., 9112 East 114th, Puyallup, Washington, convicted on February 10, 1976, in the Superior Court, Pierce County, Washington.

Harris, Edgar G., Route 2, Box 296, Madison Heights, Virginia, convicted on April 13, 1970, in the Circuit Court, Amherst County, Virginia.

Hartline, Paul F., P.O. Box 1329, Summerville, South Carolina, convicted on May 3, 1976, in the United States District Court of Charleston, South Carolina.

Hastings, Kenneth A., 3890 Granada Way Drive, North St. Paul, Minnesota, convicted on November 30, 1960, in the District Court of Ramsey County, St. Paul, Minnesota.

Hennig, James F., 1047 Neufeld Street, Green Bay, Wisconsin, convicted on May 22, 1978, in the United States District Court, Southern District of California.

Hogsett, James T., 13321 Glenfield, Detroit, Michigan, convicted on February 2, 1966, in the Recorders Court of Detroit, Michigan.

Holden, Robert R., 2102 Happy Hollow, Rawling, Wyoming, convicted on February 17, 1972, in the United States District Court of Wyoming.

Hooks, William W., 701 Carter Street, Dale City, Florida, convicted on September 8, 1975, and on December 3, 1975, in the Circuit Court, 6th Judicial Circuit, Pasco County, Florida.

Hutchison, John B., Route 2, Box B–3, Church Point, Louisiana, convicted on February 25, 1980, in the United States District Court, Western District of Louisiana.

James, Robert H., 208 North Second Street, Hunnewell, Missouri, convicted on February 24, 1959, in the Circuit Court, Boone County, Missouri.

Johnson, Frank R., P.O. Box 1531, Owensboro, Kentucky, convicted on May 23, 1977, in the Davis Circuit Court, Owensboro, Kentucky.

Kindig, Scott P., 443 College Parkway, Arnold, Maryland, convicted on September 17, 1976, in the Anne Arundel County Court, Maryland.

Konarski, Richard J., 11319 Dixie, Redford, Michigan, convicted on September 17, 1951, in the Recorders Court, Detroit, Michigan.

Kuhn, Charles S., 550 Simon Avenue, Kingman, Arizona, convicted on March 31, 1980, in the Mojave County Court, Arizona.

Kurtz, Richard A., 3420 Oak Creek Road, Apt 1, Mojave, California, convicted on January 8, 1962, in the Superior Court of Fresno County, California.

La Buwi, John C., 537 West Sixth Avenue, Oshkosh, Wisconsin, convicted on November 10, 1977, in the Circuit Court, Branch 2, Winnebago County, Wisconsin.

Lawrence, John D., 398 Bowen Circle, Apt. 4, Atlanta, Georiga, convicted on May 22, 1934, in the Superior Court, Fulton County, Georgia.

Lawson, John A., Jr., Route 1, Box 161–B, Christiana, Tennessee, convicted on July 12, 1977, in the Circuit Court of Rutherford County, Murfreesboro, Tennessee.

Le Claire, Fred E., Route 4, Box 409, Lumberton, North Carolina, convicted on June 12, 1972, in the United States District Court, Fayetteville, North Carolina; and on October 3, 1973, in the Robeson County Superior Court, Lumberton, North Carolina.

Leonard, Vincent, 2148 Granada Drive, Dayton, Ohio, convicted on October 30, 1979, in the United States District Court, Dayton, Ohio.

Lesher, Jack S., 2650 North Thompson Road, Atlanta, Georgia, convicted on October 6, 1970, in the Fulton County Superior Court, Atlanta, Georgia.

Lewis, David W., 6033 Hedgerow Circle, Clemmons, North Carolina, convicted on Mrach 13, 1978, in the Superior Court of Forsyth County, North Carolina.

Lewis, Robert S., 977 Clarellen Drive, Fort Myers, Florida, convicted on February 3, 1976, in the Circut Court, Lee County, Florida.

Lockett, James C., 2323 Seitz Street, Paducah, Kentucky, convicted on November 8, 1977, in the McCracken Circuit Court, McCracken County, Kentucky.

Lyons, Ghassan S., 1408 Dancy Street, Jacksonville, Florida, convicted on March 13, 1975, in the United States District Court, DuVal County, Florida.

Manuel, John T., 318 Cedar Drive, Mobile, Alabama, convicted on May 24, 1961, in the Cirucit Court, Mobile County, Alabama.

Marrs, Patrick E., 518 Coronado Road, Holiday, Florida, convicted on December 11, 1959, in the United States District Court, Southern Judicial District, Miami, Florida.

Masi, John W., 7584 Elmland Drive, Poland, Ohio, convicted on January 4, 1980, in the United District Court, Cleveland, Ohio.

Mason, Ronald L., 11268 Emuness Road, Jacksonville, Florida, convicted on December 10, 1975, in the DuVal County Criminal Court, Jacksonville, Florida.

McCain, Chester L., Route 1, Box 33, Newell, Alabama, convicted on September 14, 1979, in the Middle District Court of Alabama, United States District Court, Montgomery, Alabama.

McKinney, Ronald D., 10401 Tatum Street, Lamont, California, convicted on March 12, 1971, in the Superior Court, Orange County, California.

McLean, Theodore F., 1305 Isaacs Street, Walla Walla, Washington, convicted on October 15, 1959; on October 13, 1960, in the Superior Court, Yakima County; and on May 29, 1964, in the Grey Harbor County Court, Washington.

Merlino, William E., 70 North Outer Drive, Vienna, Ohio, convicted on March 13, 1964, in the United States District Court, Cleveland, Ohio.

Merrit, Walter R., 1709 Daily Road, Gautier, Missouri, convicted on September 5, 1968; and on August 13, 1969, in the Richmond County Court, Augusta, Georgia.

Meyers, Gary A., South 341 Highway 34, Junction City, Wisconsin, convicted on April 23, 1976, Portage County Circuit Court, Stevens Point, Wisconsin.

Milam, Robert C., 3430 Ridge Crest Drive, Hoover, Alabama, convicted on January 31, 1961; on August 29, 1958; and on February 4, 1954, in the Talladega County Court, Alabama.

Miller, Larry L., 14218—143rd Avenue Southeast, Renton, Washington, convicted on February 24, 1967, in the United States District Court, West District of Washington.

Morrell, Raymond, Rural Huff, North Dakota, convicted on June 21, 1978, in the United States District Court, Southwestern Division, District of North Dakota, Bismark, North Dakota.

Murdock, Ernest E., 3620 Manchester Avenue, Balitmore, Maryland, convicted on May 2, 1981, in the Baltimore Criminal Court, Baltimore, Maryland.

Newman, John L., 1011 Valley View Drive, Canon City, Colorado, convicted on June 1, 1973 in the United States District Court, Denver, Colorado.

Noble, Roger B., 2900 Bush Avenue, Gillette, Wyoming, convicted on August 19, 1974, in the Itasca County District Court, Grand Rapids, Minnesota.

Norman, Eddie C., Rural Route 1, Lancaster, Missouri, convicted on December 23, 1976, in the United States District Court, St. Louis, Missiouri.

Norris, Steven J., RD 2, Box 206, Hanover, Pennsylvania, convicted on August 26, 1976; and on April 24, 1978, in the Court of Common Pleas, York County, Pennsylvania.

O'Leary, John J., 21 Cherry Tree Lane, Chester, New Jersey, convicted July 24, 1940, in the New York City Criminal Court, New York.

Pagles, Harold E., 100 Main Street, Monroe Center, Illinois, convicted on May 4, 1964, in the Ogle County Circuit Court, Oregon, Illinois.

Patterson, Kenneth B., 312 35th, Snyder, Texas, convicted on March 22, 1976, in the 182nd District Court, Harris County, Texas.

Pee, Kenneth R., 1706 Berryman Road, Route 2, Box 29, Vicksburg, Mississippi, convicted on November 30, 1978, in the Warren County Circuit Court, Vicksburg, Mississippi.

Perrin, Vincent R. Jr., 1444 Pressburg Street, New orleans, Lousisiana, convicted on September 29, 1976, in the United States Federal Court, Eastern Judicial District of Louisiana.

Perry, Larry E., 1959 West Santa Ana, Fresno, California, convicted on May 22, 1979, in the United States District Court of Fresno, California.

Phillips, Kenneth J., Route 1, Box 173, McAllister, Wisconsin, convicted on May 9, 1979, in the Circuit Court, Marinette County, Wisconsin.

Phillips, Roosevelt, 4109 Hall's Mill Road, Mobile, Alabama, convicted on October 7, 1960, in the Circuit Court, Mobile, Alabama.

Polan, Arthur P., 2703 Angelo Drive, Los Angeles, California, convicted on October 18, 1976, in the United States District Court, Los Angeles, California.

Presnell, Dexter R., 700 North Saginaw, Midland, Michigan, convicted on December 3, 1964, in the 76th District Court, Isabella County, Michigan.

Rand, Anthony, 7 Southeast Dunham, Des Moines, Iowa, convicted on April 25, 1928, in the Polk County District Court, Des Moines, Iowa.

Raymond, Robert R., 65 Worthington Ridge, Berlin, Connecticut, convicted on February 15, 1972, in the United States District Court, Hartford, Connecticut.

Rodney, James M., P.O. Box 222, Corsica, Pennsylvania, convicted on December 4, 1974, in the Jefferson County Court of Common Pleas, Brookville, Pennsylvania.

Rogers, Everett R., 3025 South Foltz, Indianapolis, Indiana, convicted on November 24, 1954, in the United States District Court of Western Oklahoma.

Rumsey, Robert J., 1131 South Duke Drive, Tucson, Arizona, convicted on April 15, 1975, in the United States District Court, Tucson, Arizona.

Rupp, Glen K., 410 Louise Avenue, China Grove, North Carolina, convicted on November 24, 1975, in the Superior Court of Rowan County, North Carolina.

St. Clair, Lawrence O., Route 2, Box 238 A, Covington, Virginia, convicted on October 10, 1958, in the Circuit Court, Botetourt County, Virginia.

Saltzman, Melvin W., 621 North Elm Drive, Beverly Hills, California, convicted on October 1, 1976, in the Los Angeles County Superior Court, Los Angeles, California.

Schoondyke, John B., 1500 Southeast Park, Des Moines, Iowa, convicted on December 8, 1961, in the Iowa District Court, Polk County, Iowa.

Shulman, Max L., 911 Park Avenue, New York, New York, convicted on September 4, 1979, in the United States District Court, New York, New York.

Skramstad, Gunnard D., 8027 Grand Avenue, Bloomington, Minnesota, convicted on September 5, 1973, in the Sixth Judicial District Court, Carlton Minnesota.

Sharp, Thomas D., 2352 Teviot Street, Los Angeles, California, convicted on August 27, 1969, in the Circuit Court, Howell County, Montana.

Silcio, Charles L., 5925 Loraine Street, Metairie, Louisiana, convicted on November 8, 1978, in the United States District Court, Eastern Judicial District of Louisiana.

Simmons, Horace A., Route 26, Box 416, Birmingham, Alabama, convicted on June 17, 1975, in the United States District Court, Northern District of Alabama.

Sines, Jeffrey M., 1830 North Idlewood Road, Glendale, California, convicted on June 3, 1963 in the Dallas County District Court, Dallas, Texas.

Smith, Joseph L., 12764 Promenade, Detroit, Michigan, convicted on August 28, 1975, in the United States District Court, Detroit, Michigan.

Smith, Norman G., Route 1, Box 734–A, Haw River, Alamance County, North Carolina, convicted on December 28, 1973, in the United States District Court, Greensboro, North Carolina.

Stafford, Gary L., Lot 62, Avondale Trailer Estates, Kernersville, North Carolina, convicted on November 3, 1975, in the Superior Court of Forsyth County, Winston-Salem, North Carolina.

Stockmar, Lemuel H., P.O. Box 306, Cedartown Georgia, convicted on June 30, 1972, in the United States District Court, Middle District of Florida.

Stodieck, Allen D., 3400 Snelling Avenue, South, Minneapolis, Minnesota, convicted on July 11, 1974, in the District Court, Fourth District of Hennipin, Minnesota.

Taylor, Stanley E., General Delivery, Dry Branch, West Virginia, convicted on February 10, 1975, in the Circuit Court, Kanawha County, West Virginia.

Thomas, George J., 153 Cresent, Valley Park, Missouri, convicted on October 17, 1975, in the United States District Court, Eastern District, St. Louis, Missouri.

Toney, Chester A., 4041 Enright Street, St. Louis, Missouri, convicted on January 8, 1959, in the United States District Court, St. Louis, Missouri.

Trahan, Jerry L., 1416 Travis Avenue, Nederland, Texas, convicted on July 29, 1975, in the District Court of Jefferson County, Texas.

Tromberg, Mark B., 602 Stone Canyon Road, Apt. 206, Dallas, Texas, convicted on October 7, 1977, in the Fourth Criminal District Court, Dallas, Texas.

Vogt, Lawrence A., 707 North 11th Street, Petersburg, Illinois, convicted on January 8, 1976, in the United States District Court, Springfield, Illinois.

Voorhees, Merlin K., P.O. Box 411, Onida, South Dakota, convicted on July 10, 1978, in the United States District Court, Pierre, South Dakota.

Walker, Larry L., 383 Holderness, Apt. 1, Atlanta, Georgia, convicted on

August 5, 1968, in the Recorders Court, Detroit, Michigan.

Waller, David S., 230 Vaughn Road, Griffin, Georgia, convicted on October 25, 1965, in the Henry County Superior Court, Henry County, Georgia.

Watson, Wade A., 6214 North 14th Street, Phoenix, Arizona, convicted on November 7, 1978, in the Superior Court of Maricopa County, Arizona.

Weber, Phillip W., 260 Valley View Drive, Pocatello, Idaho, convicted on June 23, 1978, in the Sixth District Court of Idaho.

Weitzel, Leroy J., Route 2, Box 174–A, Scottsbluff, Nebraska, convicted on October 16, 1978, in the United States District Court, Omaha, Nebraska.

Wiggins, Thomas M., 405 Lake Street, Andalusia, Alabama, convicted on January 25, 1970, in the Circuit Court of Waldon County, Florida; and on November 15, 1976, in the United States District Court, Middle District, Montgomery, Alabama.

Williams, Douglas D., 217 Hendy Creek Road, Pine City, New York, convicted on October 6, 1971, in the Chemung County Court, New York.

Wolfish, Louis, 64 Essex Street, New York, New York, convicted on January 6, 1975, in the United States District Court of New York.

Worrell, James E., 3 Lotus Lake Drive, Casselberry, Florida, convicted on December 8, 1978, in the Seminole County Circuit Court, Stanford, Florida.

Compliance with Executive Order 12044

This notice of granting of relief does not meet the Department's criteria for significant regulations as set forth in the **Federal Register** of November 8, 1978.

Signed: November 12, 1981

G. R. Dickerson,

Director.

[FR Doc. 81-34056 Filed 11-24-81; 8:45 am]

BILLING CODE 4810-31-M

Office of the Secretary

[Supplement to Department Circular Public Debt Series—No. 36-81]

Notes of Series X-1983; Interest Rate

November 19, 1981.

The Secretary announced on November 18, 1981, that the interest rate on the notes designated Series X-1983, described in Department Circular—Public Debt Series—No. 36-81 dated November 12, 1981, will be 12⅛ percent. Interest on the notes will be payable at the rate of 12⅛ percent per annum.

Supplementary Statement

The announcement set forth above does not meet the Department's criteria for significant regulations and, accordingly, may be published without compliance with the departmental procedures applicable to such regulations.

Paul H. Taylor,

Fiscal Assistant Secretary.

[FR Doc. 81-34133 Filed 11-24-81; 8:45 am]

BILLING CODE 4810-40-M

Treasury Announces Public Meeting To Discuss United States-New Zealand Tax Treaty Issues, on January 20, 1982

The Treasury Department announced that it will hold a public meeting on January 20, 1982 to solicit the views of interested persons on issues being considered in the negotiation of a new income tax treaty to replace the treaty currently in force between the United States and New Zealand.

The public meeting will be held at the Treasury Department, at 1:30 p.m., in Room 4125. Persons interested in attending are requested to give notice of their intention to attend in writing by January 13, 1982. Notices should be addressed to Alan W. Granwell, International Tax Counsel, Department of the Treasury, Washington, D.C. 20220.

The meeting follows negotiations held in Washington in October, 1981. Treasury is hopeful that remaining issues can be resolved at the next meetings, scheduled to be held in Wellington during the week of February 15, 1982. The purpose of the public meeting is to provide information on the major issues under discussion and to invite public comment on any relevant matter before reaching final decisions.

Dated: November 19, 1981.

David Glickman,

Acting Assistant Secretary (Tax Policy).

[FR Doc. 81-33987 Filed 11-24-81; 8:45 am]

BILLING CODE 4810-25-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Privacy Act of 1974; Amendments to System of Records Announcements

AGENCY: Equal Employment Opportunity Commission.

ACTION: Notice of amendments to Privacy Act System of records announcements.

SUMMARY: Notice is hereby given that, pursuant to the Privacy Act, the Equal Employment Opportunity Commission (EEOC) is amending, in part, notices of systems of records which it maintains. The Commission is amending these notices of systems of records to reflect changes in the structure of the agency since its reorganization on January 1, 1979 (obsolete terms have been deleted). Additionally, the retention and disposal provisions of the various systems are being amended where necessary.

EFFECTIVE DATE: These amendments are effective November 25, 1981.

FOR FURTHER INFORMATION CONTACT: Joseph N. Cleary, Office of the General Counsel, Legal Counsel Division, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506, (202) 653-5490.

SUPPLEMENTARY INFORMATION: The Privacy Act of 1974, 5 U.S.C. 552a(e)(4), requires each agency that maintains a system of records to publish in the **Federal Register** a notice of the existence and character of the system. The Commission is hereby amending certain of those notices which it has previously published to reflect current organizational structure, nomenclature, and disposal and retention provisions applicable to these systems of records. This notice contains only those paragraphs of the text which are being amended. The full text of system of records EEOC/Govt-1 was last published at 45 FR 67460-61 (Oct. 10, 1980). The full texts, including appendix, of systems of records EEOC-2, 3, 4, 5, 6, 7, 8, 9, 11, 12 and 13 were last published at 44 FR 54024 (Sept. 17, 1979), as modified by 45 FR 67460. EEOC-14 was last published at 45 FR 86550 (Dec. 31, 1980).

Signed in Washington, D.C., this 16th day of November 1981.

For the Commission.

J. Clay Smith, Jr.,

Acting Chairman.

The Privacy Act System Notices of the Equal Employment Opportunity Commission are amended as follows:

EEOC/GOVT-1

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RETENTION AND DISPOSAL:

These records are maintained at the office in which the complaint originated for one year after resolution of the case and then transferred to the Federal Records Center where they are destroyed after three additional years.

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EEOC–2

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SYSTEM LOCATION:

All district and area offices (see appendix).

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SAFEGUARDS:

Access to this system of records is restricted to EEOC district and area office personnel who have a legitimate use for the information contained therein. This system is stored in filing cabinets.

RETENTION AND DISPOSAL:

Files are broken annually, transferred to the Federal Records Center when two years old, and destroyed when five years old.

SYSTEM MANAGER(S) AND ADDRESS:

The Regional Attorney at each EEOC district office (see appendix).

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EEOC–3

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RETENTION AND DISPOSAL:

Case files which are received in the Office of Field Services and the Office of General Counsel are returned to their respective field offices. Cases which are dismissed or closed for other than no cause are to be destroyed six (6) months following the date of dismissal or closure. No cause files which are of value in the development of future class action or pattern and practice cases are retired to the Federal Records Center one (1) year after the date of the last action and destroyed after three (3) additional years. All other no cause files are destroyed one (1) year after the date of last action. Negotiated settlement files are destroyed one (1) year after the calendar year in which the settlement agreement is signed or until all obligations under the agreement are satisfied, whichever occurs later. Where monetary benefits are realized in concurrent Age, Equal Pay, and Title VII Cases, the file is returned to the Federal Records Center one (1) year after the date of last action and destroyed two (2) years later. Other files are retired to the Federal Records Center one (1) year after the date of the last action, including action in the federal courts or the last compliance review (the final report submitted by the respondent after conciliation to indicate compliance) and destroyed after three (3) additional years, except landmark cases. Landmark cases are transferred to the nearest Federal Records Center two (2) years after final court action and offered to the National Archives ten (10) years after final court action.

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EEOC–5

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CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former EEOC employees, charging parties, members of Congress, members of the general public.

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RETENTION AND DISPOSAL:

Congressional inquiries are maintained for two years. These files are broken every two years and destroyed at that time.

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EEOC–6

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SYSTEM LOCATION:

Equal Employment Opportunity Commission, 2401 E St., N.W., Washington, D.C. 20506, district and area offices (see appendix).

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by authorized personnel of the EEOC Headquarters, district and area offices, personnel division upon the individual's request; by governmental personnel for purposes of attaining benefits; for disclosure in connection with judicial or administrative proceedings; for disclosure to medical personnel to meet a medical emergency; for disclosure to qualified personnel for purposes of research, audits, or program evaluation; for disclosure of a minor patient to his/her parents under applicable guidelines.

Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

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SAFEGUARDS:

Access to and use of these records are limited to those persons whose official duties require such access. Personnel screening is employed to prevent unauthorized disclosure.

RETENTION AND DISPOSAL:

HM Individual health record cards are destroyed six years after last entry. Log of visit to facility: if summarized, destroyed three months after last entry; if not summarized, destroyed two years after last entry. Health record case files, related forms, correspondence and papers which document employee medical history except pre-employment health qualification placement records, disability retirement exams, and fitness for duty examinations which become a part of the OPF (Standard Form 66) upon separation, are maintained for a period of six years after date of last entry. At the conclusion of the prescribed time period these records are destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Personnel, Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506. District and Area Directors, and Regional Attorneys, EEOC district and area locations (see appendix).

NOTIFICATION PROCEDURE:

Individuals who have been referred to PHS, or other agency operating health facilities are aware of that fact and any inquiries concerning this system should be addressed to the Director of Personnel, headquarters, or the District or Area Directors and Regional Attorneys at the district and area locations where individual is currently employed. Individuals should provide their full name, date of birth and social security number.

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RECORD SOURCE CATEGORIES:

The individual to whom the record pertains; private physicians; medical institutions; Veterans Administration benefits program; office of workers' compensation programs; pay and leave allowance cards; health benefits records system; OPM personnel management evaluation and audit record system.

EEOC–7

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RETENTION AND DISPOSAL:

Maintained for varying periods of time in accordance with GSA General Records Schedule 2. They are then manually destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Director of each Commission Office or Division at headquarters; District and Area Directors (see appendix).

NOTIFICATION PROCEDURE:

Employees of the Commission wishing to know whether information about them is maintained in this system of records should address inquiries to the Director of the Office or Division where employed or to the District or Area Director if employed at a field installation (see appendix). Former

employees separated from the Commission and no longer in the federal service should address all inquiries to the National Personnel Records Center, General Services Administration, 111 Winnebago Street, St. Louis, Missouri 63118. The individual should provide his or her full name, date of birth, social security number and mailing address.

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EEOC-8

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used by authorized personnel in the Finance Branch at headquarters as a record of planned and completed travel expenses; as a justification of government travel disbursements; and to record accounts receivable from and payable to the government for accounts advanced to the employee or owed to the employee for official travel and other purposes.

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RETENTION AND DISPOSAL:

The records are maintained for three (3) years. Thereafter, they are manually destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Finance Branch, EEOC, 2401 E Street, N.W., Washington, D.C. 20506.

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EEOC-9

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SYSTEM LOCATION:

Equal Employment Opportunity Commission, 2401 E Street, N.W., Washington, D.C. 20506. District and area offices.

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CATEGORIES OF RECORDS IN THE SYSTEM:

Contains information or documents relating to the Commission's labor-management relations program, including information and decisions by the Department of Labor, Federal Labor Relations Authority, and the Impassess Panel.

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RETENTION AND DISPOSAL:

Maintained for five (5) years and then manually destroyed.

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NOTIFICATION PROCEDURE:

Employees and former employees of EEOC wishing to know whether information aobut them is maintained in this system of records should address inquiries to the Director of Personnel, at the above address, if they are or were empoloyed at headquarters, Washington, D.C. or to the District Director at the installation where the individuals is or was employed (see appendix). The individuals should provide their full name, date or birth an social security number.

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RECORD SOURCE CATEGORIES:

The individual to whom the record pertains; members of the bargaining unit; EEOC officials whose official duties require access to the records; authorized officials from the Department of Labor, Office of Personnel Management, Federal Mediation and Concilation Service, Federal Labor Relations Authority, Federal Service Impasses Panel, and other third parties to disputes resolution, including arbitrators; other federal agencies having a standing in the Commission's dispute or requesting information; research groups; courts and litigation; the Congress upon requests.

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EEOC-11

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SYSTEM MANAGER(S) AND ADDRESS:

Director, Chicago District Office, Equal Employment Opportunity Commission, Federal Building, Room 234, 536 South Clark Street, Chicago, Illinois 60605; Director, Seattle District Office, Equal Employment Opportunity Commission, Dexter Horton Bldg., 7th Flr., 710 Second Ave., Seattle, Washington 98104.

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RETENTION AND DISPOSAL:

Destroyed when six (6) months old.

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EEOC-12

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SYSTEM LOCATION:

Office of Public Affairs, Equal Employment Opportunity Commission, Columbia Plaza, 2401 E Street, N.W., Washington, D.C. 20506.

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RETENTION AND DISPOSAL:

Destroyed when no longer needed for administrative purposes.

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EEOC-13

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ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by the Directors of the above mentioned District Offices for assignment making, for employee evaluation of error patterns, for definition of training needs, and for identification of problems which may be corrected by changing procedures.

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RETENTION AND DISPOSAL:

Maintained for varying periods of time, from two (2) to three (3) years, in accordance with GSA General Records Schedule 1. They are then manually destroyed.

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Part II

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation; All Market Areas; Section 8 Projects

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 888

[Docket No. R-81-945]

Schedule A—Fair Market Rents for New Construction and Substantial Rehabilitation; All Market Areas; Section 8 Projects

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Interim rule and request for comments.

SUMMARY: This Rule amends the Section 8 Fair Market Rents 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. Revised Section 8 Fair Market Rents (FMRs) must be published at least annually in the **Federal Register**. HUD published the last annual revision of the Fair Market Rents applicable to new construction and substantial rehabilitation on August 29, 1980, effective October 1, 1980.

The amended Fair Market Rents reflect the changes which have occurred in the general levels of market rents for recently completed or newly-constructed dwelling units of modest design within each market area since their last annual or special (interim) revision and also reflect the Department's efforts to contain the costs of housing developed under the Section 8 New Construction and Substantial Rehabilitation Program.

DATES: This rule will become effective (a) December 28, 1981, retroactive to October 1, 1981 or (b) upon expiration of the first period of 30 calendar days of continuous session of Congress after publication, subject to waiver, retroactive to October 1, 1981, whichever is later. Further notice of the effectiveness of this interim rule will be published in the **Federal Register**.

Comment Due Date: Comments are due on or before December 28, 1981.

ADDRESS: Comments should be sent to the Rules Docket Clerk, Room 5218, Office of the General Counsel, Department of Housing and Urban Development, 451-7th Street, S.W., Washington, D.C. 20410, (202) 755-7603. (This is not a toll-free number). Each person submitting a comment should include his/her name and address and refer to the document by the docket number indicated by the heading and date of publication, and give reasons for any recommendation. Copies of all written comments will be available for examination and copying by interested persons (at a charge of 10 cents per page) in the Office of the Rules Docket Clerk during regular business hours. In order to expedite consideration of comments, a copy of your comment should be sent to the Field Office having jurisdiction for the market area involved.

FOR FURTHER INFORMATION CONTACT: Edward M. Winiarski, Chief Appraiser, Valuation Branch, Technical Support Division, Office of Multifamily Housing Development, 451-7th Street, S.W., Washington, D.C. 20410, (202) 755-5743. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The last annual revision of all Fair Market Rents was published at 45 FR 58040 on August 29, 1980, effective October 1, 1980.

Fair Market Rents are based primarily on the level of rentals paid for recently completed or newly-constructed dwelling units of modest design within each market area as determined by HUD Field Office staff. However, they also reflect the Department's efforts to contain costs of housing developed under the Section 8 New Construction and Substantial Rehabilitation Program. They are estimates of the rentals that prospective tenants who are not receiving federal rental subsidies would be willing to pay for recently completed or newly-constructed dwelling units of modest design. The contract rent plus any utility allowance for the unit must not exceed by more than 20 percent the Fair Market Rent in effect at the time of processing. The published Fair Market Rents reflect a trended rent in order to allow for the period of construction or rehabilitation as stated in the publication. If the scheduled completion date for a project is sooner than the "trended to" date of the FMR schedules, an appropriate reduction will be made in determining the approvable contract rent.

This Interim Rule includes Fair Market Rents for 0, 1, 2, 3, and 4 or more bedroom units in five structural categories (detached, semi-detached/row, walkup, elevator 2-4 story, and elevator 5+ story). Construction or rehabilitation of elevator projects for families with children is legally prohibited unless there is no practical alternative. Fair Market Rents for family units in elevator structures in these schedules have been determined necessary for the affected market areas. However, the determination that there is "no practical alternative" must be made on a project-by-project basis.

Proposals involving combinations of structural types and unit sizes for which Fair Market Rents have not yet been published may not be approved until the applicable Fair Market Rents are published and become effective.

Interested parties may submit information with adequate documentation on Fair Market Rents at any time. This data will be considered in initiating interim revisions to Fair Market Rent schedules. In order to expedite consideration of comments, please send a copy of your comments to the HUD Field Office having jurisdiction for the market area involved. A 30-day public comment period is being provided. If evaluation of comments submitted during this period indicates a need to change the Fair Market Rent schedules, this rule will be revised. Otherwise, after the comment period, and subject to the Congressional waiver request discussed below, these Fair Market Rent schedules will, without further publication, become effective as of October 1, 1981. The effective date of this rule is being made retroactive to October 1, 1981 so that the amendments contained in the rule will apply to the Fiscal Year 1982 program and so that applications can be acted upon from that date forward.

This regulation is being published as an interim rule to become effective at the earliest date permitted by law. However, Section 7(o)(3) of the Department of HUD Act (42 U.S.C. 3535(o)(3)) provides for a delay in effectiveness for a period of 30 calendar days of continuous session of Congress after publication, unless waived by the Chairman and Ranking Minority Members of the Senate Committee on Banking, Housing and Urban Affairs and the House Committee on Banking, Finance and Urban Affairs.

Under current expectations as to Congressional adjournment, the requirement of a period of 30 days of continuous session will not be able to be satisfied during the current session of Congress but can only be satisfied during the Second Session commencing in January 1982. The Secretary has requested the appropriate waivers by the Chairmen and Ranking Minority Members but, at the time of publication of this interim rule, it is not known whether or when such waivers will be granted. Under Section 7(o)(5) of the Department of HUD Act, "Congressional inaction on any rule or regulation shall not be deemed an expression of approval of the rule or regulation involved." The foregoing provision

refers to inaction on joint resolution of disapproval or other legislation which is intended to modify or invalidate the rule or regulation or any portion thereof, and the principle that such inaction does not imply Congressional approval applies, *a fortiori*, to a waiver of the nature requested by the Secretary.

Under any circumstances, further notice of the effective date of this interim rule will be published in the **Federal Register.**

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations in 24 CFR Part 50, which implements Section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding of No Significant Impact is available for public inspection during regular business hours at the Office of the Rules Docket Clerk at the address set forth above.

This rule does not constitute a "major rule" as that item 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.

This rule was listed as item (C) 23 (H-35-81) under the Office of Housing in the Department's Semiannual Agenda of Regulations published on August 17, 1981 (46 FR 41708) pursuant to Executive Order 12291 and the Regulatory Flexibility Act.

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

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

Accordingly, Schedule A of Part 888 is proposed to be amended as set forth below.

(Sec. 8(c)(1) of the U.S. Housing Act of 1937, 42 U.S.C. 1437f(c)(1); and sec. 7(d) Department of HUD Act, 42 U.S.C. 3535(d))

Issued at Washington, D.C., October 27, 1981.

Philip D. Winn,

Assistant Secretary for Housing—Federal Housing Commissioner.

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

These Fair Market Rents have been trended ahead to October 1, 1983, to update the current Fair Market Rent Schedules which these revised Schedules will replace.

Note.—The Fair Market Rents for (1) dwelling units designed for the elderly or handicapped are those for the appropriate size units, not to exceed 2-bedrooms for the elderly, multiplied by 1.05 rounded to the nearest whole dollar, (2) congregate housing dwelling units are the same as for noncongregate units, (3) single room occupancy dwelling units are 75 percent of those for zero bedroom units of the same walkup or elevator structural type, and (4) living units in a group home (each composed of a bedroom plus the proportionate part of common living space which is ordinarily included in a living unit) are those for zero bedroom or one bedroom units of walkup structural type (or, if the group home contains an elevator, of the elevator 2-4 story structural type). In group homes one bedroom Fair Market Rents may be applied only when the bedroom space plus the proportionate part of the common spaces, equals or exceeds the 540 square foot area of the hypothetical one bedroom unit. Unless otherwise specified in these Schedules, the Fair Market Rents for manufactured homes including space rental in a manufactured home park shall be 110 percent of those for walkup units of the appropriate bedroom size or 95 percent of those for detached units of the appropriate bedroom size, whichever is greater. The Fair Market Rents for manufactured home spaces only are those for the appropriate space size (single wide or double wide) which appear at Title 24, Part 888, Subpart A, Schedule D, Fair Market Rents for Mobile Home Spaces (Section 8 Existing Housing Program).

BILLING CODE 4210-01-M

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 1

BOSTON, MASSACHUSETTS AREA OFFICE

MARKET: BOSTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			667	857	930
SEMI-DETACHED/ROW		562	660	779	862
WALKUP	485	548	657	724	821
ELEVATOR 2-4 STY	503	611	705	990	1086
ELEVATOR 5+ STY	503	611	705	990	1086
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: WORCESTER

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		620	792	880
	499	613	715	820
455	475	606	674	774
455	522	625		
477	550	658		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FALL RIVER

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		640	769	782
	496	627	760	769
478	479	604	678	710
478	496	604		
480	522	632		

EFFECTIVE DATE 100181
TRENDED DATE 100183

HARTFORD, CONNECTICUT AREA OFFICE

MARKET: HARTFORD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			598	666	718
SEMI-DETACHED/ROW		489	568	645	697
WALKUP	405	470	535	626	671
ELEVATOR 2-4 STY	416	484	561		
ELEVATOR 5+ STY	431	529	625		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: NEW HAVEN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		598	666	718
	489	568	645	697
405	470	535	626	671
416	484	561		
431	529	625		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: NEW LONDON

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		571	638	687
	468	542	605	654
392	457	534	600	648
409	473	555		
424	491	571		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: NEW MILFORD

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		587	652	703
	468	557	619	669
401	463	551	612	662
419	480	574		
433	499	587		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: WINDHAM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			548	620	670
SEMI-DETACHED/ROW		443	522	589	636
WALKUP	384	437	513	582	631
ELEVATOR 2-4 STY	384	450	529		
ELEVATOR 5+ STY	400	470	548		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: STAMFORD

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		709	786	838
	599	669	747	799
490	568	664	740	799
513	592	686		
528	603	699		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: DANBURY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		653	730	785
	538	623	704	758
456	529	619	690	744
467	580	673		
484	594	685		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BRIDGEPORT

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		653	730	785
	538	623	704	758
456	529	619	690	744
467	580	673		
484	594	685		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: RIDGEFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			709	786	838
SEMI-DETACHED/ROW		599	669	747	799
WALKUP	490	568	664	740	799
ELEVATOR 2-4 STY	513	592	686		
ELEVATOR 5+ STY	528	603	699		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: NORWICH

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		571	638	687
	468	542	605	654
392	457	534	600	648
409	473	555		
424	491	571		

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 1

MANCHESTER, NEW HAMPSHIRE SERVICE OFFICE

MARKET: MAINE STATEWIDE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED		486	548	625	725
SEMI-DETACHED/ROW	395	449	513	589	682
WALKUP	355	417	489	554	624
ELEVATOR 2-4 STY	383	459	577		
ELEVATOR 5+ STY	426	511	641		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: VERMONT STATE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
	541	589	669	771
461	518	560	635	725
416	475	522	589	654
426	486	576		
473	540	640		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: NEW HAMPSHIRE ST.
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
	484	541	624	725
412	459	516	591	685
363	408	468	533	605
383	464	535		
426	515	594		

EFFECTIVE DATE 100181
TRENDED DATE 100183

PROVIDENCE, RHODE ISLAND SERVICE OFFICE

MARKET: PROVIDENCE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			604	692	774
SEMI-DETACHED/ROW		439	517	580	622
WALKUP	330	427	505	569	611
ELEVATOR 2-4 STY	335	457	587		
ELEVATOR 5+ STY	340	463	593		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

REGION 2

BUFFALO, NEW YORK AREA OFFICE

MARKET: BUFFALO
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			522	587	662
SEMI-DETACHED/ROW		414	456	535	619
WALKUP	328	364	423	496	528
ELEVATOR 2-4 STY	439	469	625		
ELEVATOR 5+ STY	476	503	662		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ELMIRA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		503	583	646
	437	475	543	605
342	354	445	514	583
401	449	540		
437	486	562		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: JAMESTOWN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		513	576	646
	429	467	535	612
351	382	433	497	573
409	454	552		
446	491	589		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ROCHESTER
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		501	561	622
	406	461	535	605
313	345	409	482	543
411	453	551		
448	490	589		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ALBANY
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			493	596	660
SEMI-DETACHED/ROW		364	435	529	585
WALKUP	310	354	415	488	553
ELEVATOR 2-4 STY	310	381	482		
ELEVATOR 5+ STY	337	417	519		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: PLATTSBURGH
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		501	591	652
	423	461	533	594
333	365	423	493	562
400	439	533		
436	476	570		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SYRACUSE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		508	613	678
	376	446	543	602
310	366	428	502	562
311	390	494		
348	425	531		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BINGHAMTON
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		490	591	653
	361	435	520	578
308	352	413	485	548
308	383	486		
342	407	522		

EFFECTIVE DATE 100181
TRENDED DATE 100183

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 2

NEW YORK, NEW YORK AREA OFFICE

MARKET: NEW YORK CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		652	778	922	1126
WALKUP	508	611	721	863	1043
ELEVATOR 2-4 STY	547	697	751	946	1111
ELEVATOR 5+ STY	713	860	963	1222	1397
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SUFFOLK

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		692	839	934
520	550	656	686	817
417	485	589	641	708
536	638	766		
578	644	804		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: WESTCHESTER

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		779	909	995
	557	652	802	873
447	520	621	750	824
540	625	760	889	
583	692	805		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ORANGE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		636	722	786
	484	574	682	745
339	479	544	638	704
502	624	733		
544	666	762		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ROCKLAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			781	847	910
SEMI-DETACHED/ROW		560	697	811	880
WALKUP	426	527	648	753	833
ELEVATOR 2-4 STY	463	558	692		
ELEVATOR 5+ STY	507	603	729		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: NASSAU

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		856	976	1072
	608	782	887	983
451	585	708	813	902
464	645	717		
470	717	761		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: PUTNAM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		744	855	930
	520	638	765	835
391	492	547	684	795
549	633	723		
587	676	757		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: POUGHKEEPSIE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		634	740	845
	437	551	634	696
349	416	549	589	654
529	618	744		
554	642	768		

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 2

NEWARK, NEW JERSEY AREA OFFICE

MARKET: NEWARK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			949	1059	1126
SEMI-DETACHED/ROW	538	598	757	877	954
WALKUP	473	528	677	785	860
ELEVATOR 2-4 STY	545	606	772	899	971
ELEVATOR 5+ STY	613	687	876	1025	1106
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: NORTH BERGEN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			942	1053	1120
SEMI-DETACHED/ROW	589	648	752	871	948
WALKUP	523	578	670	779	854
ELEVATOR 2-4 STY	596	657	766	893	964
ELEVATOR 5+ STY	663	738	870	1019	1100
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FREEHOLD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			872	982	1049
SEMI-DETACHED/ROW	529	589	684	801	877
WALKUP	464	518	605	708	784
ELEVATOR 2-4 STY	536	597	696	823	894
ELEVATOR 5+ STY	603	678	800	949	1030
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: CAMDEN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			832	937	1001
SEMI-DETACHED/ROW	456	514	643	762	833
WALKUP	403	454	573	680	748
ELEVATOR 2-4 STY	490	548	678	800	869
ELEVATOR 5+ STY	558	629	782	926	1004
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ATLANTIC CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			801	906	959
SEMI-DETACHED/ROW	481	539	612	730	802
WALKUP	428	479	541	648	717
ELEVATOR 2-4 STY	515	573	646	768	837
ELEVATOR 5+ STY	583	655	750	894	973
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BURLINGTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			832	937	1001
SEMI-DETACHED/ROW	456	514	643	762	833
WALKUP	403	454	573	680	748
ELEVATOR 2-4 STY	490	548	678	800	869
ELEVATOR 5+ STY	558	629	782	926	1004
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: GLOUCESTER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			832	937	1001
SEMI-DETACHED/ROW	456	514	643	762	833
WALKUP	403	454	573	680	748
ELEVATOR 2-4 STY	490	548	678	800	869
ELEVATOR 5+ STY	558	629	782	926	1004
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: TRENTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			849	954	1018
SEMI-DETACHED/ROW	527	584	660	779	850
WALKUP	473	524	590	697	765
ELEVATOR 2-4 STY	560	618	695	816	886
ELEVATOR 5+ STY	628	700	799	942	1021
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: VINELAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			730	835	899
SEMI-DETACHED/ROW	424	481	541	660	731
WALKUP	370	422	471	578	646
ELEVATOR 2-4 STY	457	515	576	698	767
ELEVATOR 5+ STY	526	597	680	824	902
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ASBURY PARK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			837	948	1015
SEMI-DETACHED/ROW	484	543	647	766	843
WALKUP	418	473	565	674	749
ELEVATOR 2-4 STY	491	552	661	788	859
ELEVATOR 5+ STY	558	638	765	914	995
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 2

CARIBBEAN AREA OFFICE

MARKET: SAN JUAN
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			478	535	602
SEMI-DETACHED/ROW		419	469	527	601
WALKUP	298	387	434	487	506
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY	349	429	470	530	594
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MAYAGUEZ
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			437	513	574
SEMI-DETACHED/ROW		387	428	505	573
WALKUP	308	387	411	485	529
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY	361	442	527	621	717
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: PONCE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			421	495	537
SEMI-DETACHED/ROW		395	421	495	537
WALKUP	317	395	421	495	537
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY	367	449	477	554	668
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ARECIBO
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			437	513	574
SEMI-DETACHED/ROW		387	428	505	573
WALKUP	308	387	411	485	529
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY	361	442	527	621	717
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ST. CROIX
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			602	668	745
SEMI-DETACHED/ROW		506	558	628	712
WALKUP	347	443	495	554	612
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ST. THOMAS
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			602	668	745
SEMI-DETACHED/ROW		506	558	628	712
WALKUP	354	450	505	564	625
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY	370	467	535		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

REGION 3

BALTIMORE, MARYLAND AREA OFFICE

MARKET: BALTIMORE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			617	696	817
SEMI-DETACHED/ROW		429	500	594	765
WALKUP	349	429	494	587	668
ELEVATOR 2-4 STY	361	470	537		
ELEVATOR 5+ STY	400	493	628		
MANUFACTURED HOME			576	605	

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: HAGERSTOWN
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			583	667	784
SEMI-DETACHED/ROW		412	473	570	733
WALKUP	335	412	467	563	641
ELEVATOR 2-4 STY	347	451	508		
ELEVATOR 5+ STY	384	474	594		
MANUFACTURED HOME			508	537	

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SALISBURY
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			566	624	732
SEMI-DETACHED/ROW		395	460	533	685
WALKUP	305	395	454	527	599
ELEVATOR 2-4 STY	316	433	494		
ELEVATOR 5+ STY	349	454	578		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: WALDORF
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			617	696	817
SEMI-DETACHED/ROW		429	500	594	765
WALKUP	349	429	494	587	668
ELEVATOR 2-4 STY	361	470	537		
ELEVATOR 5+ STY	400	493	628		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FREDERICK
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			617	696	817
SEMI-DETACHED/ROW		429	500	594	765
WALKUP	349	429	494	587	668
ELEVATOR 2-4 STY	361	470	537		
ELEVATOR 5+ STY	400	493	628		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

CHARLESTON, WEST VIRGINIA SERVICE OFFICE

MARKET: CHARLESTON

	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			463	509	566
SEMI-DETACHED/ROW		428	440	552	618
WALKUP	305	374	426	436	492
ELEVATOR 2-4 STY	370	428	482		
ELEVATOR 5+ STY	375	434	488		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BECKLEY

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			416	457	511
		308	392	428	482
	269	308	348	388	427
	327	388	435		
	332	394	440		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BLUEFIELD

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			416	457	511
		308	392	428	482
	269	308	348	388	427
	327	388	435		
	332	394	440		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: HUNTINGTON

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			419	505	549
		335	410	477	526
	216	335	410	455	498
	327	388	465		
	332	394	470		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: PARKERSBURG

	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			371	428	470
SEMI-DETACHED/ROW		308	349	404	445
WALKUP	251	339	341	383	423
ELEVATOR 2-4 STY	319	383	465		
ELEVATOR 5+ STY	325	388	470		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: WHEELING

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			431	477	534
		359	406	464	512
	285	337	392	431	469
	323	386	468		
	328	392	473		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MARTINSBURG

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			431	477	534
		359	406	457	512
	275	334	392	431	486
	366	402	447		
	372	407	453		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FAIRMONT

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			431	477	534
		359	406	457	512
	275	337	394	433	486
	366	402	447		
	372	407	453		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: POINT PLEASANT

	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			370	426	466
SEMI-DETACHED/ROW		296	348	402	442
WALKUP	250	286	340	379	419
ELEVATOR 2-4 STY	317	379	424		
ELEVATOR 5+ STY	322	385	430		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

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SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

PHILADELPHIA, PENNSYLVANIA AREA OFFICE

MARKET: PHILADELPHIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			628	713	795
SEMI-DETACHED/ROW		446	577	655	703
WALKUP	371	435	544	615	659
ELEVATOR 2-4 STY	396	459	577		
ELEVATOR 5+ STY	445	482	587		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ALLENTOWN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		430	535	625	690
WALKUP	367	404	503	587	656
ELEVATOR 2-4 STY	433	457	536		
ELEVATOR 5+ STY	445	489	600		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BELLEFONTE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		435	532	614	671
WALKUP	346	423	495	585	629
ELEVATOR 2-4 STY	377	440	545		
ELEVATOR 5+ STY	419	472	582		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: HARRISBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		439	482	615	671
WALKUP	346	404	467	576	627
ELEVATOR 2-4 STY	393	456	503		
ELEVATOR 5+ STY	425	493	545		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LANCASTER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		408	501	617	640
WALKUP	338	394	491	591	616
ELEVATOR 2-4 STY	409	473	614		
ELEVATOR 5+ STY	430	494	635		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: YORK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		408	501	617	640
WALKUP	338	394	491	591	616
ELEVATOR 2-4 STY	409	473	614		
ELEVATOR 5+ STY	430	494	635		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: READING

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		430	514	618	687
WALKUP	342	413	494	583	640
ELEVATOR 2-4 STY	391	461	535		
ELEVATOR 5+ STY	423	506	593		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SCRANTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		456	529	601	658
WALKUP	379	419	503	577	640
ELEVATOR 2-4 STY	429	498	561		
ELEVATOR 5+ STY	456	530	598		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BETHLEHEM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		430	535	625	690
WALKUP	367	404	503	587	656
ELEVATOR 2-4 STY	433	457	536		
ELEVATOR 5+ STY	445	489	600		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: WELLSBORO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		435	532	614	671
WALKUP	346	423	495	585	629
ELEVATOR 2-4 STY	377	440	545		
ELEVATOR 5+ STY	419	472	582		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: DOVER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			530	664	718
SEMI-DETACHED/ROW		371	446	549	599
WALKUP	327	353	401	478	516
ELEVATOR 2-4 STY	333	408	482		
ELEVATOR 5+ STY	353	450	536		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: WILMINGTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			554	696	727
SEMI-DETACHED/ROW		404	494	594	650
WALKUP	335	387	457	531	569
ELEVATOR 2-4 STY	369	431	542		
ELEVATOR 5+ STY	392	500	554		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: POTTSTOWN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		430	514	618	687
WALKUP	342	413	494	583	640
ELEVATOR 2-4 STY	391	461	535		
ELEVATOR 5+ STY	423	506	593		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

PITTSBURGH, PENNSYLVANIA AREA OFFICE

MARKET: NEW CASTLE

	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED		459	515	589	682
SEMI-DETACHED/ROW		437	486	555	656
WALKUP	313	391	463	532	613
ELEVATOR 2-4 STY	365	425	486		
ELEVATOR 5+ STY	374	440	516		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: PITTSBURGH

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
		488	542	634	734
		465	516	603	706
	364	434	501	572	669
	377	447	510		
	388	463	542		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ERIE

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
		472	526	611	727
		450	500	576	686
	322	388	451	519	592
	380	444	507		
	390	459	538		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SHARON

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
		459	515	589	682
		437	486	555	656
	313	391	463	532	613
	365	425	486		
	374	440	516		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ALTOONA

	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED		459	515	589	682
SEMI-DETACHED/ROW		442	486	560	656
WALKUP	317	391	467	537	613
ELEVATOR 2-4 STY	361	422	480		
ELEVATOR 5+ STY	370	436	510		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: JOHNSTOWN

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
		459	515	589	682
		442	486	560	656
	317	391	467	537	613
	361	422	480		
	370	436	510		

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

RICHMOND, VIRGINIA AREA OFFICE

MARKET: RICHMOND
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			455	528	624
SEMI-DETACHED/ROW		354	410	480	521
WALKUP	301	347	401	474	517
ELEVATOR 2-4 STY	372	418	472		
ELEVATOR 5+ STY	580	644	778		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: NORFOLK
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			453	536	604
SEMI-DETACHED/ROW		366	439	491	537
WALKUP	314	354	419	491	530
ELEVATOR 2-4 STY	386	426	511		
ELEVATOR 5+ STY	540	601	726		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: VIRGINIA BEACH
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			453	536	604
SEMI-DETACHED/ROW		366	439	491	537
WALKUP	314	354	419	491	530
ELEVATOR 2-4 STY	386	426	511		
ELEVATOR 5+ STY	540	601	726		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: CHESAPEAKE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			453	536	604
SEMI-DETACHED/ROW		366	439	491	537
WALKUP	314	354	419	491	530
ELEVATOR 2-4 STY	386	426	511		
ELEVATOR 5+ STY	540	601	726		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ROANOKE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			428	503	566
SEMI-DETACHED/ROW		346	422	480	516
WALKUP	289	326	391	453	489
ELEVATOR 2-4 STY	361	397	463		
ELEVATOR 5+ STY	478	523	636		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LYNCHBURG
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			428	503	566
SEMI-DETACHED/ROW		346	422	480	516
WALKUP	289	326	391	453	489
ELEVATOR 2-4 STY	361	397	463		
ELEVATOR 5+ STY	478	523	636		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: NEWPORT NEWS
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			437	532	582
SEMI-DETACHED/ROW		341	394	492	533
WALKUP	270	304	367	439	490
ELEVATOR 2-4 STY	342	375	438		
ELEVATOR 5+ STY	496	547	667		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FREDERICKSBURG
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			471	544	622
SEMI-DETACHED/ROW		383	453	539	574
WALKUP	332	373	432	517	543
ELEVATOR 2-4 STY	405	445	503		
ELEVATOR 5+ STY	553	605	707		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: HARRISONBURG
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		346	403	470	521
WALKUP	269	319	396	456	506
ELEVATOR 2-4 STY	341	390	468		
ELEVATOR 5+ STY	460	520	647		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BRISTOL
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			446	492	535
SEMI-DETACHED/ROW		321	397	443	489
WALKUP	268	308	382	433	476
ELEVATOR 2-4 STY	340	380	453		
ELEVATOR 5+ STY	481	536	667		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: HAMPTON
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			437	532	582
SEMI-DETACHED/ROW		341	394	492	533
WALKUP	270	304	367	439	490
ELEVATOR 2-4 STY	342	375	438		
ELEVATOR 5+ STY	496	547	667		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: CHARLOTTESVILLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			471	544	622
SEMI-DETACHED/ROW		383	453	539	574
WALKUP	332	373	432	517	543
ELEVATOR 2-4 STY	405	445	503		
ELEVATOR 5+ STY	553	605	707		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: WARRENTON
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		346	403	470	521
WALKUP	269	319	396	456	506
ELEVATOR 2-4 STY	341	390	468		
ELEVATOR 5+ STY	460	520	647		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: PORTSMOUTH
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			453	536	604
SEMI-DETACHED/ROW		366	439	491	537
WALKUP	314	354	419	491	530
ELEVATOR 2-4 STY	386	426	511		
ELEVATOR 5+ STY	540	601	726		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SUFFOLK
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			453	536	604
SEMI-DETACHED/ROW		366	439	491	537
WALKUP	314	354	419	491	530
ELEVATOR 2-4 STY	386	426	511		
ELEVATOR 5+ STY	540	601	726		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: DANVILLE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			428	503	566
SEMI-DETACHED/ROW		346	422	480	516
WALKUP	289	326	391	453	489
ELEVATOR 2-4 STY	361	397	463		
ELEVATOR 5+ STY	478	523	636		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 3

RICHMOND, VIRGINIA AREA OFFICE

MARKET: EMPORIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			453	536	604
SEMI-DETACHED/ROW		366	439	491	537
WALKUP	314	354	419	491	530
ELEVATOR 2-4 STY	386	426	511		
ELEVATOR 5+ STY	540	601	726		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FRANKLIN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			453	536	604
SEMI-DETACHED/ROW		366	439	491	537
WALKUP	314	354	419	491	530
ELEVATOR 2-4 STY	386	426	511		
ELEVATOR 5+ STY	540	601	726		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: CULPEPPER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			471	544	622
SEMI-DETACHED/ROW		383	453	539	574
WALKUP	332	373	432	517	543
ELEVATOR 2-4 STY	405	445	503		
ELEVATOR 5+ STY	553	605	707		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MARTINSVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			428	503	566
SEMI-DETACHED/ROW		346	422	480	516
WALKUP	289	326	391	453	489
ELEVATOR 2-4 STY	361	397	463		
ELEVATOR 5+ STY	478	523	636		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SOUTH BOSTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			428	503	566
SEMI-DETACHED/ROW		346	422	480	516
WALKUP	289	326	391	453	489
ELEVATOR 2-4 STY	361	397	463		
ELEVATOR 5+ STY	478	523	636		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SOUTH HILL

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			428	503	566
SEMI-DETACHED/ROW		346	422	480	516
WALKUP	289	326	391	453	489
ELEVATOR 2-4 STY	361	397	463		
ELEVATOR 5+ STY	478	523	636		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: STAUNTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		346	403	470	521
WALKUP	269	319	396	456	506
ELEVATOR 2-4 STY	341	390	468		
ELEVATOR 5+ STY	460	520	647		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: WAYNESBORO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		346	403	470	521
WALKUP	269	319	396	456	506
ELEVATOR 2-4 STY	341	390	468		
ELEVATOR 5+ STY	460	520	647		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: WINCHESTER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED					
SEMI-DETACHED/ROW		346	403	470	521
WALKUP	269	319	396	456	506
ELEVATOR 2-4 STY	341	390	468		
ELEVATOR 5+ STY	460	520	647		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

WASHINGTON, D.C. AREA OFFICE

MARKET: WASHINGTON D.C.

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			699	762	863
SEMI-DETACHED/ROW		466	553	620	702
WALKUP	342	454	512	598	662
ELEVATOR 2-4 STY	377	505	597	680	
ELEVATOR 5+ STY	389	515	686	781	
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

ATLANTA, GEORGIA AREA OFFICE

MARKET: ATLANTA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			486	578	615
SEMI-DETACHED/ROW		407	461	556	591
WALKUP	372	394	450	544	579
ELEVATOR 2-4 STY	396	418	474		
ELEVATOR 5+ STY	446	471	547		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ALBANY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			451	521	556
SEMI-DETACHED/ROW		339	418	503	551
WALKUP	293	326	407	491	538
ELEVATOR 2-4 STY	320	352	445		
ELEVATOR 5+ STY	366	402	514		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: AUGUSTA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			379	444	481
SEMI-DETACHED/ROW		319	358	426	458
WALKUP	280	306	345	413	447
ELEVATOR 2-4 STY	304	330	369		
ELEVATOR 5+ STY	340	367	423		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BRUNSWICK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			411	494	538
SEMI-DETACHED/ROW		332	391	470	512
WALKUP	288	321	373	458	500
ELEVATOR 2-4 STY	313	346	398		
ELEVATOR 5+ STY	370	408	484		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: COLUMBUS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			361	425	463
SEMI-DETACHED/ROW		300	347	411	456
WALKUP	258	281	333	400	438
ELEVATOR 2-4 STY	284	306	360		
ELEVATOR 5+ STY	333	361	432		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MACON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			394	426	474
SEMI-DETACHED/ROW		328	372	406	456
WALKUP	296	313	360	393	438
ELEVATOR 2-4 STY	321	339	385		
ELEVATOR 5+ STY	371	393	460		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ROME

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			381	429	479
SEMI-DETACHED/ROW		297	355	415	453
WALKUP	259	285	344	393	442
ELEVATOR 2-4 STY	284	310	369		
ELEVATOR 5+ STY	337	368	446		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SAVANNAH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED		382	419	522	560
SEMI-DETACHED/ROW		335	397	497	535
WALKUP	297	324	381	486	522
ELEVATOR 2-4 STY	321	348	405		
ELEVATOR 5+ STY	379	411	491		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: VALDOSTA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			347	410	454
SEMI-DETACHED/ROW		274	327	391	445
WALKUP	240	260	320	380	425
ELEVATOR 2-4 STY	264	286	345		
ELEVATOR 5+ STY	313	339	417		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

BIRMINGHAM, ALABAMA AREA OFFICE

MARKET: BIRMINGHAM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			586	710	757
SEMI-DETACHED/ROW		349	402	471	507
WALKUP	302	338	395	459	500
ELEVATOR 2-4 STY	361	402	466		
ELEVATOR 5+ STY	379	413	482		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: DOTHAN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			517	606	648
SEMI-DETACHED/ROW		331	390	512	512
WALKUP	290	326	372	512	512
ELEVATOR 2-4 STY	361	402	466		
ELEVATOR 5+ STY	379	413	482		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FLORENCE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			574	680	725
SEMI-DETACHED/ROW		331	395	466	507
WALKUP	302	331	390	459	500
ELEVATOR 2-4 STY	361	402	466		
ELEVATOR 5+ STY	379	413	482		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: HUNTSVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			587	704	749
SEMI-DETACHED/ROW		331	395	466	507
WALKUP	277	326	390	454	500
ELEVATOR 2-4 STY	361	402	466		
ELEVATOR 5+ STY	379	413	482		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MOBILE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			586	690	736
SEMI-DETACHED/ROW		326	395	471	507
WALKUP	274	326	379	459	500
ELEVATOR 2-4 STY	361	402	466		
ELEVATOR 5+ STY	379	413	482		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MONTGOMERY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			529	611	666
SEMI-DETACHED/ROW		351	390	459	507
WALKUP	297	338	390	454	500
ELEVATOR 2-4 STY	361	402	466		
ELEVATOR 5+ STY	379	413	482		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: TUSCALOOSA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			586	710	757
SEMI-DETACHED/ROW		349	402	471	507
WALKUP	302	338	395	459	500
ELEVATOR 2-4 STY	361	402	466		
ELEVATOR 5+ STY	379	413	482		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

COLUMBIA, SOUTH CAROLINA AREA AFFICE

MARKET: GREENVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED	409	451	493	582	640
SEMI-DETACHED/ROW	393	435	477	566	619
WALKUP	372	414	456	545	598
ELEVATOR 2-4 STY	398	456	535		
ELEVATOR 5+ STY	419	477	556		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: GREENWOOD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED	398	435	477	577	629
SEMI-DETACHED/ROW	383	419	461	561	614
WALKUP	362	398	451	540	593
ELEVATOR 2-4 STY	388	440	530		
ELEVATOR 5+ STY	409	461	551		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MYRTLE BEACH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED	419	451	519	593	645
SEMI-DETACHED/ROW	404	435	503	577	629
WALKUP	383	425	482	556	608
ELEVATOR 2-4 STY	409	467	561		
ELEVATOR 5+ STY	430	488	582		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ORANGEBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED	398	435	477	577	629
SEMI-DETACHED/ROW	383	419	461	561	614
WALKUP	362	398	451	540	593
ELEVATOR 2-4 STY	388	440	530		
ELEVATOR 5+ STY	409	461	551		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ROCKHILL

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED	398	435	477	577	629
SEMI-DETACHED/ROW	383	419	461	561	614
WALKUP	362	398	451	540	593
ELEVATOR 2-4 STY	388	440	530		
ELEVATOR 5+ STY	409	461	551		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: COLUMBIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED	409	451	493	582	640
SEMI-DETACHED/ROW	393	435	477	566	619
WALKUP	372	414	456	545	598
ELEVATOR 2-4 STY	398	456	535		
ELEVATOR 5+ STY	419	477	556		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: AIKEN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED	398	435	477	577	629
SEMI-DETACHED/ROW	383	419	461	561	614
WALKUP	362	398	451	540	593
ELEVATOR 2-4 STY	388	440	530		
ELEVATOR 5+ STY	409	461	551		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ANDERSON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED	409	451	493	582	640
SEMI-DETACHED/ROW	393	435	477	566	619
WALKUP	372	414	456	545	598
ELEVATOR 2-4 STY	398	456	535		
ELEVATOR 5+ STY	419	477	556		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BEAUFORT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED	419	451	519	593	645
SEMI-DETACHED/ROW	404	435	503	577	629
WALKUP	383	425	482	556	608
ELEVATOR 2-4 STY	409	467	561		
ELEVATOR 5+ STY	430	488	582		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: CHARLESTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED	419	451	519	593	645
SEMI-DETACHED/ROW	404	435	503	577	629
WALKUP	383	425	482	556	608
ELEVATOR 2-4 STY	409	467	561		
ELEVATOR 5+ STY	430	488	582		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FLORENCE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED	398	435	477	577	629
SEMI-DETACHED/ROW	383	419	461	561	614
WALKUP	362	398	451	540	593
ELEVATOR 2-4 STY	388	440	530		
ELEVATOR 5+ STY	409	461	551		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SPARTANBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED	409	451	493	582	640
SEMI-DETACHED/ROW	393	435	477	566	619
WALKUP	372	414	456	545	598
ELEVATOR 2-4 STY	398	456	535		
ELEVATOR 5+ STY	419	477	556		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: NORTH AUGUSTA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED	398	435	477	577	629
SEMI-DETACHED/ROW	383	419	461	561	614
WALKUP	362	398	451	540	593
ELEVATOR 2-4 STY	388	440	530		
ELEVATOR 5+ STY	409	461	551		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

GREENSBORO, NORTH CAROLINA AREA OFFICE

MARKET: GREENSBORO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			442	517	583
SEMI-DETACHED/ROW		334	400	467	533
WALKUP	312	334	400	467	533
ELEVATOR 2-4 STY	341	363	428		
ELEVATOR 5+ STY	434	466	564		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ASHEVILLE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		395	499	576
	319	367	463	528
272	319	367	463	528
303	349	397		
395	444	524		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: CHARLOTTE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		451	521	584
	353	419	484	560
327	353	419	484	560
358	382	448		
436	467	560		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: DURHAM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		443	563	633
	332	410	523	586
312	332	410	523	586
341	361	438		
433	471	572		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: GREENVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			410	456	529
SEMI-DETACHED/ROW		309	373	418	482
WALKUP	269	309	373	418	482
ELEVATOR 2-4 STY	297	338	402		
ELEVATOR 5+ STY	372	432	517		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: RALEIGH

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		503	573	643
	398	467	530	593
348	398	467	530	593
376	427	495		
472	530	632		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: WINSTON-SALEM

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		409	496	570
	325	376	467	526
280	325	376	463	522
306	351	405		
415	444	532		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FAYETTEVILLE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		382	447	512
	302	355	413	475
264	302	355	413	475
290	330	384		
364	409	485		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: WILMINGTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			400	467	531
SEMI-DETACHED/ROW		312	376	427	489
WALKUP	269	312	376	427	489
ELEVATOR 2-4 STY	296	330	405		
ELEVATOR 5+ STY	387	430	516		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ELIZABETH CITY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		503	573	643
	398	467	530	593
348	398	467	530	593
376	427	495		
472	530	632		

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

JACKSON, MISSISSIPPI AREA OFFICE

MARKET: JACKSON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			466	540	608
SEMI-DETACHED/ROW	353	396	460	533	599
WALKUP	331	379	449	517	570
ELEVATOR 2-4 STY	467	522	628		
ELEVATOR 5+ STY	480	538	647		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: CORINTH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			356	450	520
SEMI-DETACHED/ROW	249	291	346	435	503
WALKUP	237	282	341	429	486
ELEVATOR 2-4 STY	371	427	519		
ELEVATOR 5+ STY	384	442	539		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: GREENVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			433	456	523
SEMI-DETACHED/ROW	342	352	427	448	514
WALKUP	320	334	415	432	485
ELEVATOR 2-4 STY	452	477	594		
ELEVATOR 5+ STY	466	493	613		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: GREENWOOD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			426	446	509
SEMI-DETACHED/ROW	324	364	413	432	509
WALKUP	307	354	410	425	479
ELEVATOR 2-4 STY	437	491	582		
ELEVATOR 5+ STY	451	507	601		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: GULFPORT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			404	474	541
SEMI-DETACHED/ROW	333	355	400	467	496
WALKUP	309	335	381	444	496
ELEVATOR 2-4 STY	449	487	570		
ELEVATOR 5+ STY	461	501	589		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: HATTIESBURG

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			408	481	550
SEMI-DETACHED/ROW	320	344	402	474	540
WALKUP	298	325	390	458	511
ELEVATOR 2-4 STY	433	469	570		
ELEVATOR 5+ STY	447	485	590		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SOUTHAVEN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			424	491	559
SEMI-DETACHED/ROW	287	372	417	485	550
WALKUP	277	367	419	485	541
ELEVATOR 2-4 STY	397	498	582		
ELEVATOR 5+ STY	414	513	601		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

JACKSONVILLE, FLORIDA AREA OFFICE

MARKET: JACKSONVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			621	673	729
SEMI-DETACHED/ROW	358	402	485	571	615
WALKUP	335	379	456	537	592
ELEVATOR 2-4 STY	400	444	537		
ELEVATOR 5+ STY	452	496	596		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FORT WALTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			511	598	640
SEMI-DETACHED/ROW	371	414	498	581	615
WALKUP	339	382	466	548	584
ELEVATOR 2-4 STY	387	436	523		
ELEVATOR 5+ STY	434	479	571		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: GAINESVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			512	584	667
SEMI-DETACHED/ROW	382	433	489	551	611
WALKUP	374	417	477	539	604
ELEVATOR 2-4 STY	426	478	573		
ELEVATOR 5+ STY	470	530	624		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: PANAMA CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			511	598	640
SEMI-DETACHED/ROW	371	414	498	581	615
WALKUP	339	382	466	548	584
ELEVATOR 2-4 STY	387	436	523		
ELEVATOR 5+ STY	434	479	571		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: PENSACOLA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			511	598	640
SEMI-DETACHED/ROW	371	414	498	581	615
WALKUP	339	382	466	548	584
ELEVATOR 2-4 STY	387	436	523		
ELEVATOR 5+ STY	434	479	571		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: TALLAHASSEE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			491	561	639
SEMI-DETACHED/ROW	376	449	485	547	612
WALKUP	330	382	412	497	549
ELEVATOR 2-4 STY	395	439	531		
ELEVATOR 5+ STY	436	466	571		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FORT LAUDERDALE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			631	700	780
SEMI-DETACHED/ROW	512	561	623	684	757
WALKUP	422	467	578	627	677
ELEVATOR 2-4 STY	506	561	661		
ELEVATOR 5+ STY	591	654	759		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FORT MYERS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			570	637	713
SEMI-DETACHED/ROW	469	519	562	623	695
WALKUP	409	446	500	561	613
ELEVATOR 2-4 STY	502	557	656		
ELEVATOR 5+ STY	586	641	723		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: KEY WEST

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			618	682	751
SEMI-DETACHED/ROW	490	559	616	673	740
WALKUP	446	491	571	620	687
ELEVATOR 2-4 STY	530	587	689		
ELEVATOR 5+ STY	619	677	776		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: WEST PALM BEACH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			620	689	769
SEMI-DETACHED/ROW	507	556	607	668	730
WALKUP	417	457	547	603	666
ELEVATOR 2-4 STY	507	564	665		
ELEVATOR 5+ STY	597	649	749		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MIAMI

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			618	682	751
SEMI-DETACHED/ROW	490	559	616	673	740
WALKUP	446	491	571	620	687
ELEVATOR 2-4 STY	530	587	689		
ELEVATOR 5+ STY	619	677	776		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: TAMPA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			632	689	754
SEMI-DETACHED/ROW	358	409	499	555	620
WALKUP	334	389	458	516	574
ELEVATOR 2-4 STY	411	467	562		
ELEVATOR 5+ STY	472	528	623		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: COCOA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			472	528	592
SEMI-DETACHED/ROW	349	411	466	520	584
WALKUP	327	373	451	514	566
ELEVATOR 2-4 STY	400	451	538		
ELEVATOR 5+ STY	455	507	595		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: DAYTONA BEACH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			632	689	754
SEMI-DETACHED/ROW	401	442	489	556	625
WALKUP	365	411	468	520	577
ELEVATOR 2-4 STY	434	486	574		
ELEVATOR 5+ STY	493	544	633		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LAKELAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			455	521	584
SEMI-DETACHED/ROW	338	384	444	503	573
WALKUP	324	379	440	498	563
ELEVATOR 2-4 STY	401	456	552		
ELEVATOR 5+ STY	461	517	613		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ORLANDO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			619	671	740
SEMI-DETACHED/ROW	347	398	489	545	608
WALKUP	324	377	444	503	566
ELEVATOR 2-4 STY	398	456	551		
ELEVATOR 5+ STY	461	514	608		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

JACKSONVILLE, FLORIDA AREA OFFICE

	MARKET: FT PIERCE					MARKET: SARASOTA					MARKET: ST PETERSBURG				
	NUMBER OF BEDROOMS					NUMBER OF BEDROOMS					NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+	-0-	-1-	-2-	-3-	-4+
DETACHED			632	689	754			512	573	645			532	713	778
SEMI-DETACHED/ROW	401	442	489	556	625	407	449	505	559	627	355	404	485	584	636
WALKUP	365	411	468	520	577	352	396	469	519	571	338	379	456	555	614
ELEVATOR 2-4 STY	434	486	574			417	474	566			414	464	559		
ELEVATOR 5+ STY	493	544	633			479	536	628			479	529	639		
MANUFACTURED HOME.															
	EFFECTIVE DATE 100181					EFFECTIVE DATE 100181					EFFECTIVE DATE 100181				
	TRENDED DATE 100183					TRENDED DATE 100183					TRENDED DATE 100183				

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

LOUISVILLE, KENTUCKY AREA OFFICE

MARKET: LOUISVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			478	541	607
SEMI-DETACHED/ROW		405	458	514	574
WALKUP	330	360	421	500	555
ELEVATOR 2-4 STY	359	388	449		
ELEVATOR 5+ STY	430	471	562		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ASHLAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			453	515	578
SEMI-DETACHED/ROW		375	432	490	552
WALKUP	335	366	419	476	532
ELEVATOR 2-4 STY	364	394	448		
ELEVATOR 5+ STY	438	481	566		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BOWLING GREEN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			478	538	599
SEMI-DETACHED/ROW		405	458	514	574
WALKUP	330	360	421	500	555
ELEVATOR 2-4 STY	359	388	449		
ELEVATOR 5+ STY	430	460	562		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: CORBIN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			503	578	655
SEMI-DETACHED/ROW		424	477	544	602
WALKUP	342	371	451	540	595
ELEVATOR 2-4 STY	376	400	479		
ELEVATOR 5+ STY	448	489	593		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: COVINGTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			455	543	625
SEMI-DETACHED/ROW		375	432	498	572
WALKUP	335	366	419	476	532
ELEVATOR 2-4 STY	364	394	448		
ELEVATOR 5+ STY	443	487	572		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: HOPKINSVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			478	538	599
SEMI-DETACHED/ROW		406	458	514	574
WALKUP	330	360	421	500	555
ELEVATOR 2-4 STY	359	388	449		
ELEVATOR 5+ STY	421	461	550		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LEXINGTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			503	578	655
SEMI-DETACHED/ROW		424	477	544	602
WALKUP	342	371	451	540	595
ELEVATOR 2-4 STY	376	406	479		
ELEVATOR 5+ STY	448	489	593		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MIDDLESBORO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			501	587	667
SEMI-DETACHED/ROW		391	477	556	629
WALKUP	339	371	451	540	600
ELEVATOR 2-4 STY	373	400	479		
ELEVATOR 5+ STY	430	471	571		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MURRAY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			478	539	601
SEMI-DETACHED/ROW		405	458	515	576
WALKUP	330	360	421	500	555
ELEVATOR 2-4 STY	359	388	449		
ELEVATOR 5+ STY	418	459	547		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: NEWPORT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			467	549	621
SEMI-DETACHED/ROW		376	436	501	566
WALKUP	335	366	419	476	532
ELEVATOR 2-4 STY	364	394	448		
ELEVATOR 5+ STY	434	476	561		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: OWENSBORO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			478	538	599
SEMI-DETACHED/ROW		405	458	514	574
WALKUP	330	360	421	500	555
ELEVATOR 2-4 STY	359	377	449		
ELEVATOR 5+ STY	430	460	562		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: PADUCAH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			478	539	601
SEMI-DETACHED/ROW		405	458	515	576
WALKUP	330	360	421	500	555
ELEVATOR 2-4 STY	359	388	449		
ELEVATOR 5+ STY	418	459	547		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FRANKFORT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			503	578	655
SEMI-DETACHED/ROW		424	477	544	602
WALKUP	342	371	451	540	595
ELEVATOR 2-4 STY	376	406	479		
ELEVATOR 5+ STY	448	489	593		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 4

KNOXVILLE, TENNESSEE AREA OFFICE

MARKET: KNOXVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			419	514	545
SEMI-DETACHED/ROW		356	414	503	535
WALKUP	325	341	398	482	509
ELEVATOR 2-4 STY	346	367	425		
ELEVATOR 5+ STY	372	393	451		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: CHATTANOOGA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			446	509	535
SEMI-DETACHED/ROW		404	440	503	530
WALKUP	372	393	425	488	514
ELEVATOR 2-4 STY	398	419	467		
ELEVATOR 5+ STY	425	446	488		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: JOHNSON CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			414	488	503
SEMI-DETACHED/ROW		330	404	482	498
WALKUP	299	314	393	472	482
ELEVATOR 2-4 STY	325	341	419		
ELEVATOR 5+ STY	346	367	446		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: KINGSPORT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			414	488	503
SEMI-DETACHED/ROW		330	404	482	498
WALKUP	299	314	393	472	482
ELEVATOR 2-4 STY	325	341	419		
ELEVATOR 5+ STY	346	367	446		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: OAKRIDGE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			419	514	545
SEMI-DETACHED/ROW		356	414	503	535
WALKUP	325	341	398	482	509
ELEVATOR 2-4 STY	346	367	425		
ELEVATOR 5+ STY	372	393	451		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

NASHVILLE, TENNESSEE SERVICE OFFICE

MARKET: NASHVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			419	488	524
SEMI-DETACHED/ROW		356	404	477	514
WALKUP	304	346	398	472	509
ELEVATOR 2-4 STY	309	362	404		
ELEVATOR 5+ STY	314	372	419		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: CLARKSVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			384	451	488
SEMI-DETACHED/ROW		314	367	440	477
WALKUP	267	304	362	435	472
ELEVATOR 2-4 STY	272	320	367		
ELEVATOR 5+ STY	278	330	383		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: COLUMBIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			384	439	480
SEMI-DETACHED/ROW		283	335	432	461
WALKUP	236	278	325	419	456
ELEVATOR 2-4 STY	241	293	332		
ELEVATOR 5+ STY	251	314	362		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MEMPHIS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			377	431	503
SEMI-DETACHED/ROW		337	377	424	459
WALKUP	243	272	318	381	411
ELEVATOR 2-4 STY	303	354	429		
ELEVATOR 5+ STY	337	393	476		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: JACKSON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			360	419	494
SEMI-DETACHED/ROW		287	338	389	452
WALKUP	237	272	328	380	432
ELEVATOR 2-4 STY	289	344	436		
ELEVATOR 5+ STY	324	382	475		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: UNION CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			360	419	494
SEMI-DETACHED/ROW		287	338	389	452
WALKUP	237	272	328	380	432
ELEVATOR 2-4 STY	289	344	436		
ELEVATOR 5+ STY	324	382	475		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

CHICAGO, ILLINOIS AREA OFFICE

MARKET: CHICAGO
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			776	838	907
SEMI-DETACHED/ROW		603	676	734	822
WALKUP	388	455	536	640	677
ELEVATOR 2-4 STY	422	486	573	682	720
ELEVATOR 5+ STY	459	560	674	729	771
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BELLEVILLE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		565	640	712
	444	498	561	648
355	393	454	512	566
363	417	485		
416	457	530		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MOLINE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		600	715	790
	487	550	652	722
392	436	497	595	624
412	460	528		
438	477	572		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SPRINGFIELD
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		618	691	765
	452	514	574	649
346	395	458	518	574
365	421	489		
408	458	536		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: EAST ST. LOUIS
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			489	562	633
SEMI-DETACHED/ROW		392	465	522	596
WALKUP	306	353	424	477	530
ELEVATOR 2-4 STY	325	377	454		
ELEVATOR 5+ STY	393	445	539		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

CINCINNATI, OHIO SERVICE OFFICE

MARKET: CINCINNATI
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			667	734	764
SEMI-DETACHED/ROW		435	521	593	633
WALKUP	346	394	459	544	574
ELEVATOR 2-4 STY	397	440	517		
ELEVATOR 5+ STY	495	563	692		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: DAYTON
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		654	720	749
	402	488	552	592
352	401	467	489	529
414	447	524		
501	564	695		

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

CLEVELAND, OHIO SERVICE OFFICE

MARKET: CLEVELAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			669	725	782
SEMI-DETACHED/ROW		469	509	575	618
WALKUP	386	416	446	518	561
ELEVATOR 2-4 STY	402	438	551	627	677
ELEVATOR 5+ STY	424	461	579		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: AKRON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			655	717	767
SEMI-DETACHED/ROW		456	506	578	608
WALKUP	361	389	442	518	558
ELEVATOR 2-4 STY	382	415	545		
ELEVATOR 5+ STY	404	438	574		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FINDLAY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			606	650	698
SEMI-DETACHED/ROW		442	490	554	586
WALKUP	355	381	431	501	536
ELEVATOR 2-4 STY	371	401	535		
ELEVATOR 5+ STY	391	422	560		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LORAIN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			627	685	733
SEMI-DETACHED/ROW		445	490	556	590
WALKUP	353	381	428	500	538
ELEVATOR 2-4 STY	370	400	530		
ELEVATOR 5+ STY	390	422	556		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MANSFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			590	647	689
SEMI-DETACHED/ROW		388	473	539	572
WALKUP	301	332	414	487	523
ELEVATOR 2-4 STY	311	341	512		
ELEVATOR 5+ STY	331	363	538		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: TOLEDO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			642	703	749
SEMI-DETACHED/ROW		458	503	574	610
WALKUP	366	393	440	517	556
ELEVATOR 2-4 STY	381	413	543		
ELEVATOR 5+ STY	403	436	572		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: YOUNGSTOWN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			586	646	690
SEMI-DETACHED/ROW		429	458	527	560
WALKUP	340	367	398	473	511
ELEVATOR 2-4 STY	353	385	491		
ELEVATOR 5+ STY	374	407	518		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

COLUMBUS, OHIO AREA OFFICE

MARKET: COLUMBUS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			608	686	716
SEMI-DETACHED/ROW		365	437	513	550
WALKUP	317	365	407	477	518
ELEVATOR 2-4 STY	366	408	482		
ELEVATOR 5+ STY	451	517	618		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ATHENS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			592	658	682
SEMI-DETACHED/ROW		372	446	510	547
WALKUP	324	372	423	509	539
ELEVATOR 2-4 STY	363	415	479		
ELEVATOR 5+ STY	458	524	634		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LIMA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			592	658	682
SEMI-DETACHED/ROW		372	446	510	547
WALKUP	324	372	423	509	539
ELEVATOR 2-4 STY	363	415	479		
ELEVATOR 5+ STY	458	524	634		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: NEWARK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			592	658	682
SEMI-DETACHED/ROW		372	446	510	547
WALKUP	324	372	423	509	539
ELEVATOR 2-4 STY	363	415	479		
ELEVATOR 5+ STY	458	524	634		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SPRINGFIELD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			592	658	682
SEMI-DETACHED/ROW		372	446	510	547
WALKUP	324	372	423	509	539
ELEVATOR 2-4 STY	363	415	479		
ELEVATOR 5+ STY	458	524	634		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: TROY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			592	658	682
SEMI-DETACHED/ROW		372	446	510	547
WALKUP	324	372	423	509	539
ELEVATOR 2-4 STY	363	415	479		
ELEVATOR 5+ STY	458	524	634		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ZANESVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			592	658	682
SEMI-DETACHED/ROW		372	446	510	547
WALKUP	324	372	423	509	539
ELEVATOR 2-4 STY	363	415	479		
ELEVATOR 5+ STY	458	524	634		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MARIETTA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			592	658	682
SEMI-DETACHED/ROW		372	446	510	547
WALKUP	324	372	423	509	539
ELEVATOR 2-4 STY	363	415	479		
ELEVATOR 5+ STY	458	524	634		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

DETROIT, MICHIGAN AREA OFFICE

MARKET: DETROIT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			595	655	706
SEMI-DETACHED/ROW		498	539	596	647
WALKUP	365	418	480	535	598
ELEVATOR 2-4 STY	384	458	511		
ELEVATOR 5+ STY	433	491	581		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BAY CITY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		554	608	658
	460	500	557	598
328	389	453	511	572
365	435	486		
411	467	552		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FLINT

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		554	608	658
	460	500	557	598
328	389	453	511	572
365	435	486		
411	467	552		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SAGINAW

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		554	608	658
	460	500	557	598
328	389	453	511	572
365	435	486		
411	467	552		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ANN ARBOR

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			595	655	706
SEMI-DETACHED/ROW		498	539	596	647
WALKUP	365	418	480	535	598
ELEVATOR 2-4 STY	384	458	511		
ELEVATOR 5+ STY	433	491	581		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: YPSILANTI

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		595	655	706
	498	539	596	647
365	418	480	535	598
384	458	511		
433	491	581		

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

GRAND RAPIDS, MICHIGAN SERVICE OFFICE

MARKET: KALAMAZOO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			521	613	645
SEMI-DETACHED/ROW		412	478	570	611
WALKUP	298	355	440	505	524
ELEVATOR 2-4 STY	335	397	461		
ELEVATOR 5+ STY	375	434	486		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MT PLEASANT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			556	652	686
SEMI-DETACHED/ROW		424	507	602	645
WALKUP	320	385	464	555	564
ELEVATOR 2-4 STY	341	406	485		
ELEVATOR 5+ STY	403	464	520		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: GRAND RAPIDS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			515	603	636
SEMI-DETACHED/ROW		402	472	569	603
WALKUP	305	346	419	481	517
ELEVATOR 2-4 STY	329	389	440		
ELEVATOR 5+ STY	365	425	472		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BENTON HARBO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			534	626	660
SEMI-DETACHED/ROW		412	486	579	620
WALKUP	302	346	438	502	524
ELEVATOR 2-4 STY	335	397	459		
ELEVATOR 5+ STY	383	442	495		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BATTLE CREEK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			521	613	645
SEMI-DETACHED/ROW		412	478	570	611
WALKUP	298	355	440	505	524
ELEVATOR 2-4 STY	335	397	461		
ELEVATOR 5+ STY	375	434	486		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LANSING

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			518	615	652
SEMI-DETACHED/ROW		421	478	565	606
WALKUP	324	375	459	533	564
ELEVATOR 2-4 STY	344	401	470		
ELEVATOR 5+ STY	372	443	481		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MUSKEGON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			522	613	645
SEMI-DETACHED/ROW		412	475	565	606
WALKUP	301	362	438	524	533
ELEVATOR 2-4 STY	335	397	459		
ELEVATOR 5+ STY	372	434	481		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: TRAVERSE CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			565	665	700
SEMI-DETACHED/ROW		432	516	615	658
WALKUP	324	390	471	556	575
ELEVATOR 2-4 STY	352	416	492		
ELEVATOR 5+ STY	411	475	533		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MARQUETTE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			580	685	716
SEMI-DETACHED/ROW		446	530	629	673
WALKUP	300	355	435	511	544
ELEVATOR 2-4 STY	358	424	506		
ELEVATOR 5+ STY	425	490	548		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: JACKSON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			537	637	673
SEMI-DETACHED/ROW		421	495	591	635
WALKUP	304	365	457	523	543
ELEVATOR 2-4 STY	344	401	478		
ELEVATOR 5+ STY	389	448	502		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

INDIANAPOLIS, INDIANA AREA OFFICE

MARKET: INDIANAPOLIS

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			516	612	673
SEMI-DETACHED/ROW		366	443	511	569
WALKUP	307	348	410	482	524
ELEVATOR 2-4 STY	367	376	471		
ELEVATOR 5+ STY	434	486	582		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BLOOMINGTON

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			506	556	617
		347	417	469	530
	289	330	394	443	491
	348	356	424		
	415	466	568		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: EVANSVILLE

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			501	553	615
		371	440	493	561
	301	341	405	453	499
	364	372	437		
	414	466	563		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FORT WAYNE

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			517	568	631
		361	425	474	531
	317	343	406	448	494
	361	369	432		
	430	477	575		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: HAMMOND

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			529	590	640
SEMI-DETACHED/ROW		404	476	535	608
WALKUP	337	382	448	499	554
ELEVATOR 2-4 STY	397	408	474		
ELEVATOR 5+ STY	456	506	605		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LAFAYETTE

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			532	583	645
		361	433	487	548
	302	343	410	457	503
	361	369	436		
	439	484	585		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SOUTH BEND

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			557	611	677
		394	479	536	604
	322	359	437	479	524
	364	388	485		
	432	496	611		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: TERRE HAUTE

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			515	571	636
		360	433	487	548
	298	342	403	453	507
	364	383	430		
	419	475	568		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: GARY

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			529	579	638
SEMI-DETACHED/ROW		401	473	533	605
WALKUP	335	382	448	505	538
ELEVATOR 2-4 STY	400	408	474		
ELEVATOR 5+ STY	426	477	569		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 5

MILWAUKEE, WISCONSIN AREA OFFICE

MARKET: MADISON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			625	707	750
SEMI-DETACHED/ROW		452	535	644	688
WALKUP	343	390	474	577	
ELEVATOR 2-4 STY	361	408	492	595	
ELEVATOR 5+ STY	459	518	634		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: REEDSVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			582	661	703
SEMI-DETACHED/ROW		426	496	594	635
WALKUP	329	374	445	545	
ELEVATOR 2-4 STY	347	392	463	563	
ELEVATOR 5+ STY	446	503	603		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SUPERIOR

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			601	675	719
SEMI-DETACHED/ROW		433	505	617	661
WALKUP	328	377	449	556	
ELEVATOR 2-4 STY	346	395	467	574	
ELEVATOR 5+ STY	454	516	621		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MILWAUKEE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			647	728	779
SEMI-DETACHED/ROW		485	562	670	711
WALKUP	353	402	488	592	624
ELEVATOR 2-4 STY	371	419	506	610	
ELEVATOR 5+ STY	484	543	662		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: EAU CLAIRE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			506	637	676
SEMI-DETACHED/ROW		417	477	579	612
WALKUP	318	361	421	516	
ELEVATOR 2-4 STY	335	379	438	534	
ELEVATOR 5+ STY	431	484	575		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: GREEN BAY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			512	617	659
SEMI-DETACHED/ROW		382	457	558	600
WALKUP	291	331	407	501	
ELEVATOR 2-4 STY	309	349	425	519	
ELEVATOR 5+ STY	410	446	564		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: WAUSAU

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			545	622	656
SEMI-DETACHED/ROW		402	466	560	602
WALKUP	307	351	415	511	
ELEVATOR 2-4 STY	325	369	433	529	
ELEVATOR 5+ STY	426	476	571		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MINNEAPOLIS-ST. PAUL, MINNESOTA AREA OFFICE

MARKET: MINNEAPOLIS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			613	687	717
SEMI-DETACHED/ROW		437	508	560	625
WALKUP	298	346	407	520	539
ELEVATOR 2-4 STY	334	391	493	545	
ELEVATOR 5+ STY	379	480	584		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: DULUTH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			560	673	713
SEMI-DETACHED/ROW		459	542	617	694
WALKUP	332	372	472	545	575
ELEVATOR 2-4 STY	364	404	508		
ELEVATOR 5+ STY	382	439	555		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MANKATO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			548	619	647
SEMI-DETACHED/ROW		411	479	530	593
WALKUP	292	326	408	468	495
ELEVATOR 2-4 STY	333	381	490		
ELEVATOR 5+ STY	379	469	576		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ROCHESTER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			563	636	667
SEMI-DETACHED/ROW		423	493	545	608
WALKUP	299	333	410	472	500
ELEVATOR 2-4 STY	335	389	474		
ELEVATOR 5+ STY	381	480	560		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ST. CLOUD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			538	602	633
SEMI-DETACHED/ROW		412	479	530	593
WALKUP	280	313	384	468	492
ELEVATOR 2-4 STY	327	380	488		
ELEVATOR 5+ STY	371	467	573		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: WORTHINGTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			514	582	611
SEMI-DETACHED/ROW		400	459	510	573
WALKUP	274	296	362	451	475
ELEVATOR 2-4 STY	334	375	467		
ELEVATOR 5+ STY	380	463	592		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

DALLAS, TEXAS AREA OFFICE

MARKET: DALLAS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			539	701	769
SEMI-DETACHED/ROW		372	470	554	646
WALKUP	293	349	446	515	600
ELEVATOR 2-4 STY	306	384	484		
ELEVATOR 5+ STY	429	515	685		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SHERMAN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			482	627	688
SEMI-DETACHED/ROW		333	421	496	578
WALKUP	251	312	396	460	537
ELEVATOR 2-4 STY	274	344	434		
ELEVATOR 5+ STY	384	460	613		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: TYLER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			488	634	695
SEMI-DETACHED/ROW		337	425	501	584
WALKUP	255	316	401	465	542
ELEVATOR 2-4 STY	277	347	438		
ELEVATOR 5+ STY	387	465	619		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: WACO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			488	634	695
SEMI-DETACHED/ROW		337	425	501	584
WALKUP	255	316	396	465	542
ELEVATOR 2-4 STY	277	347	438		
ELEVATOR 5+ STY	387	465	619		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MARSHALL

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			488	634	695
SEMI-DETACHED/ROW		337	425	501	584
WALKUP	255	316	401	465	542
ELEVATOR 2-4 STY	277	347	438		
ELEVATOR 5+ STY	387	465	619		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FORT WORTH

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			518	674	740
SEMI-DETACHED/ROW		358	451	533	621
WALKUP	282	335	429	495	577
ELEVATOR 2-4 STY	293	369	465		
ELEVATOR 5+ STY	412	495	658		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: WICHITA FALLS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			476	620	681
SEMI-DETACHED/ROW		329	415	490	572
WALKUP	259	308	394	455	531
ELEVATOR 2-4 STY	270	340	428		
ELEVATOR 5+ STY	380	455	605		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SAN ANGELO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			476	620	681
SEMI-DETACHED/ROW		329	415	490	572
WALKUP	259	308	394	455	531
ELEVATOR 2-4 STY	270	340	428		
ELEVATOR 5+ STY	380	455	605		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ABILENE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			485	629	691
SEMI-DETACHED/ROW		334	422	498	580
WALKUP	263	313	404	463	539
ELEVATOR 2-4 STY	275	345	434		
ELEVATOR 5+ STY	385	463	612		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LUBBOCK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			500	650	713
SEMI-DETACHED/ROW		345	435	514	599
WALKUP	271	324	387	478	557
ELEVATOR 2-4 STY	290	355	449		
ELEVATOR 5+ STY	398	478	636		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: AMARILLO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			488	634	695
SEMI-DETACHED/ROW		337	425	500	584
WALKUP	265	316	376	466	542
ELEVATOR 2-4 STY	290	347	437		
ELEVATOR 5+ STY	387	466	619		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: EL PASO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			465	604	663
SEMI-DETACHED/ROW		321	406	477	557
WALKUP	253	301	376	444	517
ELEVATOR 2-4 STY	290	330	416		
ELEVATOR 5+ STY	369	444	591		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MIDLAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			518	674	740
SEMI-DETACHED/ROW		359	452	533	622
WALKUP	283	332	409	495	577
ELEVATOR 2-4 STY	321	369	465		
ELEVATOR 5+ STY	412	495	659		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ODESSA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			518	674	740
SEMI-DETACHED/ROW		359	452	533	622
WALKUP	283	332	409	495	577
ELEVATOR 2-4 STY	321	369	465		
ELEVATOR 5+ STY	412	495	659		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ALBUQUERQUE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			460	599	658
SEMI-DETACHED/ROW		318	402	473	552
WALKUP	250	298	380	440	512
ELEVATOR 2-4 STY	262	328	412		
ELEVATOR 5+ STY	367	440	585		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ISLETA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			460	599	658
SEMI-DETACHED/ROW		318	402	473	552
WALKUP	250	298	380	440	512
ELEVATOR 2-4 STY	262	328	412		
ELEVATOR 5+ STY	367	440	585		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

DALLAS, TEXAS AREA OFFICE

MARKET: ALAMOGORDO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			428	556	613
SEMI-DETACHED/ROW		295	372	439	512
WALKUP	232	277	353	408	475
ELEVATOR 2-4 STY	242	304	383		
ELEVATOR 5+ STY	341	408	543		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MESCALERO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			428	556	613
SEMI-DETACHED/ROW		313	372	439	512
WALKUP	232	285	353	408	475
ELEVATOR 2-4 STY	254	304	383		
ELEVATOR 5+ STY	341	408	543		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ARTESIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			392	509	559
SEMI-DETACHED/ROW		302	343	403	471
WALKUP	220	267	323	373	435
ELEVATOR 2-4 STY	239	279	351		
ELEVATOR 5+ STY	312	373	497		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: CARLSBAD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			392	509	559
SEMI-DETACHED/ROW		302	343	403	471
WALKUP	220	267	323	373	435
ELEVATOR 2-4 STY	239	279	351		
ELEVATOR 5+ STY	312	373	497		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FORT SUMNER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			366	475	522
SEMI-DETACHED/ROW		313	350	418	496
WALKUP	228	285	331	350	451
ELEVATOR 2-4 STY	254	292	369		
ELEVATOR 5+ STY	291	350	466		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: GALLUP

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			460	599	658
SEMI-DETACHED/ROW		323	402	473	552
WALKUP	250	298	380	440	512
ELEVATOR 2-4 STY	262	328	412		
ELEVATOR 5+ STY	367	440	585		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LAGUNA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			460	599	658
SEMI-DETACHED/ROW		323	402	473	552
WALKUP	250	298	380	440	512
ELEVATOR 2-4 STY	262	328	412		
ELEVATOR 5+ STY	367	440	585		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: HOBBS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			470	611	670
SEMI-DETACHED/ROW		323	409	482	562
WALKUP	255	304	388	448	522
ELEVATOR 2-4 STY	266	333	421		
ELEVATOR 5+ STY	373	448	597		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LAS CRUCES

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			428	556	613
SEMI-DETACHED/ROW		295	372	439	512
WALKUP	232	277	353	408	475
ELEVATOR 2-4 STY	242	304	383		
ELEVATOR 5+ STY	341	408	543		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LAS VEGAS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			454	590	647
SEMI-DETACHED/ROW		313	394	466	543
WALKUP	245	293	375	433	505
ELEVATOR 2-4 STY	257	322	406		
ELEVATOR 5+ STY	361	433	576		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LOS ALAMOS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			454	590	647
SEMI-DETACHED/ROW		313	394	466	543
WALKUP	245	293	375	433	505
ELEVATOR 2-4 STY	257	322	406		
ELEVATOR 5+ STY	361	433	576		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: RATON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			454	590	647
SEMI-DETACHED/ROW		313	394	466	543
WALKUP	245	293	375	433	505
ELEVATOR 2-4 STY	257	322	406		
ELEVATOR 5+ STY	361	433	576		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SOCORRO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			460	599	658
SEMI-DETACHED/ROW		318	402	473	552
WALKUP	250	298	380	440	512
ELEVATOR 2-4 STY	262	328	412		
ELEVATOR 5+ STY	367	440	585		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: RUIDOSO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			428	556	613
SEMI-DETACHED/ROW		313	372	439	512
WALKUP	232	285	353	408	475
ELEVATOR 2-4 STY	254	304	383		
ELEVATOR 5+ STY	341	408	543		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SANTA FE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			454	590	647
SEMI-DETACHED/ROW		313	394	466	543
WALKUP	245	293	375	433	505
ELEVATOR 2-4 STY	257	322	406		
ELEVATOR 5+ STY	361	433	576		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: POJOAQUE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			454	590	647
SEMI-DETACHED/ROW		313	394	466	543
WALKUP	245	293	375	433	505
ELEVATOR 2-4 STY	257	322	406		
ELEVATOR 5+ STY	361	433	576		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

DALLAS, TEXAS AREA OFFICE

MARKET: SILVER CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			428	556	613
SEMI-DETACHED/ROW		313	372	439	512
WALKUP	232	285	353	408	475
ELEVATOR 2-4 STY	254	304	383		
ELEVATOR 5+ STY	341	408	543		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: TRUTH OR CONSEQUEN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			428	556	613
SEMI-DETACHED/ROW		295	372	439	512
WALKUP	232	277	353	408	475
ELEVATOR 2-4 STY	242	304	383		
ELEVATOR 5+ STY	341	408	543		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: TIERRA AMARI

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			460	599	658
SEMI-DETACHED/ROW		318	402	473	552
WALKUP	250	298	380	440	512
ELEVATOR 2-4 STY	262	328	412		
ELEVATOR 5+ STY	367	440	585		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: DULCE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			460	599	658
SEMI-DETACHED/ROW		318	402	473	552
WALKUP	250	298	380	440	512
ELEVATOR 2-4 STY	262	328	412		
ELEVATOR 5+ STY	367	440	585		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: JEMEZ

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			460	599	658
SEMI-DETACHED/ROW		318	402	473	552
WALKUP	250	298	380	440	512
ELEVATOR 2-4 STY	262	328	412		
ELEVATOR 5+ STY	367	440	585		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: TAOS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			454	590	647
SEMI-DETACHED/ROW		313	394	466	543
WALKUP	245	293	375	433	505
ELEVATOR 2-4 STY	257	322	406		
ELEVATOR 5+ STY	361	433	576		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: PENASCO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			454	590	647
SEMI-DETACHED/ROW		313	394	466	543
WALKUP	245	293	375	433	505
ELEVATOR 2-4 STY	257	322	406		
ELEVATOR 5+ STY	361	433	576		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FARMINGTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			495	644	707
SEMI-DETACHED/ROW		342	431	509	594
WALKUP	268	321	409	473	551
ELEVATOR 2-4 STY	281	353	444		
ELEVATOR 5+ STY	394	473	629		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: CLOVIS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			366	475	522
SEMI-DETACHED/ROW		291	331	389	464
WALKUP	217	263	302	355	407
ELEVATOR 2-4 STY	235	272	343		
ELEVATOR 5+ STY	291	350	466		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

HOUSTON, TEXAS SERVICE OFFICE

MARKET: HOUSTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			566	700	810
SEMI-DETACHED/ROW	330	382	497	623	710
WALKUP	306	366	463	571	633
ELEVATOR 2-4 STY	368	528	555		
ELEVATOR 5+ STY	466	543	629		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BEAUMONT

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		515	636	767
343	366	433	543	722
292	338	415	514	625
392	405	498		
461	490	595		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BRYAN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		673	784	892
391	451	580	674	831
288	342	444	522	620
408	454	585		
480	534	690		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LUFKIN

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		518	608	744
342	386	472	547	669
272	319	393	460	541
362	393	484		
426	463	569		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: EL CAMPO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			530	634	763
SEMI-DETACHED/ROW	304	324	433	528	656
WALKUP	279	317	409	496	594
ELEVATOR 2-4 STY	323	380	492		
ELEVATOR 5+ STY	394	464	573		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: TEXAS CITY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		545	662	782
326	374	467	595	711
293	367	467	561	646
371	440	560		
466	543	629		

EFFECTIVE DATE 100181
TRENDED DATE 100183

LITTLE ROCK, ARKANSAS AREA OFFICE

MARKET: FAYETTEVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			418	496	600
SEMI-DETACHED/ROW	254	308	377	451	542
WALKUP	242	304	367	443	506
ELEVATOR 2-4 STY	286	359	433		
ELEVATOR 5+ STY	382	433	495		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LITTLE ROCK

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		423	502	604
254	308	379	452	543
254	303	366	447	505
300	358	432		
385	436	503		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: TEXARKANA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		409	487	585
250	306	376	447	539
233	290	360	436	494
275	343	425		
381	434	495		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FORT SMITH

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		386	478	576
242	293	365	432	520
218	283	342	426	468
257	333	403		
388	444	508		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: JONESBORO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			384	454	548
SEMI-DETACHED/ROW	242	292	366	431	519
WALKUP	238	292	351	418	480
ELEVATOR 2-4 STY	281	348	414		
ELEVATOR 5+ STY	376	428	491		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

NEW ORLEANS, LOUISIANA AREA OFFICE

MARKET: NEW ORLEANS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			521	618	749
SEMI-DETACHED/ROW		374	450	550	659
WALKUP	281	350	424	521	604
ELEVATOR 2-4 STY	292	367	453		
ELEVATOR 5+ STY	492	542	596		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LAKE CHARLES

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		548	647	745
	430	539	635	703
350	395	498	598	694
367	412	515		
478	529	665		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LAFAYETTE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		492	627	706
	375	471	616	680
272	351	444	583	633
289	368	460		
439	509	649		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BATON ROUGE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		488	612	686
	392	477	599	667
292	347	424	536	597
309	368	460		
481	558	710		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: HOUMA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			481	578	688
SEMI-DETACHED/ROW		380	472	566	631
WALKUP	309	354	443	532	598
ELEVATOR 2-4 STY	326	371	459		
ELEVATOR 5+ STY	438	489	617		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SHREVEPORT

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		422	502	583
	313	402	492	558
244	286	374	459	506
319	344	391		
370	421	540		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ALEXANDRIA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		377	447	511
	299	371	437	495
242	283	359	422	467
296	323	375		
364	413	517		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MONROE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		385	487	554
	298	360	480	538
245	286	353	471	517
314	343	370		
369	417	518		

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

OKLAHOMA CITY, OKLAHOMA AREA OFFICE

MARKET: OKLAHOMA CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			425	518	579
SEMI-DETACHED/ROW		348	412	506	568
WALKUP	276	298	355	445	492
ELEVATOR 2-4 STY	286	318	376		
ELEVATOR 5+ STY	292	344	407		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ADA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			449	530	578
SEMI-DETACHED/ROW		343	437	517	565
WALKUP	269	293	379	455	489
ELEVATOR 2-4 STY	300	329	403		
ELEVATOR 5+ STY	311	343	443		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ARDMORE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			447	527	575
SEMI-DETACHED/ROW		338	434	514	562
WALKUP	261	288	379	455	489
ELEVATOR 2-4 STY	285	312	400		
ELEVATOR 5+ STY	311	343	443		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ENID

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			472	519	578
SEMI-DETACHED/ROW		372	458	507	565
WALKUP	235	316	395	436	473
ELEVATOR 2-4 STY	263	345	436		
ELEVATOR 5+ STY	285	370	459		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: GUYMON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			410	489	549
SEMI-DETACHED/ROW		324	397	475	534
WALKUP	244	271	338	407	449
ELEVATOR 2-4 STY	255	286	373		
ELEVATOR 5+ STY	295	326	402		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LAWTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			491	516	591
SEMI-DETACHED/ROW		397	479	505	579
WALKUP	309	347	424	438	496
ELEVATOR 2-4 STY	340	382	465		
ELEVATOR 5+ STY	360	402	488		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SHAWNEE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			394	433	477
SEMI-DETACHED/ROW		321	383	421	463
WALKUP	241	268	324	353	386
ELEVATOR 2-4 STY	251	283	359		
ELEVATOR 5+ STY	291	323	388		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: STILLWATER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			407	469	528
SEMI-DETACHED/ROW		337	395	457	511
WALKUP	240	286	337	391	432
ELEVATOR 2-4 STY	262	301	369		
ELEVATOR 5+ STY	290	341	401		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: WOODWARD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			436	524	571
SEMI-DETACHED/ROW		339	425	505	559
WALKUP	262	288	366	436	474
ELEVATOR 2-4 STY	274	303	403		
ELEVATOR 5+ STY	312	343	430		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BARTLESVILLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			396	465	516
SEMI-DETACHED/ROW		317	384	452	503
WALKUP	261	285	331	397	433
ELEVATOR 2-4 STY	270	291	340		
ELEVATOR 5+ STY	278	306	384		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MC ALESTER

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			393	456	502
SEMI-DETACHED/ROW		287	381	444	490
WALKUP	202	228	318	381	409
ELEVATOR 2-4 STY	213	243	333		
ELEVATOR 5+ STY	253	283	376		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MUSKOGEE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			358	413	467
SEMI-DETACHED/ROW		318	345	401	454
WALKUP	233	259	287	356	385
ELEVATOR 2-4 STY	243	274	299		
ELEVATOR 5+ STY	283	313	341		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: TULSA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			455	519	589
SEMI-DETACHED/ROW		356	443	507	576
WALKUP	278	323	386	447	499
ELEVATOR 2-4 STY	285	338	407		
ELEVATOR 5+ STY	297	384	511		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 6

SAN ANTONIO, TEXAS AREA OFFICE

MARKET: SAN ANTONIO
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			556	673	764
SEMI-DETACHED/ROW	358	388	506	612	677
WALKUP	338	369	487	582	626
ELEVATOR 2-4 STY	503	520	701		
ELEVATOR 5+ STY	578	598	808		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: AUSTIN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		580	695	772
429	491	559	629	739
405	458	528	594	678
592	628	728		
684	720	839		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: CORPUS CHRISTY
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		559	694	807
377	469	534	623	734
356	443	503	594	674
532	606	705		
614	696	806		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: EAGLE PASS
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		543	713	728
364	449	529	638	697
340	405	476	580	622
537	579	690		
615	668	795		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: HARLINGEN
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			590	668	780
SEMI-DETACHED/ROW	368	460	556	652	736
WALKUP	347	411	484	576	628
ELEVATOR 2-4 STY	389	551	691		
ELEVATOR 5+ STY	628	634	799		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LAREDO
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		543	713	728
364	449	529	638	697
340	405	476	580	622
537	579	690		
615	668	795		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: VICTORIA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		559	694	807
377	469	534	623	734
356	443	503	594	674
532	606	705		
614	696	806		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: DEL RIO
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		543	713	728
364	449	529	638	697
340	405	476	580	622
537	579	690		
615	668	795		

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7

DES MOINES, IOWA SERVICE OFFICE

MARKET: DES MOINES

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			551	636	734
SEMI-DETACHED/ROW		398	477	536	614
WALKUP	305	351	407	458	507
ELEVATOR 2-4 STY	383	438	501		
ELEVATOR 5+ STY	417	480	565		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BETTENDORF

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		560	645	745
	413	486	545	624
312	358	417	468	520
381	435	498		
414	477	561		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: CEDAR RAPIDS

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		560	645	746
	395	468	534	615
305	349	406	466	531
383	438	501		
417	479	541		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: COUNCIL BLUFF

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		503	583	674
	380	454	511	581
285	328	386	431	477
361	409	470		
392	450	528		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: DUBUQUE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			560	645	746
SEMI-DETACHED/ROW		405	486	544	624
WALKUP	311	356	416	477	530
ELEVATOR 2-4 STY	385	442	505		
ELEVATOR 5+ STY	419	484	570		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MASON CITY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		538	621	720
	405	486	545	624
288	332	389	448	511
383	439	503		
419	484	570		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SIOUX CITY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		545	621	719
	403	484	543	622
289	332	391	449	521
371	423	485		
419	484	570		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: DAVENPORT

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		560	645	745
	413	486	545	624
312	358	417	468	520
381	435	498		
414	477	561		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: WATERLOO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			561	645	746
SEMI-DETACHED/ROW		405	486	544	624
WALKUP	311	356	416	477	530
ELEVATOR 2-4 STY	383	438	501		
ELEVATOR 5+ STY	417	480	565		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7

KANSAS CITY, MISSOURI AREA OFFICE

MARKET: KANSAS CITY

	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			513	640	684
SEMI-DETACHED/ROW		395	430	570	619
WALKUP	311	364	411	471	500
ELEVATOR 2-4 STY	329	381	471		
ELEVATOR 5+ STY	392	443	578		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: JOPLIN

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			486	574	612
		330	428	508	551
	235	283	367	437	475
	304	351	434		
	362	408	533		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ST. JOSEPH

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			503	614	656
		375	440	541	589
	307	353	414	471	500
	313	362	448		
	373	421	550		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SEDALIA

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			495	619	660
		382	436	550	597
	301	351	396	454	482
	318	367	454		
	379	427	558		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SPRINGFIELD

	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			402	500	570
SEMI-DETACHED/ROW		297	397	480	524
WALKUP	229	277	344	428	472
ELEVATOR 2-4 STY	271	313	388		
ELEVATOR 5+ STY	323	365	476		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: TOPEKA

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			446	560	604
		339	400	495	545
	281	299	370	469	517
	303	350	442		
	362	408	533		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: GARDEN CITY

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			436	544	589
		322	385	482	532
	259	303	385	438	485
	296	346	442		
	352	397	519		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: PITTSBURG

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			427	536	579
		317	374	474	522
	254	280	330	415	456
	290	346	442		
	346	390	510		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SALINA

	NUMBER OF BEDROOMS				
STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			433	544	589
SEMI-DETACHED/ROW		322	381	482	532
WALKUP	274	300	362	463	505
ELEVATOR 2-4 STY	296	346	442		
ELEVATOR 5+ STY	352	397	519		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: WICHITA

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			477	570	596
		363	425	508	547
	279	337	398	470	514
	301	348	442		
	359	404	528		

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 7

OMAHA, NEBRASKA AREA OFFICE

MARKET: OMAHA
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			542	642	699
SEMI-DETACHED/ROW		367	444	517	548
WALKUP	284	320	393	465	492
ELEVATOR 2-4 STY	329	381	487		
ELEVATOR 5+ STY	384	451	592		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: GRAND ISLAND
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		542	660	720
	368	447	523	554
291	331	415	496	529
312	359	456		
372	443	589		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LINCOLN
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		545	659	717
	376	457	535	566
290	327	405	479	509
329	383	495		
376	448	595		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: NORFOLK
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		537	654	712
	365	443	517	548
288	328	411	490	521
309	354	449		
366	435	579		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: NORTH PLATTE
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			542	660	720
SEMI-DETACHED/ROW		368	447	523	554
WALKUP	291	331	415	496	529
ELEVATOR 2-4 STY	312	359	456		
ELEVATOR 5+ STY	372	443	589		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SCOTTS BLUFF
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		542	660	720
	368	447	523	554
291	331	415	496	529
312	359	456		
372	443	589		

EFFECTIVE DATE 100181
TRENDED DATE 100183

ST. LOUIS, MISSOURI AREA OFFICE

MARKET: ST. LOUIS
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			548	637	698
SEMI-DETACHED/ROW		446	528	615	674
WALKUP	321	404	495	554	612
ELEVATOR 2-4 STY	355	438	530		
ELEVATOR 5+ STY	397	515	699		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

NO MARKET CODE MATCH IN PRT 74005

MARKET: ROLLA
NUMBER OF BEDROOMS

STRUCTURE TYPE	-0-	-1-	-2-	-3-	-4+
DETACHED			398	507	580
SEMI-DETACHED/ROW		301	384	489	559
WALKUP	224	284	369	453	493
ELEVATOR 2-4 STY	259	319	404		
ELEVATOR 5+ STY	276	355	541		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: CAPE GIRARDE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		406	520	581
	308	394	505	564
235	298	375	461	518
269	332	410		
286	370	551		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: COLUMBIA
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		445	545	611
	335	429	526	590
261	321	414	507	561
296	355	449		
314	395	602		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: KIRKSVILLE
NUMBER OF BEDROOMS

-0-	-1-	-2-	-3-	-4+
		427	538	591
	322	411	518	570
246	308	389	484	533
281	343	424		
300	382	569		

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 8

DENVER, COLORADO REGIONAL:AREA OFFICE

MARKET: DENVER, CO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			551	596	650
SEMI-DETACHED/ROW		411	493	557	587
WALKUP	308	371	439	540	578
ELEVATOR 2-4 STY	308	371	473		
ELEVATOR 5+ STY	318	386	488		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: COLORADO SP,CO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			419	524	603
SEMI-DETACHED/ROW		351	377	472	551
WALKUP	299	312	355	433	514
ELEVATOR 2-4 STY	304	341	367		
ELEVATOR 5+ STY	314	372	398		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: DURANGO, CO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			529	604	640
SEMI-DETACHED/ROW		425	466	555	597
WALKUP	361	410	443	516	561
ELEVATOR 2-4 STY	371	418	454		
ELEVATOR 5+ STY	386	427	463		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: GRAND JUNCT,CO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			513	558	595
SEMI-DETACHED/ROW		396	473	521	569
WALKUP	319	367	439	501	538
ELEVATOR 2-4 STY	335	380	446		
ELEVATOR 5+ STY	348	392	453		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: GREELEY, CO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			498	566	603
SEMI-DETACHED/ROW		393	435	540	566
WALKUP	326	367	407	507	551
ELEVATOR 2-4 STY	341	377	430		
ELEVATOR 5+ STY	356	388	446		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: PEUBLO, CO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			472	540	577
SEMI-DETACHED/ROW		314	419	503	535
WALKUP	267	290	383	472	514
ELEVATOR 2-4 STY	278	314	393		
ELEVATOR 5+ STY	288	335	419		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: CASPER, WY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			602	697	740
SEMI-DETACHED/ROW		463	556	683	737
WALKUP	401	448	556	673	726
ELEVATOR 2-4 STY	437	480	589		
ELEVATOR 5+ STY	492	556	634		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: CHEYENNE, WY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			531	615	666
SEMI-DETACHED/ROW		407	478	601	654
WALKUP	337	353	467	598	650
ELEVATOR 2-4 STY	373	424	514		
ELEVATOR 5+ STY	409	484	545		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: GILLETTE, WY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			629	730	799
SEMI-DETACHED/ROW		506	610	722	784
WALKUP	444	491	598	713	760
ELEVATOR 2-4 STY	478	531	623		
ELEVATOR 5+ STY	522	592	666		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: CODY, WY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			519	583	645
SEMI-DETACHED/ROW		356	482	551	614
WALKUP	285	346	464	535	587
ELEVATOR 2-4 STY	323	375	493		
ELEVATOR 5+ STY	362	424	519		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FARGO, ND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			514	619	671
SEMI-DETACHED/ROW		377	477	572	629
WALKUP	320	356	440	556	608
ELEVATOR 2-4 STY	335	393	498		
ELEVATOR 5+ STY	377	430	556		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BISMARK, ND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			545	614	666
SEMI-DETACHED/ROW		409	514	556	614
WALKUP	351	398	477	540	598
ELEVATOR 2-4 STY	367	425	519		
ELEVATOR 5+ STY	404	461	572		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: DICKERSON, ND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			482	577	608
SEMI-DETACHED/ROW		383	451	535	577
WALKUP	299	367	425	519	556
ELEVATOR 2-4 STY	325	383	451		
ELEVATOR 5+ STY	351	414	498		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: GRAND FORKS,ND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			498	577	603
SEMI-DETACHED/ROW		393	477	530	577
WALKUP	304	372	435	503	545
ELEVATOR 2-4 STY	346	388	467		
ELEVATOR 5+ STY	367	430	498		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MINOT, ND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			477	561	603
SEMI-DETACHED/ROW		362	430	514	556
WALKUP	293	346	388	503	530
ELEVATOR 2-4 STY	320	367	430		
ELEVATOR 5+ STY	341	398	467		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: HELENA, MT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			477	531	578
SEMI-DETACHED/ROW		352	458	521	568
WALKUP	277	342	445	511	557
ELEVATOR 2-4 STY	293	363	458		
ELEVATOR 5+ STY	305	373	472		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 8

DENVER, COLORADO REGIONAL:AREA OFFICE

MARKET: BILLINGS, MT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			469	533	566
SEMI-DETACHED/ROW		350	458	523	558
WALKUP	290	340	446	512	549
ELEVATOR 2-4 STY	304	359	463		
ELEVATOR 5+ STY	316	371	476		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BOZEMAN, MT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			463	537	572
SEMI-DETACHED/ROW		383	453	527	561
WALKUP	323	372	445	517	553
ELEVATOR 2-4 STY	328	385	467		
ELEVATOR 5+ STY	341	398	480		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BUTTE, MT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			412	486	522
SEMI-DETACHED/ROW		344	402	477	513
WALKUP	275	334	393	477	505
ELEVATOR 2-4 STY	292	354	414		
ELEVATOR 5+ STY	304	367	426		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: GREAT FALLS,MT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			409	471	506
SEMI-DETACHED/ROW		323	401	461	498
WALKUP	261	314	392	453	489
ELEVATOR 2-4 STY	281	327	411		
ELEVATOR 5+ STY	293	340	423		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: HAVRE, MT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			427	488	529
SEMI-DETACHED/ROW		319	414	473	518
WALKUP	268	312	406	464	508
ELEVATOR 2-4 STY	292	334	426		
ELEVATOR 5+ STY	301	345	438		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: KALISPELL, MT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			449	487	529
SEMI-DETACHED/ROW		344	436	477	518
WALKUP	284	333	424	477	518
ELEVATOR 2-4 STY	307	353	445		
ELEVATOR 5+ STY	320	367	458		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MISSOULA, MT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			423	498	536
SEMI-DETACHED/ROW		363	414	490	528
WALKUP	302	355	396	469	506
ELEVATOR 2-4 STY	321	372	456		
ELEVATOR 5+ STY	333	384	466		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SALT LAKE CITY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			505	617	700
SEMI-DETACHED/ROW		342	411	527	577
WALKUP	237	331	389	494	545
ELEVATOR 2-4 STY	295	389	449		
ELEVATOR 5+ STY	325	415	499		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: CEDAR CITY, UT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			414	454	494
SEMI-DETACHED/ROW		316	371	415	445
WALKUP	228	309	364	411	429
ELEVATOR 2-4 STY	289	348	411		
ELEVATOR 5+ STY	304	386	443		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: PROVO, UT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			435	497	575
SEMI-DETACHED/ROW		345	385	432	494
WALKUP	269	337	371	424	487
ELEVATOR 2-4 STY	304	392	425		
ELEVATOR 5+ STY	334	411	452		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: VERNAL, UT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			499	582	640
SEMI-DETACHED/ROW		407	487	576	637
WALKUP	249	341	396	469	529
ELEVATOR 2-4 STY	304	398	431		
ELEVATOR 5+ STY	341	425	475		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MOAB, UT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			414	458	494
SEMI-DETACHED/ROW		321	371	415	440
WALKUP	232	309	364	407	429
ELEVATOR 2-4 STY	289	349	411		
ELEVATOR 5+ STY	302	390	443		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LOGAN, UT

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			472	505	579
SEMI-DETACHED/ROW		348	377	421	460
WALKUP	248	339	370	413	449
ELEVATOR 2-4 STY	296	353	418		
ELEVATOR 5+ STY	328	411	459		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SIOUX FALLS,SD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			451	493	540
SEMI-DETACHED/ROW		361	422	461	509
WALKUP	272	333	391	446	488
ELEVATOR 2-4 STY	305	372	411		
ELEVATOR 5+ STY	310	358	416		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ABERDEEN, SD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			421	456	497
SEMI-DETACHED/ROW		354	402	437	473
WALKUP	276	331	379	421	456
ELEVATOR 2-4 STY	288	343	390		
ELEVATOR 5+ STY	299	354	396		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: PIERRE, SD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			461	500	544
SEMI-DETACHED/ROW		393	446	480	524
WALKUP	295	346	435	455	507
ELEVATOR 2-4 STY	314	373	417		
ELEVATOR 5+ STY	320	380	424		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 8

DENVER, COLORADO REGIONAL:AREA OFFICE

MARKET: RAPID CITY, SD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			484	598	640
SEMI-DETACHED/ROW		383	464	566	619
WALKUP	295	351	440	551	587
ELEVATOR 2-4 STY	309	367	450		
ELEVATOR 5+ STY	314	374	456		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MILES CITY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		427	488	529
	319	414	473	518
268	312	406	464	508
292	334	426		
301	345	438		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FT THOMPSON, SD

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		432	471	516
	368	413	449	498
298	349	390	429	473
307	358	400		
311	363	404		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MCLAUGHLIN, SD

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		432	471	516
	368	412	449	498
298	349	390	433	473
307	358	400		
311	363	404		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MISSION, SD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			432	470	516
SEMI-DETACHED/ROW		368	413	449	498
WALKUP	298	349	390	433	473
ELEVATOR 2-4 STY	307	358	400		
ELEVATOR 5+ STY	311	363	404		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: JACKSON, WY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		611	710	772
	479	572	673	732
416	464	556	664	695
451	495	586		
493	550	625		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LARAMIE, WY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		490	596	643
	355	471	575	621
284	346	464	569	611
316	380	495		
346	424	519		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: RIVERTON, WY

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		519	562	623
	354	482	547	613
284	346	464	535	587
321	375	493		
354	424	519		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ROCK SPRGS, CO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			639	743	786
SEMI-DETACHED/ROW		493	601	722	770
WALKUP	439	485	585	709	755
ELEVATOR 2-4 STY	472	518	619		
ELEVATOR 5+ STY	531	594	656		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 9

HONOLULU, HAWAII AREA OFFICE

MARKET: HONOLULU

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			583	937	995
SEMI-DETACHED/ROW		454	544	603	661
WALKUP	369	433	479	597	652
ELEVATOR 2-4 STY	398	463	509		
ELEVATOR 5+ STY	412	564	749		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: GUAM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			558	642	698
SEMI-DETACHED/ROW		458	513	597	653
WALKUP	267	330	411	507	
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: KAUAI

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			600	640	700
SEMI-DETACHED/ROW		486	590	629	689
WALKUP	320	371	485	606	664
ELEVATOR 2-4 STY	349	401	514		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MAUI

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			653	761	817
SEMI-DETACHED/ROW		542	642	750	807
WALKUP	332	432	541	660	715
ELEVATOR 2-4 STY	362	461	571		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: HILO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			502	572	622
SEMI-DETACHED/ROW		394	492	561	612
WALKUP	292	343	413	534	591
ELEVATOR 2-4 STY	322	372	443		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: KONA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			607	718	776
SEMI-DETACHED/ROW		499	597	707	766
WALKUP	369	421	485	605	662
ELEVATOR 2-4 STY	398	450	514		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: NORTHERN MARIANAS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			558	642	698
SEMI-DETACHED/ROW		458	513	597	653
WALKUP	267	330	411	507	
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: TRUST TERRITORY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			558	642	698
SEMI-DETACHED/ROW		458	513	597	653
WALKUP	267	330	411	507	
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 9

LOS ANGELES, CALIFORNIA AREA OFFICE

MARKET: LOS ANGELES

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			760	830	913
SEMI-DETACHED/ROW		600	654	790	859
WALKUP	452	512	616	742	790
ELEVATOR 2-4 STY	474	539	657	742	790
ELEVATOR 5+ STY	591	675	886		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BAKERSFIELD

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		548	665	737
	392	517	621	683
301	370	495	605	640
317	386	512	613	656
451	529	692		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SANTA BARBARA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		872	925	946
	795	850	900	918
387	432	557	631	684
402	451	576	649	702
523	583	746		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: VENTURA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		703	748	824
	481	536	653	711
414	453	508	621	664
433	472	527	640	683
563	612	705		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: PASA ROBLES

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			660	704	765
SEMI-DETACHED/ROW		425	528	635	705
WALKUP	354	400	492	585	633
ELEVATOR 2-4 STY	371	417	511	610	667
ELEVATOR 5+ STY	503	561	695		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LANCASTER

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		595	665	750
	457	548	620	702
375	426	509	570	633
391	443	528		
514	578	706		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: OXNARD

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		703	748	824
	481	536	653	711
414	453	508	621	664
433	472	527	640	683
563	612	705		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SANTA ANA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		687	831	904
	582	675	816	886
466	547	629	754	799
468	563	648		
597	702	825		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SAN DIEGO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			574	682	753
SEMI-DETACHED/ROW		463	562	667	737
WALKUP	373	427	516	605	649
ELEVATOR 2-4 STY	404	466	585		
ELEVATOR 5+ STY	484	564	690		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: EL CAJON

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		574	682	753
	463	562	667	737
373	427	516	605	649
404	466	585		
484	564	690		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SANTA MARIA

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		628	682	779
	550	605	658	750
346	391	453	503	554
365	410	472	522	573
490	547	647		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: RIVERSIDE

NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
		523	642	709
	431	513	631	695
380	413	484	594	637
395	430	502		
527	570	681		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SAN BERNARDINO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			523	642	709
SEMI-DETACHED/ROW		431	513	631	695
WALKUP	380	413	484	594	637
ELEVATOR 2-4 STY	395	430	502		
ELEVATOR 5+ STY	527	570	681		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 9

PHOENIX, ARIZONA SERVICE OFFICE

MARKET: PHOENIX

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			557	615	689
SEMI-DETACHED/ROW		485	535	592	656
WALKUP	358	412	495	557	602
ELEVATOR 2-4 STY	376	431	514		
ELEVATOR 5+ STY	458	522	639		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: CASA GRANDE

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			470	535	612
		389	447	510	581
	310	350	405	454	503
	329	369	424		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FLAGSTAFF

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			551	642	704
		477	538	628	690
	406	447	510	589	635
	425	466	529		
	550	589	685		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: KEAMS CANYON

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			506	572	653
		427	481	545	617
	368	410	458	516	569
	387	429	477		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: TUCSON

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			527	613	680
SEMI-DETACHED/ROW		418	503	583	646
WALKUP	326	384	474	554	600
ELEVATOR 2-4 STY	345	403	493		
ELEVATOR 5+ STY	463	534	668		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: YUMA

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			564	615	676
		503	555	602	660
	431	480	516	558	599
	450	486	535		

EFFECTIVE DATE 100181
TRENDED DATE 100183

REGION 9

SACRAMENTO, CALIFORNIA SERVICE OFFICE

MARKET: SACRAMENTO

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			514	561	629
SEMI-DETACHED/ROW		430	493	556	619
WALKUP	325	383	440	524	608
ELEVATOR 2-4 STY	419	472	530		
ELEVATOR 5+ STY	509	577	661		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: REDDING

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			519	566	635
		440	498	561	624
	288	367	430	498	566
	425	477	535		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: PLACERVILLE

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			524	577	645
		440	503	572	635
	335	393	451	540	624
	430	482	545		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: YREKA

	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
			566	624	703
		467	545	619	692
	351	419	493	587	682
	451	509	582		

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: S. LAKE TAHOE

STRUCTURE TYPE	NUMBER OF BEDROOMS				
	-0-	-1-	-2-	-3-	-4+
DETACHED			603	661	745
SEMI-DETACHED/ROW		519	577	656	734
WALKUP	372	440	519	635	724
ELEVATOR 2-4 STY	482	556	640		
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION 9

SAN FRANCISCO, CALIFORNIA AREA OFFICE

MARKET: SAN FRANCISCO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			1277	1425	1509
SEMI-DETACHED/ROW		859	1026	1186	1276
WALKUP	484	560	731	891	979
ELEVATOR 2-4 STY	537	642	821	1009	1159
ELEVATOR 5+ STY	677	785	993	1167	1347
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FRESNO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			568	722	801
SEMI-DETACHED/ROW		343	442	580	654
WALKUP	289	343	416	531	606
ELEVATOR 2-4 STY	362	431	537		
ELEVATOR 5+ STY	560	649	795		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MODESTO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			606	720	774
SEMI-DETACHED/ROW		373	443	541	587
WALKUP	329	343	423	517	563
ELEVATOR 2-4 STY	402	431	543		
ELEVATOR 5+ STY	600	649	802		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SAN JOSE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			813	947	1001
SEMI-DETACHED/ROW		477	581	704	775
WALKUP	394	473	561	669	730
ELEVATOR 2-4 STY	421	490	568		
ELEVATOR 5+ STY	598	683	791		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: OAKLAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			1000	1033	1101
SEMI-DETACHED/ROW		654	775	794	876
WALKUP	448	526	676	731	810
ELEVATOR 2-4 STY	481	527	710		
ELEVATOR 5+ STY	658	719	934		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MARIN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			1000	1033	1101
SEMI-DETACHED/ROW		654	775	794	876
WALKUP	448	526	676	731	810
ELEVATOR 2-4 STY	481	527	710		
ELEVATOR 5+ STY	658	719	934		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: RENO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			750	846	908
SEMI-DETACHED/ROW		498	615	705	789
WALKUP	415	458	576	659	738
ELEVATOR 2-4 STY	460	558	709		
ELEVATOR 5+ STY	685	757	938		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LAS VEGAS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			712	758	871
SEMI-DETACHED/ROW		470	562	653	711
WALKUP	397	451	535	631	681
ELEVATOR 2-4 STY	484	550	667		
ELEVATOR 5+ STY	667	749	897		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

REGION10

ANCHORAGE, ALASKA AREA OFFICE

MARKET: ANCHORAGE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			675	746	771
SEMI-DETACHED/ROW		580	646	704	728
WALKUP	403	475	557	659	682
ELEVATOR 2-4 STY	528	621	695		
ELEVATOR 5+ STY	537	632	706		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: FAIRBANKS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			664	724	788
SEMI-DETACHED/ROW		569	638	717	773
WALKUP	499	542	613	689	759
ELEVATOR 2-4 STY	612	703	783		
ELEVATOR 5+ STY	624	718	797		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: JUNEAU

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			703	801	833
SEMI-DETACHED/ROW		564	682	763	801
WALKUP	452	505	628	727	771
ELEVATOR 2-4 STY	507	572	656		
ELEVATOR 5+ STY	532	600	682		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: KETCHIKAN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			618	703	782
SEMI-DETACHED/ROW		501	589	670	745
WALKUP	404	456	535	610	677
ELEVATOR 2-4 STY	464	530	621		
ELEVATOR 5+ STY	487	540	639		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BARTER IS. N

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED		904	994	1094	1203
SEMI-DETACHED/ROW		877	965	1062	1168
WALKUP	774	852	938	1032	1135
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: COASTAL AREA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED		904	994	1094	1203
SEMI-DETACHED/ROW		877	965	1062	1168
WALKUP	774	852	938	1032	1135
ELEVATOR 2-4 STY					
ELEVATOR 5+ STY					
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION10

PORTLAND, OREGON AREA OFFICE

MARKET: PORTLAND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			463	542	582
SEMI-DETACHED/ROW	280	317	387	455	503
WALKUP	276	304	374	438	482
ELEVATOR 2-4 STY	339	416	475		
ELEVATOR 5+ STY	372	457	524		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BEND

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			397	485	533
SEMI-DETACHED/ROW		335	390	470	508
WALKUP	278	325	380	459	497
ELEVATOR 2-4 STY	331	394	457		
ELEVATOR 5+ STY	364	434	503		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: COOS BAY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			377	418	461
SEMI-DETACHED/ROW		324	365	408	448
WALKUP	262	303	345	387	429
ELEVATOR 2-4 STY	313	372	424		
ELEVATOR 5+ STY	346	412	469		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MEDFORD

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			390	445	493
SEMI-DETACHED/ROW		330	374	422	470
WALKUP	263	313	364	407	446
ELEVATOR 2-4 STY	311	369	438		
ELEVATOR 5+ STY	344	408	484		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ONTARIO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			373	424	474
SEMI-DETACHED/ROW		297	347	406	459
WALKUP	229	279	330	398	450
ELEVATOR 2-4 STY	261	321	383		
ELEVATOR 5+ STY	291	356	426		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: WEST SALEM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			382	460	499
SEMI-DETACHED/ROW		318	363	442	479
WALKUP	265	307	352	425	474
ELEVATOR 2-4 STY	321	382	435		
ELEVATOR 5+ STY	356	424	485		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: PENDLETON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			402	456	503
SEMI-DETACHED/ROW		319	394	442	480
WALKUP	264	306	373	428	467
ELEVATOR 2-4 STY	316	373	447		
ELEVATOR 5+ STY	346	411	492		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BOISE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			439	501	532
SEMI-DETACHED/ROW		326	390	446	485
WALKUP	255	299	354	416	453
ELEVATOR 2-4 STY	311	382	446		
ELEVATOR 5+ STY	327	401	486		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: IDAHO FALLS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			435	490	536
SEMI-DETACHED/ROW		335	382	458	484
WALKUP	271	297	366	443	479
ELEVATOR 2-4 STY	318	389	454		
ELEVATOR 5+ STY	333	408	495		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: MCCALL

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			321	362	403
SEMI-DETACHED/ROW		245	286	334	375
WALKUP	184	225	266	321	362
ELEVATOR 2-4 STY	218	267	302		
ELEVATOR 5+ STY	233	286	342		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: POCATELLO

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			449	497	530
SEMI-DETACHED/ROW		331	389	452	484
WALKUP	258	303	373	449	473
ELEVATOR 2-4 STY	314	385	450		
ELEVATOR 5+ STY	330	405	490		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: TWIN FALLS

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			414	470	502
SEMI-DETACHED/ROW		314	388	430	472
WALKUP	246	271	345	392	421
ELEVATOR 2-4 STY	297	364	425		
ELEVATOR 5+ STY	311	382	463		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LEWISTON

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			450	495	539
SEMI-DETACHED/ROW		300	383	444	482
WALKUP	259	286	345	414	453
ELEVATOR 2-4 STY	309	379	443		
ELEVATOR 5+ STY	324	397	481		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: COEUR D'ALEN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			414	461	513
SEMI-DETACHED/ROW		293	383	438	468
WALKUP	230	274	337	398	440
ELEVATOR 2-4 STY	295	361	422		
ELEVATOR 5+ STY	309	379	459		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: EUGENE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			404	486	523
SEMI-DETACHED/ROW		325	366	433	474
WALKUP	290	304	359	426	466
ELEVATOR 2-4 STY	337	368	432		
ELEVATOR 5+ STY	371	408	478		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

SCHEDULE A- FAIR MARKET RENTS FOR NEW CONSTRUCTION AND SUBSTANTIAL REHABILITATION
(INCLUDING HOUSING FINANCE AND DEVELOPMENT AGENCIES PROGRAMS)

REGION10

SEATTLE, WASHINGTON AREA OFFICE

MARKET: SEATTLE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			545	712	785
SEMI-DETACHED/ROW		484	535	643	737
WALKUP	365	427	501	598	688
ELEVATOR 2-4 STY	383	455	593		
ELEVATOR 5+ STY	396	583	661		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: BELLINGHAM

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			470	615	676
SEMI-DETACHED/ROW		382	452	595	652
WALKUP	279	362	431	562	616
ELEVATOR 2-4 STY	344	430	495		
ELEVATOR 5+ STY	379	481	555		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: LONGVIEW

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			470	620	676
SEMI-DETACHED/ROW		313	387	508	556
WALKUP	255	306	381	496	543
ELEVATOR 2-4 STY	307	384	461		
ELEVATOR 5+ STY	338	430	501		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: OLYMPIA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			461	604	664
SEMI-DETACHED/ROW		362	423	555	607
WALKUP	291	346	415	545	597
ELEVATOR 2-4 STY	334	453	511		
ELEVATOR 5+ STY	368	508	573		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: PORT ANGELES

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			453	600	652
SEMI-DETACHED/ROW		328	414	590	634
WALKUP	239	312	393	562	616
ELEVATOR 2-4 STY	283	363	453		
ELEVATOR 5+ STY	311	407	508		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: YAKIMA

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			469	617	675
SEMI-DETACHED/ROW		330	430	565	619
WALKUP	277	327	391	514	562
ELEVATOR 2-4 STY	328	380	473		
ELEVATOR 5+ STY	363	426	532		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: ABERDEEN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			478	627	688
SEMI-DETACHED/ROW		373	440	584	640
WALKUP	287	353	431	512	555
ELEVATOR 2-4 STY	326	385	562		
ELEVATOR 5+ STY	359	431	629		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: SPOKANE

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			461	602	664
SEMI-DETACHED/ROW		358	430	538	603
WALKUP	310	340	421	524	579
ELEVATOR 2-4 STY	383	453	571		
ELEVATOR 5+ STY	403	498	627		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: CHENEY

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			461	602	664
SEMI-DETACHED/ROW		358	430	538	603
WALKUP	310	340	421	524	579
ELEVATOR 2-4 STY	383	453	571		
ELEVATOR 5+ STY	403	498	627		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: KENNEWICK

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			545	716	785
SEMI-DETACHED/ROW		396	498	650	712
WALKUP	300	393	480	578	664
ELEVATOR 2-4 STY	363	476	523		
ELEVATOR 5+ STY	398	523	577		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

MARKET: PULLMAN

STRUCTURE TYPE	NUMBER OF BEDROOMS -0-	-1-	-2-	-3-	-4+
DETACHED			503	681	726
SEMI-DETACHED/ROW		371	475	619	679
WALKUP	296	340	448	584	640
ELEVATOR 2-4 STY	358	438	560		
ELEVATOR 5+ STY	393	482	616		
MANUFACTURED HOME					

EFFECTIVE DATE 100181
TRENDED DATE 100183

PREPARED ON 092381

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/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
DOT/RSPA			DOT/RSPA	
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday. Comments on this program are still invited.

Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of November 29 through December 5, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

53391 10–29–81 / Oranges and grapefruit grown in lower Rio Grande Valley in Texas; grade and size requirements; comments by 11–30–81

Agricultural Stabilization and Conservation Service—

48629 10–2–81 / Farm reconstitution when land is across county lines and established quotas or allotments are subject to lease and transfer restrictions; interim rule; comments by 12–1–81

Animal and Plant Health Inspection Service—

48688 10–2–81 / Noxious weeds; list revision; comments by 12–1–81

Farmers Home Administration—

48693 10–2–81 / Rural housing loans and grants; multiple family housing loans; security servicing; comments by 12–1–81

Federal Grain Inspection Service—

49066 10–5–81 / Bean standards; grade tables format revision; comments by 12–4–81

Food and Nutrition Service—

39561 8–4–81 / Food Stamp Program; recertification of SSI households (interim final rule); comments by 12–2–81

Food Safety and Inspection Service—

46111 9–17–81 / Meat and poultry; rate increase for inspection services (interim rule); comments by 12–1–81

Rural Electrification Administration—

48692 10–2–81 / Electric and telephone borrowers; funds of REA borrowers, selection of depositories; rescission (Bulletin 180–6:460–2); comments by 12–1–81

48692 10–2–81 / Electric borrowers: Single pole steel structures complete with arms (Spec. T–9); comments by 12–1–81

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

56480 11–17–81 / Atlantic mackerel allocation; comments by 12–2–81

COMMODITY FUTURES TRADING COMMISSION

54570 11–3–81 / Domestic exchange-traded commodity options; comments by 12–3–81 (Corrected at 46 FR 55994; 11–13–81)

CONSUMER PRODUCT SAFETY COMMISSION

53677 10–30–81 / Employee standards of conduct; postemployment conflicts of interest; comments by 11–30–81

ENERGY DEPARTMENT

Conservation and Renewable Energy Office—

50544 10–14–81 / Energy conservation program for consumer products; test procedures for refrigerators, refrigerator-freezers, and freezers; comments by 11–30–81

Economic Regulatory Administration—

54753 11–4–81 / Elimination of requirements for approval of system compliance plans and special rule; comments by 12–4–81

54378 11–2–81 / Natural gas for outdoor lighting; sale and direct industrial use; comments by 12–2–81

Federal Energy Regulatory Commission—

55540 11–10–81 / High-cost gas produced from tight-formations, (Wolfcamp Formation), Texas; comments by 12–4–81

48141 10–6–81 / Inclusion of construction work in progress for public utilities; comments extended to 11–30–81

[*See also* 46 FR 39445, 8–3–81]

ENVIRONMENTAL PROTECTION AGENCY

54767 11–4–81 / Approval and promulgation of implementation plans: Michigan; comments by 12–4–81

53461 10–29–81 / Approval and promulgation of implementation plans; Ohio; comments by 11–30–81

54771 11–4–81 / Atrazine; proposed tolerance; comments by 12–4–81

31677 6-17-81 / Full life useful life requirements for heavy-duty engines and light-duty trucks, reduction to half-life requirements; comments by 12-1-81

54775 11-4-81 / Michigan State Solid Waste Management plan, availability; comments by 12-4-81

54584 11-3-81 / Oryzalin; establishment of proposed tolerances; comments by 12-3-81

54585 11-3-81 / Premanufacture notification; proposed exemption for chemicals used in or for instant photographer film articles; comments by 12-3-81

53460 10-29-81 / Revision to Delaware State Implementation plan; comments by 11-30-81

51407 10-20-81 / Standards for owners and operators of hazardous waste treatment, storage, and disposal facilities; comments by 12-4-81

54772 11-4-81 / State solid waste management plans, availability; comments by 12-4-81

54776 11-4-81 / Wisconsin State solid waste management plan, availability; comments by 12-4-81

FEDERAL COMMUNICATIONS COMMISSION

51784 10-22-81 / Aeronautical radionavigational service; assignment of frequencies in 415-435 kHz band; reply comments by 12-1-81

45635 9-14-81 / Allocation of a portion of a specific GHz band for Digital Termination System and associated point-to-point intermodal links to supplement recently allocated GHz band for Digital Termination System; comments by 12-2-81

53726 10-30-81 / Annual financial report of broadcast stations (Form 324); comments by 11-30-81

48733 10-2-81 / Bell System Operating Companies; procurement practices; reply comments by 12-1-81

52398 10-27-81 / Elimination of requirement for type approval of aural modulation monitor; reply comments by 12-1-81

50570 10-14-81 / FM broadcast station; changes in table of assignments; Lufkin, Tex.; comments by 12-4-81

50569 10-14-81 / FM broadcast station; changes in table of assignments, Wishek, N.D.; comments by 12-4-81

50568 10-14-81 / Radio Frequency Interference (RFI) to electronic equipment; comments by 11-30-81

46148 9-17-81 / Release of remaining 250 channels in the 800 MHz band land mobile reserve band; reply comments by 11-30-81

[*See also* 46 FR 37927, 7-23-81]

43190 8-27-81 / Revision of programming policies and reporting requirements related to public broadcasting licensees; reply comments by 12-2-81

50571 10-14-81 / TV broadcast station; changes in table of assignments; Bozeman, Mont.; comments by 12-4-81

52402 10-27-81 / Transmission of non-voice signals at a certain frequency; reply comments by 12-1-81

FEDERAL DEPOSIT INSURANCE CORPORATION

51256 10-19-81 / Interest charge on delinquent assessment payments and assessment overpayments; comments by 12-3-81

FEDERAL HOME LOAN BANK BOARD

54754 11-4-81 / Amendments relating to issuance of mutual capital certificates; comments by 12-4-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

48714 10-2-81 / Microbiological turbidimetric assay for chloramphenicol and troleandomycin; comments by 12-1-81

47740 9-29-81 / Over-the-Counter (OTC) Drug Review policy statement; comments by 11-30-81

Health Care Financing Administration—

48544 10-1-81 / Medicare program, in patient routine nursing salary cost differential; comments by 11-30-81

48564 10-1-81 / Professional Standards Review; Professional Standards Review Organizations (PSRO); comments by 11-30-81

Office of the Secretary—

48582 10-1-81 / Block Grant programs; (interim final rules); comments by 11-30-81

48593 10-1-81 / Changes in requirements for programs replaced by block grants; comments by 11-30-81

55695 11-12-81 / Changes in requirements for programs replaced by block grants; correction; comments by 11-30-81

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Secretary—

54571 11-3-81 / Freedom of Information Act; production or disclosure of material or information; comments by 12-3-81

INTERIOR DEPARTMENT

Land Management Bureau—

53645 10-29-81 / Oil and gas leasing; increase in certain filing and rental fees; comments by 11-30-81

Office of the Secretary—

54777 11-4-81 / Procurement regulations; comments by 12-4-81

Surface Mining Reclamation and Enforcement Office—

54572 11-3-81 / Missouri State plan; Abandoned mine land reclamation; comments by 12-3-81

INTERSTATE COMMERCE COMMISSION

51261 10-19-81 / Revised procedures for divisions of revenue cases; comments by 12-3-81

53731 10-30-81 / Standards for determining rail service continuation subsidies in the Northeast-Midwest U.S. region; comments by 11-30-81

LABOR DEPARTMENT

Wage and Hour Division, Employment Standards Administration—

50397 10-13-81 / Labor standards for Federal service contracts; comments by 12-1-81

[*See also* 46 FR 41380, 8-14-81]

MANAGEMENT AND BUDGET OFFICE

50997 10-16-81 / Audit clause, interagency acquisitions under the Economy Act, and service contracting provisions; comments by 12-2-81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

54328 11-2-81 / Inventions, federally owned; patent licensing policies and procedures; interim rule; comments by 12-2-81

NATIONAL CREDIT UNION ADMINISTRATION

48120 10-1-81 / Administrative actions, adjudicative hearings, and rules of practice and procedure; equal access to justice; comments by 11-30-81

NUCLEAR REGULATORY COMMISSION

43840 9-1-81 / Radiopharmaceutical dosages, measurement of the activity; comments by 11-30-81

54378 11-2-81 / TMI-related requirements for operating license applications; comment period extended to 11-30-81

[Originally published at 46 FR 26491, 5-13-81]

SECURITIES AND EXCHANGE COMMISSION

43181 8-27-81 / Relationships between registrant and independent accountants; comments by 11-30-81

50553 10-14-81 / Revision of Guide 60 and related disclosure provisions; comments by 11-30-81

49581 10-7-81 / Temporary rule providing exemptions to certain registered separate accounts and other persons; comments by 12-2-81

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration—

53419 10–29–81 / Federal motor vehicle safety standard; occupant crash protection; comments by 12–3–81

48262 10–1–81 / Federal motor vehicle safety standards; bumper standard; comments by 11–30–81

43719 8–31–81 / Federal motor vehicle safety standards; lamps, reflective devices and associated equipment; comments by 11–30–81

Research and Special Programs Administration—

51261 10–19–81 / Enforcement procedures and related miscellaneous proposals; comment period extended to 12–1–81

[*See also* 46 FR 51261, 10–19–81]

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau—

44000 9–2–81 / Liquor bottle manufacturers, etc., deregulation; comments by 12–1–81

Customs Service—

50393 10–13–81 / Discharge of importer's liability for duties; comments by 12–2–81

[*See also* 46 FR 44195, 9–3–81]

48238 10–1–81 / Imported smelted or refined products containing metal; comments by 11–30–81

53448 10–29–81 / Change in the field organization; Springfield, Mo.; comments by 11–30–81

48235 10–1–81 / Use of carnets; conforming amendments; comments by 11–30–81

Deadlines for Comments on Proposed Rules for the Week of December 6 through December 12, 1981

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

49569 10–7–81 / Increase in fees and charges; comments by 12–7–81

Federal Crop Insurance Corporation—

56802 11–19–81 / Wheat Crop Insurance Regulations; comments by 12–9–81

Rural Electrification Administration—

55122 11–6–81 / Advance Notice of Proposed Rulemaking; Appendix A—REA Bulletin 112–3, Area Coverage Service; comments by 12–7–81

DEPARTMENT OF COMMERCE

International Trade Administration—

50054 10–9–81 / Revision of Regulations to Require a Validated License for Export of Technical Data Related to Infrared Imaging Equipment to all Destinations Except Canada; comments by 12–8–81

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55276 11–9–81 / Interim adjustment of roualty payable under compulsory license for making and distributing phonorecords; comments by 12–7–81

DEFENSE DEPARTMENT

Army Department—

54964 11–5–81 / Armed Forces Disciplinary Control Boards and Off-Installation Military Enforcement Services; comments by 12–7–81

EDUCATION DEPARTMENT

51870 10–22–81 / Migrant education program activities; grants to state educational agencies to improve interstate and intrastate coordination; comments by 12–7–81

ENERGY DEPARTMENT

Conservation and Renewable Energy Office—

35468 7–8–81 / Wind Energy Technology Application Program provisions; comments by 12–8–81

Federal Energy Regulatory Commission—

55536 11–10–81 / Amendments governing case-by-case exemption from all or part of Part I of the Federal Power Act of Small hydroelectric power projects with an installed capacity of 5 megawatts or less; comments by 12–7–81

56428 11–17–81 / High-cost gas produced from tight formation; Niobrara Formation, Nebraska; designation; comments by 12–7–81

56429 11–17–81 / High-cost gas produced from tight formation; Lower Wilcox Formation, Texas; designation; comments by 12–7–81

55542 11–10–81 / High-cost natural gas produced from wells drilled in deep water; availability of environmental assessment; comments by 12–10–81

ENVIRONMENTAL PROTECTION AGENCY

55550 11–10–81 / Approval and promulgation of implementation plans; Georgia and South Carolina; prevention of significant deterioration regulations; comments by 12–10–81

54974 11–5–81 / Designation of areas for air quality planning purposes; Indiana; comments by 12–7–81

16096 3–10–81 / Polychlorinated biphenyls (PCBs), use in electrical equipment; comments by 12–7–81

[Corrected at 46 FR 25660, 5–8–81]

55123 11–6–81 / Proposed revision of state implementation plan; West Virginia; comments by 12–7–81

FEDERAL COMMUNICATIONS COMMISSION

54787 11–4–81 / Amendment to eliminate the requirement that licensees retain letters received from the public; comments by 12–7–81

46355 9–18–81 / FM broadcast station in Augusta and Gardiner, Maine; changes in table of assignments; reply comments by 12–8–81

46357 9–18–81 / FM broadcast station in Billings, Mont.; reply comments by 12–8–81

46352 9–18–81 / FM broadcast station in Camden, Ala.; proposed changes in table of assignments; reply comments by 12–8–81

46353 9–18–81 / FM broadcast station in Downs, Kans.; changes in table of assignments; reply comments by 12–8–81

46355 9–18–81 / FM broadcast station in Mountain View, Mo.; changes in table of assignments; reply comments by 12–8–81

50987 10–16–81 / FM broadcast station in Pittsburg, Kans.; changes in table of assignments; comments by 12–8–81

50989 10–16–81 / FM broadcast station in Williams, Ariz.; proposed changes in table of assignments; comments by 12–8–81

50988 10–16–81 / TV broadcast station in Cape Coral, Fla.; proposed changes in table of assignments; comments by 12–8–81

FEDERAL HOME LOAN BANK BOARD

49135 10–6–81 / Consumer leasing; comments by 12–6–81

FEDERAL MARITIME COMMISSION

54391 11–2–81 / Tariffs filed by common carriers in foreign commerce of U.S.; per-container rates filing; Sea-Land Service, Inc., consideration of petition; comments by 12–10–81

[Originally published at 46 FR 43474, 8–28–81]

FEDERAL RESERVE SYSTEM

50380 10–13–81 / Regulation M; Consumer Leasing; official staff interpretation; comments by 12–11–81

51920 10–23–81 / Regulation Z; Truth in Lending; definition of "arranger of credit"; comments by 12–7–81

INTERIOR DEPARTMENT

Indian Affairs Bureau—

55542 11–10–81 / Indian Fishing; Hoopa Valley Indian Reservation; comments by 12–10–81

Surface Mining Reclamation and Enforcement Office—
55275 11–9–81 / Consideration of modification of deadlines for Oklahoma's State Implementation Program; comments by 12–9–81

LABOR DEPARTMENT
Office of the Secretary—
50352 10–9–81 / Equal access to Justice; comments by 12–12–8–81

TRANSPORTATION DEPARTMENT
Coast Guard—
54973 11–5–81 / Safety zone; Gastineau Channel, Juneau, Alaska; comments by 12–7–81
National Highway Traffic Safety Administration—
51793 10–22–81 / Motor vehicle safety standards; multiple compartment stop lamps and turn signal lamps; minimum effective projected luminous lens area reduction; comments by 12–7–81
[Corrected at 46 FR 54392, 11–2–81]
51788 10–22–81 / Motor vehicle safety standards; speedometers and odometers; controls and displays; rescission; comments by 12–7–81

TREASURY DEPARTMENT
Alcohol, Tobacco and Firearms Bureau—
49599 10–7–81 / Limekiln Valley Viticultural Area; comments by 12–7–81
52129 10–26–81 / Production of vinegar by vaporizing process; comments by 12–10–81
Internal Revenue Service—
50014 10–8–81 / Income tax; industrial development bonds; definition of term "issue"; comments by 12–7–81

Next Week's Meetings

AGRICULTURE DEPARTMENT
Animal and Plant Health Inspection Service—
56225 11–16–81 / Swine Health Protection Advisory Committee, Washington, D.C. (open), 12–3 and 12–4–81
Cooperative State Research Service—
55553 11–10–81 / Committee of Nine, St. Louis, Mo. (open), 12–2–81

ARTS AND THE HUMANITIES, NATIONAL FOUNDATION
57205 11–20–81 / Artists-in-Education Panel, Washington, D.C. (open), 12–7 through 12–10–81
56523 11–17–81 / Humanities Panel, Washington, D.C. (closed), 11–30, 12–1, 12–2 and 12–4–81
56078 11–13–81 / Music Panel (Opera-Musical Theatre Section), Washington, D.C. (closed), 11–30 through 12–2–81
56077 11–13–81 / Music Panel (Orchestra Section), Washington, D.C. (closed), 11–30 through 12–4–81
56262 11–16–81 / Dance Panel, Washington, D.C. (partially open), 12–3 and 12–4–81
56078 11–13–81 / Inter-Arts Panel, Washington, D.C. (partially open), 11–30 through 12–2–81
57206 11–20–81 / Inter-Arts Panel (Folk Arts Section), Washington, D.C. (partially open), 12–10 through 12–12–81
56077 11–13–81 / Media Arts Panel, Washington, D.C. (closed), 11–30 and 12–1–81
57206 11–20–81 / Media Arts Program (Prescreening for Production: Film/Video), Washington, D.C. (closed), 12–7 through 12–9–81
57206 11–20–81 / Music Panel (Centers), Washington, D.C. (closed), 12–11 and 12–12–81
56262 11–16–81 / Partership Office (State Programs Section), Washington, D.C. (partially open), 12–2 through 12–4–81

CIVIL RIGHTS COMMISSION
55554 11–10–81 / Maine Advisory Committee, Augusta, Me. (open), 12–1–81
55737 11–12–81 / Maryland Advisory Committee, Frederick, Md. (open), 12–1–81

COMMERCE DEPARTMENT
International Trade Administration—
51005 10–16–81 / Electronic Instrumentation Technical Advisory Committee, Washington, D.C. (partially open), 12–1–81
National Oceanic and Atmospheric Administration—
51949 10–23–81 / Inter-Council Swordfish Group and Inter-Council Billfish Group, Atlanta, Ga. (open), 11–30 through 12–3–81

COMMERCE DEPARTMENT
National Oceanic and Atmospheric Administration—
56229 11–16–81 / North Pacific Fishery Management Council, its Scientific and Statistical Committee, Anchorage, Alas. (open), 12–2 and 12–3–81
55298 11–9–81 / Western Pacific Fishery Management Council, Molokai, Hi. (open), 12–1 and 12–2–81

DEFENSE DEPARTMENT
Air Force Department—
54977 11–5–81 / USAF Scientific Advisory Board, Aeronautical Systems Division Advisory Group, Wright-Patterson Air Force Base, Ohio (open), 12–1 and 12–2–81
Army Department—
56493 11–17–81 / ROTC Affairs Army Advisory Panel, Washington, D.C. (open), 12–3–81
Navy Department—
54979 11–5–81 / Navy Resale System Advisory Committee, New York, N.Y. (partially open), 11–30–81
Office of the Secretary—
55752 11–12–81 / Board of Visitors for National Defense University and Defense Intelligence School, National Defense University Panel, Washington, D.C. (open), 12–1–81
45795 9–15–81 / Joint Strategic Target Planning Staff Scientific Advisory Group, Offutt Air Force Base, Nebr. (closed), 12–1 and 12–2–81
55141 11–6–81 / Science Board Task Force on Forward Area Laser Weapons, Washington, D.C. (closed), 12–3 and 12–4–81
55141 11–6–81 / Science Board Task Force on University Responsiveness to National Security Requirements, Washington, D.C. (open), 11–30–81
51798 10–22–81 / Wage Committee, Washington, D.C. (closed), 12–1–81

EDUCATION DEPARTMENT
55752 11–12–81 / Black Higher Education and Black Colleges and Universities National Advisory Committee, Washington, D.C. (open), 11–30 and 12–1–81
56494 11–17–81 / Dependents' Education Advisory Council, Washington, D.C. (partially open), 12–2 through 12–4–81

ENERGY DEPARTMENT
Bonneville Power Administration—
54980 11–5–81 / Wholesale power rates (all sessions open):
Boise, Idaho, 11–30–81
Missoula, Mont., 12–1–81
Richland, Wash., 12–2–81
Office of the Secretary—
56010 11–13–81 / Dose Assessment Advisory Group, Las Vegas, Nev. (open), 12–2 and 12–3–81
56011 11–13–81 / National Petroleum Council, Washington, D.C. (open), 12–3–81
56232 11–16–81 / National Petroleum Council, Environmental Conservation Subcommittee, Washington, D.C. (open), 12–2–81

Western Area Power Administration—

55414 11–9–81 / Great Falls-Conrad 115kV Transmission Line, Montana (open), 11–30 through 12–2–81

ENVIRONMENTAL PROTECTION AGENCY

56040 11–13–81 / Management Advisory Group to Municipal Construction Division, Washington, D.C. (open), 12–1 through 12–3–81

55000 11–5–81 / National Air Pollution Control Techniques Advisory Committee, Raleigh, N.C. (open), 12–1 and 12–2–81

56234 11–16–81 / State FIFRA Issues Research and Evaluation Group, Washington, D.C. (open), 12–2 and 12–3–81

GENERAL SERVICES ADMINISTRATION

National Archives and Records Service—

56910 11–19–81 / National Archives Advisory Council, Washington, D.C. (open), 12–3 and 12–4–81

HEALTH AND HUMAN SERVICES DEPARTMENT

Alcohol, Drug Abuse and Mental Health Administration—

53525 10–29–81 / Mental Health Small Grant Review Committee, Washington, D.C. (partially open), 12–3 through 12–5–81

56238 11–16–81 / National Advisory Mental Health Council, Rockville, Md (open), 12–1 and 12–2–81

Centers for Disease Control—

55779 11–12–81 / Work Group to Revise Isolation Manual for Hospital Infection Control Committees, Atlanta, Ga. (open), 12–4 and 12–5–81

Food and Drug Administration—

56054 11–13–81 / Gastrointestinal Drugs Advisory Committee, Rockville, Md. (open), 12–1–81

56055 11–13–81 / President's Cancer Panel, Washington, D.C. (open), 12–3–81

56054 11–13–81 / Psychopharmacologic Drugs Advisory Committee, Rockville, Md. (open), 12–3 and 12–4–81

56052 11–13–81 / Small business participation, New York, N.Y. (open), 12–1–81

National Institutes of Health—

51648 10–21–81 / Aging Review Committee, Bethesda, Md. (partially open), 12–3 and 12–4–81

51649 10–21–81 / Clinical Trials Review Committee, New York, N.Y. (partially open), 11–29 and 11–30–81

49210 10–6–81 / General Clinical Research Centers Committee, Bethesda, Md. (partially open), 12–1 and 12–2–81

52228 10–26–81 / Heart, Lung, and Blood Research Review Committee A, Chevy Chase, Md. (partially open), 12–4 and 12–5–81

51650 10–21–81 / Heart, Lung, and Blood Research Review Committee B, Chevy Chase, Md. (partially open), 12–4–81

INTERIOR DEPARTMENT

Fish and Wildlife Service—

53528 10–29–81 / Bristol Bay Cooperative Management Plan, Anchorage, Alaska (open), 12–2–81 and Fairbanks, Alaska (open), 12–3–81

Land Management Bureau—

55567 11–10–81 / Auburn-Folsom South Unit, Stockton, Calif. (open), 12–2–81 and Sacramento, Calif. (open), 12–3–81

56241 11–16–81 / Elko Grazing Advisory Board, Elko, Nev. (open), 12–4–81

[Originally published at 46 FR 51813, 10–22–81]

53528 10–29–81 / New Mexico and Colorado San Juan River Regional Coal Team, Albuquerque, N. Mex. (open), 12–2–81

55154 11–6–81 / Powder River Regional Coal Team (RCT), Casper, Wyo. (open), 12–1–81

55015 11–5–81 / Shoshone District Grazing Advisory Board, Shoshone, Idaho (open), 12–4–81

55016 11–5–81 / Spokane District Advisory Council, Spokane, Wash. (open), 12–4–81

INTERIOR DEPARTMENT

National Park Service—

57139 11–20–81 / Cape Cod National Seashore Advisory Commission, South Wellfleet, Mass. (open), 12–11–81

56507 11–17–81 / Chesapeake and Ohio Canal National Historical Park Commission, Washington, D.C. (open), 12–5–81

55016 11–5–81 / Death Valley National Monument, Redlands, Calif. (open), 11–30–81 and Las Vegas, Nev. (open), 12–1–81

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development—

56517 11–71–81 / International Food and Agricultural Development Board, Washington, D.C. (open), 12–2 and 12–3–81

LABOR DEPARTMENT

56076 11–13–81 / Labor Advisory Committee for Trade Negotiations and Trade Policy, Steering Subcommittee, Washington, D.C. (closed), 12–1–81

Occupational Safety and Health Administration—

56076 11–13–81 / Construction Safety and Health Advisory Committee, Washington, D.C. (open), 12–2 and 12–3–81

MANAGEMENT AND BUDGET OFFICE

Federal Procurement Policy Office—

53823 10–30–81 / Proposed Uniform Federal Procurement System, various locations (open), 11–30 and 12–1–81

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

56523 11–17–81 / NASA Advisory Council, Aeronautics Advisory Committee; Solar System Exploration Informal Ad Hoc Committee, Pasadena Calif. (open), 12–3 and 12–4–81

53544 10–29–81 / NASA Advisory Council (NAC), Life Sciences Advisory Committee, Washington, D.C. (open), 12–4 and 12–5–81

NORTHERN MARIANA ISLANDS COMMISSION ON FEDERAL LAWS

50446 10–13–81 / Meeting, Honolulu, Hawaii (open), 11–30–81

NUCLEAR REGULATORY COMMISSION

56263 11–16–81 / Reactor Safeguards Advisory Committee, Advanced Reactors Subcommittee, San Francisco, Calif. (open), 12–3 and 12–4–81

56263 11–16–81 / Reactor Safeguards Advisory Committee, Emergency Core Cooling Systems Subcommittee, Los Alamos, N. Mex. (partially open), 12–2 and 12–3–81

STATE DEPARTMENT

Office of the Secretary—

56098 11–13–81 / International Investment, Technology and Development Advisory Committee, Washington, D.C. (open), 12–1–81

56098 11–13–81 / Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, Working Group on Radio Communications, Washington, D.C. (open), 12–3–81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

47523 9–28–81 / Aviation Law Symposium, Washington, D.C. (open), 12–1 and 12–2–81

55473 11–9–81 / Radio Technical Commission for Aeronautics, Airborne Automatic Direction Finding Equipment, Special Committee 146, Washington, D.C. (open), 12–1 and 12–2–81

National Highway Traffic Safety Administration—

7123 1–22–81 / Safety Standards International Harmonization; Group of Rapporteurs on General Safety Provisions, Thirty-eighth Session, Geneva, Switzerland, 11–30 through 12–3–81

Next Week's Public Hearings

DEFENSE DEPARTMENT

Navy Department—

35141 7–7–81 / Naval Discharge Review Board, Dallas, Tex., and Albuquerque, N. Mex., 11–30 through 12–11–81

ENERGY DEPARTMENT
Conservation and Renewable Energy Office—
55628 11-10-81 / Methane transportation research and development, Washington, D.C., 12-4-81
INTERIOR DEPARTMENT
Land Management Bureau—
56059 11-13-81 / Uinta-Southwestern Utah Regional Coal Team:
Grand Junction, Colo., 11-30-81
Kanab, Utah, 12-1-81
Price, Utah, 12-2-81
Salt Lake City, Utah, 12-3-81
Reclamation Bureau—
52040 10-23-81 / Minidoka Powerplant Rehabilitation and Enlargement, Minidoka Project, Rupert, Idaho, 12-1-81
INTERNATIONAL TRADE COMMISSION
54659 11-3-81 / Unrefined montan wax from East Germany, Washington, D.C., 12-2-81
TREASURY DEPARTMENT
Alcohol, Tobacco, and Firearms Bureau—
53691 10-30-81 / Proposed Shenandoah Valley Viticultural Area Jackson, Calif., 12-7 and 12-8-81
Internal Revenue Service—
50808 10-15-81 / Exclusion for certain conservation cost-sharing payments, Washington, D.C., 12-1-81
VETERANS ADMINISTRATION
56302 11-16-81 / Station Committee on Educational Allowances, Seattle, Wash., 12-7-81

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing November 24, 1981

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

APPLICATIONS DEADLINES
56838 11-19-81 / Arms Control Disarmament Agency—Hubert H. Humphrey Fellowship Competition; apply by 4-30-81
57133 11-20-81 / HHS/CDC—Grants for Educational Programs in Occupational Safety and Health; apply by 1-2-82
56506 11-17-81 / HHS/HRA—Grants for Graduate Programs in Health Administration for Fiscal Year 1982; apply by 12-7-81
56506 11-17-81 / HHS/HRA—Grants for Traineeships for Graduate Program in Health Administration, apply by 12-14-81
56935 11-19-81 / HUD/CPD—Community Development Block Grant Program; Preapplications; 11-23-81, 1-22, 1-29, 1-31 and 2-1-82
46025 9-16-81 / Justice/NIJ crime control theory et al.; competitive research proposal solicitations:
Crime Control Theory—
1st cycle; apply by December 5, 1981
2nd cycle; apply by April 17, 1982
Performance Measurement; apply by
January 15, 1982
Classification, Prediction, Methodology
Development—
1st cycle; apply by December 16, 1981
2nd cycle; apply by April 30, 1982
MEETINGS
57205 11-20-81 / NFAH—Artists-In-Education Panel, Washington, D.C. (open), 12-7 through 12-10-81
56262 11-16-81 / NFAH—Dance Panel, Washington, D.C. (partially open), 12-3 and 12-4-81
56523 11-17-81 / NFAH—Humanities Panel, Wash., D.C. (closed), 11-30 through 12-2 and 12-4-81
56523 11-17-81 / NFAH—Humanities Panel, Wash., D.C. (closed), 12-7 through 12-9-81
57206 11-20-81 / NFAH—Inter-Arts Panel (Folk Arts Section), Washington, D.C. (partially open), 12-10 through 12-12-81
57206 11-20-81 / NFAH—Media Arts Program (Prescreening for Production: Film/Video), Washington, D.C. (closed), 12-7 through 12-9-81
57206 11-20-81 / NFAH—Music Panel (Centers), Washington, D.C. (closed), 12-11 and 12-12-81
56262 11-16-81 / NFAH—Partnership Office (State Programs Section) Washington, D.C. (partially open), 12-2 through 12-4-81
OTHER ITEMS OF INTEREST
57256 11-20-81 / HUD/CPD—State Community Development Block Grants Program; interim rule; effective date to be announced
56517 11-17-81 / Labor/ETA—CETA (Title VII); plans for allocating funds for Fiscal Year 1982 Native American Private Sector Initiatives Programs